

TOWN OF HULBERT

CODE OF ORDINANCES

Originally compiled and codified by:
Oklahoma Municipal League
July 1, 1989



STERLING CODIFIERS
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PREFACE

The Hulbert Town Code, originally published by Oklahoma Municipal League in 1989, has been kept current by regular supplementation. In 2002, Sterling Codifiers began providing supplement service for the Town Code.

This Town Code of the Town of Hulbert, as supplemented, contains ordinances up to and including ordinance 2017-03, passed October 12, 2017. Ordinances of the Town adopted after said ordinance supersede the provisions of this Town Code to the extent that they are in conflict or inconsistent therewith. Consult the Town office in order to ascertain whether any particular provision of the Code has been amended, superseded or repealed.

Sterling Codifiers
Coeur d'Alene, Idaho

ADOPTING ORDINANCE

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

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

SECTION 1 TITLE.

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

SECTION 2 CODE SUPERSEDES OTHER ORDINANCES.

This code shall be treated and considered as a new and comprehensive ordinance of the town which shall supersede all other general and permanent ordinances enacted by the board of trustees prior to July 1, 1989, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

SECTION 3 EFFECTIVE DATE OF CODE, REPEAL.

All provisions of this code shall be in full force and effect from the date this ordinance becomes law. All ordinances of a general and permanent nature of the town in effect on or before July 1, 1989, and not in the code or recognized and continued in force by reference herein and which are in conflict herewith, are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4 ORDINANCES NOT REPEALED.

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

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

SECTION 5 CODE NOT NEW ENACTMENT.

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

SECTION 6 ORDINANCES ADOPTED AFTER EFFECTIVE DATE OF CODE.

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

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

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

resolution or ordinance of the town board of trustees, as provided hereinafter.

SECTION 7 SUPPLEMENTS TO CODE.

By contract or by town personnel, a change, or supplement, to the code of ordinances adopted by this ordinance shall be prepared and printed whenever authorized or directed by the town board of trustees. A change to the code shall include all substantive permanent and general parts of ordinances passed by the board of trustees or adopted by initiative and referendum during the period covered by the change and all changes made thereby in the code. The pages of a change shall be so numbered that they will fit properly into the code and, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be up to date to the date to which the code is being brought up to date. Each change shall include a new title page for the code; and the title page shall include a notation below the title indicating that the code contains all permanent and general ordinances and parts of ordinances passed prior to the date to which the code is brought up to date and still in effect. The words "as amended" and the date, may be added to the title after the year. After every change has been prepared and printed, a number of copies of the change equal at least to the number of copies of the code still in existence, shall be deposited in the office of the town clerk-treasurer. The town clerk-treasurer, if possible, shall notify each holder of a copy of the original code about the availability of the change or supplement.

SECTION 8 SALE OF COPIES OF THE CODE.

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

SECTION 9 COPY OF CODE IN CLERK-TREASURER'S OFFICE.

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

SECTION 10 PREPARATION OF CODE.

The code of ordinances hereby adopted consists of Seventeen (17) Parts, all of which have been examined, considered and approved by the

town board of trustees of the Town of Hulbert and adopted by compliance with Sections 14-109 et seq. of Title 11 of the Oklahoma Statutes.

SECTION 11 EMERGENCY.

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

Passed and approved this 11th day of January, 1990.

/s/ Thomas Truitt
Mayor

ATTEST: (Seal)

/s/ Leona Welch
Clerk-Treasurer

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1. See section 5-101 of this Code.

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CHAPTER 1

USE AND CONSTRUCTION OF THE CODE

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1-101: **HOW CODE DESIGNATED AND CITED¹:** The provisions embraced in the following chapters and sections shall constitute and be designated the *CODE OF ORDINANCES, TOWN OF HULBERT, OKLAHOMA*, and may be so cited. (1989 Code)

1-102: **RULES OF CONSTRUCTION:** In the construction of this code and of all ordinances, the following rules are observed unless the construction would be inconsistent with the manifest intent of the board of trustees:

BOARD OF
TRUSTEES OR TOWN
BOARD:

The board of trustees of the town of Hulbert.

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

1. 11 OS §§ 14-108, 14-109.

counted in computing the time but the day on which the proceeding is to be had shall not be counted.

COUNTY OR THIS
COUNTY:

The county of Cherokee, Oklahoma.

GENDER:

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

JOINT AUTHORITY:

All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

LAW:

Includes applicable federal law, provisions of the constitution and statutes of the state of Oklahoma, the ordinances of the town and, when appropriate, any and all rules and regulations promulgated thereunder.

MAYOR:

The mayor of the town.

MONTH:

A calendar month.

NONTECHNICAL AND
TECHNICAL WORDS:

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

NUMBER:

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

OATH:

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".
OR, AND:	"Or" may be read "and", and "and" may be read "or", if the sense requires it.
OTHER OFFICIALS OR OFFICERS, ETC.:	Whenever reference is made to officers, agencies or departments by title only, i.e., "clerk-treasurer", "town clerk-treasurer", "town attorney", "fire chief", "chief of police", etc., they shall mean the officers, agencies or departments of the town.
PERSON:	Shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears.
PRECEDING, FOLLOWING:	Next before and next after, respectively.
PROPERTY:	Shall include real and personal property.
SIGNATURE OR SUBSCRIPTION:	Includes a mark when a person cannot write.
STATE OR THIS STATE:	Shall be construed to mean the state of Oklahoma.
STATUTORY REFERENCES:	References to statutes of the state of Oklahoma as they now are or as they may be amended to be.
STREET:	Shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the town which are dedicated and open to public use.
TENSE:	Words used in the past or present tense include the future as well as the past and present.
TOWN:	The town of Hulbert.

WEEK: Seven (7) days.

YEAR: A calendar year. (1989 Code)

1-103: **CATCHLINES OF SECTIONS; CITATIONS:** The catchlines of sections in this code are printed in capital letters and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or re-enacted. (1989 Code)

1-104: **EFFECT OF REPEAL OF ORDINANCES:**

- A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed. (1989 Code)

1-105: **SEVERABILITY OF PARTS OF CODE:** It is hereby declared to be the intention of the board of trustees that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code or of any ordinance in this code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (1989 Code)

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

- A. All ordinances passed subsequent to this code or ordinances which amend, repeal or in any way affect this code may be numbered in

1. 11 OS § 14-103 et seq.

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 Hulbert, Oklahoma, that Section _____ of the code of ordinances of the Town of Hulbert, 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 this code, which the board desires to incorporate into this 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 Hulbert, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Hulbert, 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. (1989 Code)

1-107: **ALTERING CODE:** It is unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with this code in any manner whatsoever which will cause the law of the town to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-108 of this chapter. (1989 Code)

1-108: GENERAL PENALTY¹:

- A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code or any ordinance the doing of any act is required or 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 two hundred dollars (\$200.00), excluding court costs. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense. (Ord. 13-01, 6-25-2013)
- 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. (1989 Code)

1-109: FINES RECOVERABLE BY CIVIL ACTION: All fines shall be recoverable by civil action before any court of competent jurisdiction in addition to any other method provided by law. (1989 Code)

1-110: ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN: All ordinances of the town now in effect within the town are hereby extended to all real property belonging to, or under the control of, the town outside the corporate limits of the town, and shall be in full effect therein, insofar as they are applicable. All ordinances of the town which shall go into effect in the future, shall also apply to, and be in full effect within the boundaries of all outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of 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. (1989 Code)

1. 11 OS §§ 14-111, 27-119.

CHAPTER 2

CORPORATE AND WARD LIMITS

Section 1-201 Map of town designated as official map.
Section 1-202 Ward boundaries.

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 July 1, 1989.

SECTION 1-202 WARD BOUNDARIES

The town is not divided into wards.

State Law Reference: Review of wards after each federal census, 11 O.S. Section 20-101; establishment and number of town, 11 O.S. Section 2-105 changing wards, 11 O.S. Sections 20-102 to 20-105.

General Provisions

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CHAPTER 1

TOWN BOARD OF TRUSTEES

SECTION:

- 2-101: General Powers
- 2-102: Board Of Trustees
- 2-103: Meetings Of The Town Board
- 2-104: Rules Of Order And Procedure
- 2-105: Trustees May Be Designated To Perform Duties
- 2-106: Town Meeting Act Not Applicable

2-101: **GENERAL POWERS:**

- A. Pursuant to the provisions of 11 Oklahoma Statutes section 12-101, the town shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to towns governed by the statutory town board of trustees form of government. These powers shall be exercised as provided by law applicable to towns under the board of trustees form of government, or, if the manner is not prescribed, then in such manner as the board of trustees may prescribe.
- B. The powers, rights and authorities of the town, including the determination of matters of policy, shall be vested in and exercised by the board of trustees. (1989 Code)

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 twelve o'clock (12:00) noon on the second Monday following the general municipal election. The trustee shall serve until his

successor is elected and qualified. The terms of the trustees shall be staggered so that at one general municipal election, the following trustees are elected for four (4) year terms:

1. Trustee positions one and three.

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

1. Trustee position two; and
2. Clerk-treasurer.

- C. The resolution of the board of trustees calling for a general or special election to fill the office of trustee shall state the number of four (4) year terms and the number of unexpired terms, if any, to be filled. (1989 Code)

2-103: **MEETINGS OF THE TOWN BOARD¹:**

- A. The board of trustees shall meet regularly, on the second Thursday of each month at six thirty o'clock (6:30) P.M. and at such other times as it may prescribe by ordinance, resolution, or otherwise, at the town hall. Where the day for a meeting falls upon a day which is a 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 building 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. (1989 Code; amd. Ord. 05-01, 11-10-2005)

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

1. 11 OS § 12-107; 25 OS §§ 301 - 314.

board may prescribe. Whenever a trustee is absent from more than one-half ($\frac{1}{2}$) of all meetings of the board, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

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

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

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

- d. To postpone to a day certain;
- e. To commit;
- f. To amend; or
- g. To postpone indefinitely,

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

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

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

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

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

10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration. (1989 Code)

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

The board of trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the board. (1989 Code)

2-106: TOWN MEETING ACT NOT APPLICABLE:

- A. Pursuant to 11 Oklahoma Statutes section 16-302, the town hereby declares that it shall not be governed by the Oklahoma town meeting act as a means of electing its officers and deciding initiative and referendum questions.
- B. The town hereby elects its officers and decides initiative and referendum questions through elections conducted by the county election board pursuant to 11 Oklahoma Statutes section 16-101 et seq. (1989 Code)

CHAPTER 2

MAYOR

Section 2-201 Election and duties of the 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 and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, duties and responsibilities of a trustee, including the right to vote on questions.

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

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

Administration and Government

CHAPTER 3

TOWN OFFICERS AND PERSONNEL

Section 2-301	Town clerk-treasurer.
Section 2-302	Town attorney, appointment and duties.
Section 2-303	Health officer.
Section 2-304	Other personnel, appointments, removals.
Section 2-305	Bonds.
Section 2-306	Salaries.
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 2-301 TOWN CLERK-TREASURER.

A. The town clerk-treasurer is an elected official of the town, elected for a four-year term.

B. As clerk, the town clerk-treasurer shall:

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

C. As treasurer, the town clerk-treasurer shall:

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

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

Ed. Note: Effective January 14, 1987, town combined office of clerk and treasurer.

SECTION 2-302 TOWN ATTORNEY, APPOINTMENT AND DUTIES.

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

SECTION 2-303 HEALTH OFFICER.

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

SECTION 2-304 OTHER PERSONNEL, APPOINTMENTS, REMOVALS.

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

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

SECTION 2-305 BONDS.

The town clerk-treasurer and 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: Officers' bonds, 11 O.S. Section 8-105.

2-306: SALARIES¹:

- A. The compensation of all elective town officers, including the following, shall be fixed by ordinance:
1. Mayor;
 2. Each trustee; and
 3. Town clerk-treasurer. (1989 Code)

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. (1989 Code)

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. (1989 Code)

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.

1. 11 OS § 12-113; Oklahoma constitution, art. 23, sec. 10.

- B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law. (1989 Code)

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 manner. (1989 Code)

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 the emergency, subject to the approval of the board of trustees as soon as a special meeting or regular meeting can reasonably be called or held therefor. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this section, the term "emergency" shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the town. (1989 Code)

CHAPTER 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 2-401 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 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. Section 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 clerk-treasurer 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:

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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.

CHAPTER 5

FIREFIGHTERS PENSION AND RETIREMENT FUND

Section 2-501 Contributions to fund.

SECTION 2-501 CONTRIBUTIONS TO FUND.

A. The town hereby joins and affiliates with the Oklahoma Firefighters Pension and Retirement System for the benefit of the town and volunteer firefighters.

B. For each member of the fire department, the town clerk-treasurer shall deposit with the Oklahoma Firefighters Pension and Retirement Board the amounts of money as established and required by state law. These amounts may be revised according to actuarial studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board.

C. All assets of the town firefighters pension and retirement fund shall be transferred to the Oklahoma Firefighters Pension and Retirement Board. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the State Board.

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

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

CHAPTER 6

PUBLIC RECORDS

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

SECTION 2-601 APPOINTMENT OF OFFICIAL CUSTODIAN.

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

Town clerk-treasurer. All public records kept and maintained in the town clerk-treasurer's office and all other public records not provided for elsewhere in this chapter.

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

SECTION 2-602 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

A. The official custodian 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;

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

B. Whenever any 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 fees whenever the estimate for such fees exceeds the amount set out in Section 2-612 of this code;

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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 custodian;

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

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

SECTION 2-608 NO FEE FOR INSPECTION.

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

SECTION 2-609 COPYING FEE.

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

Ed. Note: Resolution 1 adopted 12/5/85 sets copying fee at \$1.00 per page and other related fees. Resolutions 2 and 3 of the same date clarify procedures.

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.

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

SECTION 2-612 PREPAYMENT OF FEES.

A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Five Dollars (\$5.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

CHAPTER 7

EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN

SECTION:

- 2-701: Adopted
2-702: Fund
2-703: Appropriations
2-704: Execution

2-701: **ADOPTED:** Pursuant to the authority conferred by the laws of the state of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of town employees and thereby promote public efficiency, there is hereby authorized, created, established, and approved and adopted, the amended and restated plan designated "employee retirement system of the town of Hulbert and Hulbert public works authority, Oklahoma, defined benefit plan" (hereinafter called system), an executed counterpart of which is marked exhibit A (joinder agreement) and exhibit B (amended and restated plan) and attached to the ordinance codified herein. (Ord. 10-01, 11-9-2010)

2-702: **FUND:** A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the town. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the state of Oklahoma as a part of the Oklahoma municipal retirement fund in accordance with the trust agreement of the Oklahoma municipal retirement fund, a public trust. The town shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma municipal retirement fund, as duly authorized and directed by the board of trustees. The fund shall be non-fiscal and shall not be considered in computing any levy when the annual estimate is made to the county excise board. (Ord. 10-01, 11-9-2010)

2-703: **APPROPRIATIONS:** The town of Hulbert and Hulbert public works authority, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the system, and to appropriate and pay the same. In addition, the town of Hulbert and Hulbert public works authority, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the system and the fund in accordance with the provisions of the defined benefit plan. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma municipal retirement fund for such purposes and shall be paid into the fund when available, to be duly transferred to the Oklahoma municipal retirement fund. (Ord. 10-01, 11-9-2010)

2-704: **EXECUTION:** The mayor and town clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the system instrument, and to do all other acts and things necessary, advisable, and proper to put said system and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under sections 401(a) and 501(a) of the internal revenue code of the United States. Exhibit A and exhibit B, which have been duly executed as aforesaid are hereby ratified and confirmed in all respects.

This committee is hereby authorized and directed to proceed immediately on behalf of the town of Hulbert and Hulbert public works authority, Oklahoma, to pool and combine the fund into the Oklahoma municipal retirement fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment. (Ord. 10-01, 11-9-2010)

PART 3
ALCOHOLIC BEVERAGES AND TAX

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101	Definitions and interpretations.
Section 3-102	Occupation tax levied.
Section 3-103	Payment required; penalty.
Section 3-104	Annual report.
Section 3-105	Application for certificate; investigations.
Section 3-106	Issuance of certificate of zoning and certificate of compliance.
Section 3-107	Retail package stores; location.
Section 3-108	Condition of sale.
Section 3-109	Consumption prohibited, where.
Section 3-110	Compliance required.
Section 3-111	Prohibited sales.
Section 3-112	Transporting beverages.
Section 3-113	Prohibited employment.
Section 3-114	Drinking and intoxication in public place prohibited.
Section 3-115	Not to permit intoxicated person in cafe, club.
Section 3-116	Penalty.

CHAPTER 2

NONINTOXICATING BEVERAGES

Section 3-201	Definitions.
Section 3-202	Hours of sale.
Section 3-203	License fees.
Section 3-204	License required.
Section 3-205	Not to sell to minors.
Section 3-206	Possession by minors.
Section 3-207	Persons under eighteen (18) not to be employed.
Section 3-208	Not to permit minors to frequent bars, exceptions.
Section 3-209	Unlawful transportation of nonintoxicating beverage.
Section 3-210	Prohibited location.
Section 3-211	Penalty.

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CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101	Definitions and interpretations.
Section 3-102	Occupation tax levied.
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Section 3-104	Annual report.
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Section 3-106	Issuance of certificate of zoning and certificate of compliance.
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Section 3-108	Condition of sale.
Section 3-109	Consumption prohibited, where.
Section 3-110	Compliance required.
Section 3-111	Prohibited sales.
Section 3-112	Transporting beverages.
Section 3-113	Prohibited employment.
Section 3-114	Drinking and intoxication in public place prohibited.
Section 3-115	Not to permit intoxicated person in cafe, club.
Section 3-116	Penalty.

SECTION 3-101 DEFINITIONS AND INTERPRETATIONS.

Words, phrases, and terms used in this chapter shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act, Sections 501 to 566 of Title 37 of the Oklahoma Statutes, with the same force and effect as if the definitions were set forth in full in this chapter, unless the context clearly indicates a different meaning or constructions.

SECTION 3-102 OCCUPATION TAX LEVIED.

A. An annual occupation tax may be levied on persons engaging in the following businesses or occupations within the town in the amounts respectively indicated:

1.	Brewer	\$1,250.00;
2.	Distiller	\$3,125.00;
3.	Winemaker	\$625.00;
4.	Oklahoma winemaker	\$75.00;
5.	Rectifier	\$3,125.00;
6.	Wholesaler	\$3,500.00;
7.	Class B wholesaler	\$625.00;
8.	Retail package store	\$300.00;
9.	Mixed beverage sales	(initial) \$1,000.00; (renewal) \$900.00;

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- | | | | | |
|-----|-------------------------|-----------|-------------|-----|
| 10. | Caterer | (initial) | \$1,000.00; | |
| | | (renewal) | \$900.00; | and |
| 11. | Special Events, per day | | \$50.00. | |

B. The occupation tax for those service organizations which are exempt under Section 501 (c) (19) of the Internal Revenue Code for bottle club license shall be Five Hundred Dollars (\$500.00) per year.

C. If a brewer or a Class B wholesaler also holds a license from the state to manufacture or wholesale any nonintoxicating malt beverage then the occupation tax for such brewer or Class B wholesaler shall be reduced by seventy-five percent (75%).

SECTION 3-103 PAYMENT REQUIRED; PENALTY.

A. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the town clerk-treasurer on or before the date upon which he enters upon such occupation. The licensee shall provide a copy of his current state license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of July.

B. The occupation tax subject to this chapter shall be prorated on a monthly basis for the year in which an occupation begins operations.

C. Upon payment of the occupation tax, the town clerk-treasurer shall issue a receipt to the state licensee, which the licensee shall post in a conspicuous place on the premises wherein he carries on his occupation.

D. Any person who engages in any of the occupations taxed by this chapter without paying the occupation tax imposed therefor in advance of such operation, is guilty of an offense against the town and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

SECTION 3-104 ANNUAL REPORT.

The town clerk-treasurer shall make an annual report to the Alcoholic Beverage Laws Enforcement (ABLE) Commission, covering the fiscal year, showing the number of licensees subject to the occupation tax and the amount of money collected from the tax.

SECTION 3-105 APPLICATION FOR CERTIFICATE; INVESTIGATIONS.

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

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

B. Upon receipt of an application for a certificate of compliance the town clerk-treasurer shall cause an investigation to be made to determine whether the

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premises proposed for licensed operations comply with the provisions of the zoning ordinance and any health, fire, building and other safety codes applicable to it.

C. The town clerk-treasurer shall act in all such applications within twenty (20) days of receipt thereof.

SECTION 3-106 ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE.

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

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

C. The above certificates of compliance shall be signed by the mayor or by the town clerk-treasurer.

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

SECTION 3-107 RETAIL PACKAGE STORES; LOCATION.

A. No retail package store or any other business licensed by this chapter shall be located or operated at any place except at locations permitted by the town's zoning or planning laws.

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

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

SECTION 3-108 CONDITION OF SALE.

A. No person shall sell or deliver alcoholic beverages out of any retail alcoholic beverage store other than:

1. In retail containers;

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2. At ordinary room temperatures;
3. In the original package; and
4. For consumption off the premises.

B. No person owning, employed in, or in any manner assisting in the maintenance and operation of such a store shall suffer, or permit any alcoholic beverage to be consumed, or any retail container of such beverage to be opened on the premises of such a store.

SECTION 3-109 CONSUMPTION PROHIBITED, WHERE.

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

SECTION 3-110 COMPLIANCE REQUIRED.

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

SECTION 3-111 PROHIBITED SALES.

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

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

SECTION 3-112 TRANSPORTING BEVERAGES.

It is unlawful to transport any alcoholic beverage, unless the same is:

1. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or
2. In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of a vehicle.

SECTION 3-113 PROHIBITED EMPLOYMENT.

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

SECTION 3-114 DRINKING AND INTOXICATION IN PUBLIC PLACE PROHIBITED.

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

SECTION 3-115 NOT TO PERMIT INTOXICATED PERSON IN CAFE, CLUB.

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

SECTION 3-116 PENALTY.

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

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CHAPTER 2

NONINTOXICATING BEVERAGES

Section 3-201	Definitions.
Section 3-202	Hours of sale.
Section 3-203	License fees.
Section 3-204	License required.
Section 3-205	Not to sell to minors.
Section 3-206	Possession by minors.
Section 3-207	Persons under eighteen (18) not to be employed.
Section 3-208	Not to permit minors to frequent bars, beer halls or taverns.
Section 3-209	Unlawful transportation of nonintoxicating beverage.
Section 3-210	Prohibited location.
Section 3-211	Penalty.

SECTION 3-201 DEFINITIONS.

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

1. "Minor" means a person who, according to state law, has not yet attained the age at which consumption of nonintoxicating beverages is permitted under state law;

2. "Nonintoxicating beverages" means all beverages containing more than one-half of one percent (.5%) alcohol by volume and less than three and two tenths percent (3.2%) alcohol by weight;

3. "Place of business" means each separate location or service unit in which or from which nonintoxicating alcoholic beverages are sold, delivered or otherwise furnished; and

4. "Retail dealer" means and includes any person who sells any non-intoxicating alcoholic beverage as defined herein for consumption or use and not for resale.

State Law Reference: See 37 O.S. Sections 163.1 et seq. for definitions and regulations applicable to nonintoxicating beverages.

SECTION 3-202 HOURS OF SALE.

It is unlawful for any owner, firm, person, operator, corporation, proprietor, or manager of any beer tavern, beer garden, beer hall, tap room or any other premises or place in which the principal business is that of selling nonintoxicating beverages for consumption on the premises to barter, sell, dispense or otherwise furnish non-intoxicating beverages for consumption on the premises of his place of business between the hours of 2:00 A.M. and 7:00 A.M. on any day.

State Law Reference: Similar provisions, 37 O.S. Section 213.

SECTION 3-203 LICENSE FEES.

There is hereby levied on each retail dealer in nonintoxicating beverages within the town selling such beverages for consumption on or off the premises of the dealer's

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place of business, a license fee of Twenty Dollars (\$20.00) per annum, and on each retail dealer selling such beverages exclusively in original packages (of not less than case lots) and not for consumption on his premises, a license fee of Ten Dollars (\$10.00) per annum. A separate license fee shall be paid for each place of business, as herein defined, operated and conducted by the retail dealer.

State Law Reference: State license fee, town not to levy greater fee, 37 O.S. Section 163.7.

SECTION 3-204 LICENSE REQUIRED.

A. It is unlawful and an offense for any person to sell, distribute or dispense within the town any nonintoxicating beverages to the public for consumption or use without first having obtained a license therefor from the town clerk-treasurer. Every person desiring to engage in business as a retail dealer in nonintoxicating beverages or to continue in the business within the town shall make application to the town clerk-treasurer on forms to be provided, setting forth the locations of the business, together with the applicant's address, and if a corporation, the name of the president and managing officer. The application shall show the date and permit number of the permits issued by the district court judge and the Oklahoma Tax Commission as required by law.

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

SECTION 3-205 NOT TO SELL TO MINORS.

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

SECTION 3-206 POSSESSION BY MINORS.

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

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

SECTION 3-207 PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED.

A. It is unlawful for any owner, manager, operator or employee of a place where nonintoxicating beverages are sold for consumption on the premises to employ a person under eighteen (18) years of age to work in such place; or for any person under eighteen (18) years of age to work in such place. This subsection shall not apply to any licensed premises where sales of nonintoxicating beverage do not exceed twenty-five percent (25%) of the gross sales of the licensee.

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

State Law Reference: Similar provisions, 37 O.S. Section 243.

SECTION 3-208 NOT TO PERMIT MINORS TO FREQUENT BARS, EXCEPTIONS.

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

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

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

SECTION 3-209 UNLAWFUL TRANSPORTATION OF NONINTOXICATING BEVERAGE.

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

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

2. If it is in an opened container, the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or to any other person in the vehicle while it is in motion.

SECTION 3-210 PROHIBITED LOCATION.

It is unlawful for any place licensed to sell nonintoxicating beverages for on-premise consumption to be located within three hundred (300) feet from any public school or church property primarily and regularly used for worship services and religious activities. If any public school or church shall be established within three hundred (300) feet of any place which sells nonintoxicating beverages for on-premise consumption after such place has been licensed, this shall not be a deterrent to the renewal of such license so long as there has not been a lapse of more than sixty (60) days. The distance indicated in this section shall be measured from the nearest property line of such public school or church to the nearest public entrance door of the premises of any place licensed to sell such nonintoxicating beverages for on-premise consumption along the street right-of-way line providing the nearest direct route usually traveled by

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pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such public school or church shall be considered as if it were located on the same side of the street with the school or church. The above restrictions shall not affect premises already licensed as of the initial effective date of this section to sell nonintoxicating beverages for on-premise consumption or premises which may presently or in the future be licensed to sell nonintoxicating beverages for on-premise consumption even though a school or church is subsequently established within three hundred (300) feet of such licensed premises.

State Law Reference: Similar provisions, 37 O.S. Section 163.24.

SECTION 3-211 PENALTY.

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

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CHAPTER 2

(RESERVED)

Animals

CHAPTER 1

ANIMAL REGULATIONS

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ARTICLE E

CRUELTY TO ANIMALS

Section 4-150	Cruelty to animals.
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Section 4-151 Poisoning animals.
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ARTICLE F

CITATIONS AND PENALTIES

Section 4-160 Issuance of citations authorized; collection of fines.
Section 4-161 Penalty.

ARTICLE A

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 horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;
2. "At large" means:
 - a. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or
 - b. Not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash, whether on the owner's premises or not;
3. "Owner" means any person, firm or corporation owning, 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; and
4. "Vicious animal" means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked.

SECTION 4-102 ANIMALS NOT TO BE AT LARGE EXCEPT CATS.

No owner shall permit any animal, including fowl, owned, harbored or kept by him to be at large within the town except a cat. It is unlawful for any animal as provided in this section to be at large at any time within the town.

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 PASTURING IN PUBLIC AREAS ILLEGAL.

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

SECTION 4-105 ANIMALS WHICH DISTURB PROHIBITED.

It is unlawful for any person to keep or harbor within the town any dog or other animal who by barking, howling or otherwise, disturbs the peace and quiet of any person. The keeping of such an animal is hereby declared a nuisance.

SECTION 4-106 SWINE NOT TO BE KEPT WITHIN TOWN.

It is unlawful for any person being the owner of, or having the care, custody, or control thereof, to keep or allow to be kept any hogs, shoats, or pigs at any time in any enclosure within the town, or any lot therein, or running at large within the town. However, any shipper may hold swine in the stockyards temporarily while preparing for shipment of the swine.

SECTION 4-107 BUILDINGS FOR ANIMALS, LOCATION.

A. Every building wherein any livestock or animal raised for fur-bearing purposes 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, 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 water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. Such 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 such receptacle.

C. No building, place or establishment wherein animals are kept, shall be maintained closer than forty (40) feet to 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.

SECTION 4-108 MANURE.

Manure shall be hauled outside the town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.

SECTION 4-109 TO BE KEPT CLEAN.

Every place or building wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

SECTION 4-110 HEALTH OFFICER TO INSPECT.

The health officer or police chief, 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 4-111 OFFENSES.

It is an offense to:

1. Own, keep, possess, harbor or allow to remain on premises under his control any dog or cat unless such dog or cat over four (4) months old has a current vaccination against rabies as required herein;
2. Fail or refuse to deliver to the animal control officer, upon demand, any rabies-suspected animal, dog found at large, or any animal the keeping or harboring of which is declared to be an offense;
3. Harbor, keep or have possession of any vicious animal or animal which is a nuisance;
4. Remove or fail to affix or attach to the collar or harness worn by dogs, a current tag, as provided for in Sections 4-131; and
5. Keep any animal, wild by nature or dangerous, except when kept by a licensed circus or show or in a zoo or accredited school.

ARTICLE B

DOG AND CAT LICENSES

SECTION 4-120 DOG AND CAT LICENSE FEE; TAG.

A. A fee in such sum as set by the board of trustees by motion or resolution for every dog or cat more than six (6) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the town.

B. The regulatory fee levied in this section shall not apply to a dog or cat only temporarily brought and kept within the town, nor to a dog or cat brought within the town to participate in a dog or cat show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

C. The owner shall pay the fee levied to the town for every calendar year and within thirty (30) days after acquiring or bringing the dog or cat into the town. The licenses shall expire one year from the date the license was last issued and shall not be issued for less than one year.

D. The person offering the fee shall present to the town the certificate of a veterinarian or other person legally authorized to immunize dogs or cats showing that the dog or cat has been immunized against rabies during the preceding six (6) months prior to issuance of the license.

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E. The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the name and address of the owner, the name, breed, color and sex of the dogs or cats, and such other reasonable information as the town may request.

F. The town shall deliver an original receipt to the owner and also an appropriate tag to him for the dog or cat. The tag shall constitute a license for the dog or cat.

Ed. Note: Prior code sets license fees at \$1.00 annually for spayed cats and all dogs; \$3.00 for unspayed female cats; and \$3.00 for all other animals.

SECTION 4-121 TAG TO BE PLACED ON DOG OR CAT COLLAR; LOST TAGS.

A. The owner shall cause the tag received from the town to be affixed to the collar of the dog or cat so that the tag can easily be seen by officers of the town. The owner shall see that the tag is so worn by the dog or cat at all times.

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the town, presenting to him the original receipt, and paying to him a fee as set by the town board of trustees.

ARTICLE C

DOG AND CAT VACCINATION AND HEALTH

SECTION 4-130 DOGS AND CATS TO BE VACCINATED.

A. It is the duty of every person, owning or having in his charge or possession within the corporate limits of the town, any cat or dog four (4) months or more of age, to cause such cat or dog to be inoculated for rabies as herein provided:

1. Inoculation must be by, or under the supervision of, a person licensed to practice veterinary medicine in the State of Oklahoma or other states; and

2. Inoculation must be with a vaccine approved by the United States Department of Agriculture to prevent rabies and, effective August 1, 1978. Rabies vaccine currently licensed by United States Department of Agriculture will be recognized in the town for a one-year immunization period. New vaccines which may be approved by the United States Department of Agriculture will be recognized as complying with this chapter.

B. Thirty (30) days shall be permitted for an owner to secure revaccination of his dog or cat after the previous time has lapsed.

C. Every veterinarian, after vaccinating a dog or cat for rabies, shall issue a legible certificate, one copy to be retained by the veterinarian and one copy to be retained by the animal owner, and upon request shall show such certificate to the animal control officer or his designee. Such certification shall include the following information:

1. Owner's full name, address, zip code and telephone number;
2. Breed, date of birth, sex and color or marking of the dog or cat;
3. Type of vaccine and duration of immunity;

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4. Signature of the veterinarian or other authorized person administering the vaccination; and

5. Name of the animal, if applicable.

SECTION 4-131 RABIES VACCINATION TAGS.

A. When a veterinarian vaccinates a dog against rabies, he shall issue to the owner of such dog a metal tag or check evidencing such vaccination and the year of vaccination.

B. It is the duty of the owner of a dog to attach the tag or check, issued to him pursuant to Subsection A above, to the dog and it shall be unlawful for any person to remove such tag or check without the owner's consent.

SECTION 4-132 VETERINARIAN'S RECORDS AND REPORTS: REPORTING ON RABIES-SUSPECTED ANIMALS.

A. It is required of every veterinarian practicing in the town to keep a record of every dog or cat vaccinated. Such record to be available to the town clerk-treasurer at any reasonable time and upon proper demand.

B. It is the duty of every veterinarian to report immediately to the city-county health officer diagnosis of any animal observed by him as a rabies suspect or the death of any animal under observation for rabies.

SECTION 6-133 CONFINEMENT OR DESTRUCTION FOR RABIES OBSERVATION OR EXAMINATION.

A. Any cat or dog which is suspected of having rabies, or which has been bitten by a rabid animal, or by an animal suspected of having rabies, or any cat or dog which has bitten a person and has thereby caused an abrasion of the skin of such person, shall be seized and confined in the town pound or in a veterinary hospital for a period of ten (10) days or a term designated by the health officer; provided that, where such dog or cat has been properly vaccinated, it may be confined by its owner, away from the public, for a like term. No such dog or cat shall be removed from the town limits until released from such confinement by the health officer.

B. If any cat or dog described in Subsection A of this section is vicious or cannot be caught with reasonable diligence and effort, the animal warden or any police officer of the town shall have the authority to kill such cat or dog. The head of any cat or dog so killed shall be submitted to the state health department for examination.

SECTION 4-134 VICIOUS ANIMAL MAY BE KILLED.

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

SECTION 4-135 DOGS MUZZLED AND CATS CONFINED.

A. When the health officer determines and certifies that a dog, cat or other animal in the town or within five (5) miles of the town is or was infected with rabies

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and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be muzzled when at large within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

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

ARTICLE D

ANIMAL SHELTER

SECTION 4-140 ANIMALS TO BE IMPOUNDED, ENTRY ON PROPERTY.

The animal control officer, a police officer, or such other officer or employee of the town as the town board of trustees may authorize shall take into custody and impound any animal found at large or in violation of any provisions of the ordinances of the town. In taking an animal into custody under authority of this article, the animal control officer or other officer or employee may enter into private property to gain custody of the animal.

SECTION 4-141 IMPOUNDMENT, DESCRIPTION, NOTICE, DISPOSITION.

A. The animal control officer, upon receiving any animal, shall make a complete registry, entering the breed, color, and sex of such animal and whether or not licensed, and the date of impoundment. If a dog or cat is licensed, he shall enter the name and address of the owner and the number of the license tag.

B. Not later than three (3) days after impounding any animal, the town shall notify the owner, if known, by:

1. Mailing notice at the address shown on town records, if any; or
2. By leaving a copy with a member of the owner's family over the age of fifteen (15) years,

to notify him of the impoundment and provisions of this code.

C. It is the duty of the animal control officer to keep all animals impounded for a period of seventy-two (72) hours. All inquiries concerning lost or impounded animals shall be directed to the animal control officer, and after an animal has been destroyed, the animal control officer shall be required to dispose of the animal.

D. Animals that are not reclaimed within the time limits as previously set forth in this section shall be destroyed. Provided, that the animals may be reclaimed by paying all fees and charges, and satisfying all other conditions set forth in this code.

E. The animal control officer of the shelter personnel may destroy any animal:

1. If it has been donated to the shelter with the request that it be destroyed;
- or

2. If the animal is so sick or injured that its cure is considered by the mayor or his designee to be impracticable, or if death is imminent; and in either of such events, such destruction may be done immediately without notice or any waiting period.

SECTION 4-142 BREAKING POUND.

No unauthorized person shall:

1. Break or attempt to break open the pound, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this chapter; or

3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4-143 FEES FOR IMPOUNDING.

A. The town board by motion or resolution shall determine the fees to be charged for impounding and keeping animals.

B. Any person redeeming an impounded animal shall pay the required fees to the town clerk-treasurer and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

Ed. Note: Prior code set fee at \$25.00 plus \$3.00 per day or any part thereof beginning at 12:01 A.M.

SECTION 4-144 RECLAMATION OF IMPOUNDED ANIMALS.

A. Reclamation of impounded animals may be made as provided in this section.

B. An animal may be reclaimed within the following times:

1. Within three (3) days after the impoundment if the owner is not identifiable; or

2. If the owner is known, with three (3) days after the notice set forth above is served or mailed, except for rabies quarantine cases which may be reclaimed at the end of the ten-day period.

C. An animal may be reclaimed in the following circumstances:

1. By paying the impounding fees and satisfying all other requirements as set forth in this section;

2. By depositing Twenty-five Dollars (\$25.00) with the animal shelter to be recovered upon proof of vaccination herein within forty-eight (48) hours. If proof of vaccination is not submitted in forty-eight (48) hours, not counting weekend or holidays, the animal must be returned or subject to reimpoundment.

D. No animal shall be released without the payment of the charges listed above and without satisfactory proof of ownership. The payment of these charges shall

not constitute a defense to any prosecution that shall be instituted for the violations of the terms of this code. Provided, however, that no fees shall be charged for any animal surrendered to the owner on acquittal or dismissal of charges of keeping, possessing, owning or harboring such animal as a nuisance or as a vicious animal.

SECTION 4-145 DISPOSITION, SALE OF IMPOUNDED ANIMALS.

A. At the end of the period prescribed in this article, animals that have not been redeemed by the owner thereof shall be destroyed in an humane manner or sold in the manner hereinafter provided.

B. The sales herein provided for shall be conducted by the person in charge of the animal shelter or such other persons as may be designated by the town board of trustees. Such sales shall be for cash to the highest bidder, but the animals shall not be sold in any event for less than that sum required to cover the impounding fee, board bill, vaccination, and license fees where applicable. If there is no bid, or an insufficient amount is bid as herein provided, the person in charge of the pound shall destroy such animal, unless he believes it to be for the best interests of the town to retain the animal and offer it for sale again. The proceeds of the sale, less the vaccination fees which shall be paid to the person administering the vaccination, shall be forthwith delivered to the town clerk-treasurer.

C. The purchaser of an animal at a sale held as provided herein, shall acquire absolute title to the animal purchased.

ARTICLE E

CRUELTY TO ANIMALS

SECTION 4-150 CRUELTY TO ANIMALS.

It is unlawful for any person to wilfully, maliciously or knowingly treat an animal, bird or fowl in a cruel or inhumane manner; or to knowingly neglect an animal, bird or fowl belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-151 POISONING ANIMALS.

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

SECTION 4-152 ENCOURAGING ANIMALS TO FIGHT.

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

ARTICLE F

CITATIONS AND PENALTIES

SECTION 4-160 ISSUANCE OF CITATIONS AUTHORIZED; COLLECTION OF FINES.

A. The judge of the municipal court shall designate the penalties to be paid for the violation of this chapter which may be satisfied by payment of the same at the office of the municipal court, provided the penalties are within the limits established for violation of the provisions of this chapter.

B. There shall be authorized by the municipal judge or mayor and provided by the municipal court clerk suitable forms for the notification of violators, notifying them to appear and answer charges for violating this chapter which forms shall be issued and receipted for by the clerk of the municipal court.

C. Upon the commission of any violation of this chapter, the mayor or his designee shall take the violator's name, address, place of employment, if known, and the issue to the judge on the forms provided for by the clerk of the municipal court commanding the violator to answer the charge against him within three (3) days at the place specified in the notice. The notice shall also contain a description of the animal found in violation and shall specify the fine for the violation in accordance with the order issued by the judge of the municipal court of the town.

D. The issuance of a citation may be in addition to, or in lieu of, impoundment of the offending animal.

E. Failure to give the required information or to answer the notice provided for in this section shall authorize the chief of police or his official representative to place the violator under arrest immediately and place him in custody. Whenever the chief of police deems it necessary, he may follow the procedure set out in this subsection.

SECTION 4-161 PENALTY.

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

Animals

CHAPTER 2

(RESERVED)

Animals

PART 5
BUILDING REGULATIONS AND CODES

Subject	Chapter
Building Codes And Regulations	1

CHAPTER 1

BUILDING CODES AND REGULATIONS

SECTION:

- 5-101: Building Codes Adopted
- 5-102: Amendments
- 5-103: Penalty
- 5-104: Building Official
- 5-105: Fire Limits Defined
- 5-106: Building Permit Required, Fee

5-101: **BUILDING CODES ADOPTED:** A certain document, three (3) copies of which are on file in the Office of the Town Clerk of the Town of Hulbert, being marked and designated as the minimum required codes as adopted and amended by the State of Oklahoma Uniform Building Code Commission pursuant to Oklahoma Statutes 59 section 1000.23 (A) and (C), as published by the Oklahoma Uniform Building Code Commission, be and is hereby adopted as the minimum required codes by the Town of Hulbert, in 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 State of Oklahoma required minimum codes on file in the Office of the Town Clerk, Town of Hulbert are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter with the additions, insertions, deletions and changes, if any prescribed in section 5-102 of this chapter. (Ord. 2017-02, 4-13-2017)

5-102: **AMENDMENTS:** The following sections are hereby revised:
Any section of the aforementioned codes where appropriate insert: [NAME OF JURISDICTION, "Town of Hulbert"]; [APPROPRIATE FEE SCHEDULE, "as established by the Town of Hulbert"]; [PERCENTAGES IN

TWO LOCATIONS, "this refers to refunds of fees and is reserved for board decisions"); [OFFENSE, "Violation of specific code section", DOLLAR AMOUNT, "Reserved for municipal Judge's discretion", NUMBER OF DAYS "Reserved for municipal Judge"], [DOLLAR AMOUNT IN TWO LOCATIONS, "Reserved for municipal Judge"]. (Ord. 2017-02, 4-13-2017)

5-103: **PENALTY:** A person who violates a provision of this chapter or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 1-108 of this Code. Each day upon which a violation continues shall be deemed a separate offense. (1989 Code)

5-104: **BUILDING OFFICIAL:** The building official of this Town shall be appointed by the Town Board of Trustees and shall have the powers and duties prescribed for 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", "plumbing inspector", and "gas inspector", wherever used in the ordinances of the Town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, and/or gas inspector is appointed by the Town Board of Trustees. (1989 Code)

5-105: **FIRE LIMITS DEFINED:** The fire limits are that part of the Town bounded as provided by the Board of Trustees. (1989 Code)

5-106: **BUILDING PERMIT REQUIRED, FEE:**

- A. No building or other structure shall be built, enlarged, altered or moved without a building permit as required by the Town's building codes.
- B. A person desiring a building permit shall submit an application therefor to the Town Clerk-Treasurer. The applicant shall submit with

the application such reasonable information as the Clerk-Treasurer may require to enable him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the Town.

- C. If the application is in accordance with the requirements of the ordinances and laws, the Clerk-Treasurer shall issue the permit upon the payment by the applicant of a building permit fee which may be set by motion or resolution of the Town Board of Trustees. A current copy of the fee schedule shall be kept in the Office of the Town Clerk-Treasurer. (1989 Code)

PART 6
COURT

Subject	Chapter
Municipal Court	1

CHAPTER 1

MUNICIPAL COURT

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

SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT

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

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

SECTION 6-102 DEFINITIONS.

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

1. "Court" means the municipal court of the Town of Hulbert;
2. "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;
3. "Municipality" or "this municipality" means the Town of Hulbert, Oklahoma;
4. "Clerk" means the clerk-treasurer of this municipality, including any deputy or member of the office staff of the clerk-treasurer while performing duties of the court clerk's office;
5. "Governing body" means the town board of trustees of the Town of Hulbert;
6. "Chief of police" means the peace officer in charge of the police force of the municipality; 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. A judge may be an attorney licensed to practice law in Oklahoma or a resident of this municipality, of the age of twenty-one (21) years or older, possessed of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. He must be a resident of this county or an adjacent county or maintain a law office therein. He may serve as judge of other municipal courts, if such service may be accomplished consistently with his duties as judge of this court, with the consent of the governing body.

SECTION 6-105 TERM OF JUDGE.

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

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. His appointment shall be for the same term and made in the same manner as the judge. He shall sit as acting judge of the court in any case if the judge is:

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

SECTION 6-107 ACTING JUDGE.

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

SECTION 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE.

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

SECTION 6-109 SALARY AND PAYMENTS TO JUDGES.

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

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

SECTION 6-110 REMOVAL OF JUDGE.

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

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

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

1. Representation by counsel;

2. To present testimony and to cross-examine the witnesses against him; and
3. Have all evidence against him presented in open hearing.

So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings (Sections 309 to 317 of Title 75 of the Oklahoma Statutes as amended) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal.

SECTION 6-111 VACANCY IN OFFICE OF JUDGE.

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

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

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

SECTION 6-112 DISQUALIFICATION OF JUDGE.

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

SECTION 6-113 COURT MARSHAL, CHIEF OF POLICE.

All writs or process of the court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal officer of the court.

SECTION 6-114 CLERK OF THE COURT; DUTIES.

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

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

The attorney for this municipality, or his duly designated assistant, shall be the prosecuting officer of the court. He shall also prosecute all alleged violations of the ordinances of the town. He shall be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this court to any other court of the state, and to represent this municipality in all proceedings arising out of matters in this court.

SECTION 6-116 BOND OF CLERK.

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

SECTION 6-117 RULES OF COURT.

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

SECTION 6-118 ENFORCEMENT OF RULES.

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

SECTION 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS.

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

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

A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with Section 6-121 of this code, or take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the mayor or his duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.

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

1. Release the person after obtaining sufficient information as set out in Subsection A of this section pending his appearance on a day certain in court;

2. Take the person in custody and demand that bond for the offense charged be posted according to the provisions of this chapter; or

3. Take the person into custody under arrest. The arrested person either shall be taken immediately before the judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in Subsection A of this section, the person shall be released from custody.

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

SECTION 6-121 TRAFFIC BAIL BOND PROCEDURES

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

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

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

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

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

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

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

e. Operating a motor vehicle without having been issued a valid

driver's license, or while the license is under suspension, revocation, denial or cancellation;

- f. An arrest based upon an outstanding warrant;
- g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;
- h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or
- i. A violation relating to the transportation of hazardous materials.

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

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

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

C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma 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. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.

E. If, pursuant to the provisions of Subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to

timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

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

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

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

F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee

thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

SECTION 6-122 CREATION OF TRAFFIC VIOLATIONS BUREAU.

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

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

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

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

SECTION 6-123 SUMMONS FOR ARREST.

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

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

SECTION 6-124 FORM OF ARREST WARRANT.

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

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

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

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

Judge of the Municipal Court
Hulbert, Oklahoma

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

SECTION 6-125 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 of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than 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 amended from time to time.

SECTION 6-126 BOND AND FINE SCHEDULE.

A bond schedule may be adopted and amended from time to time by the board of trustees.

SECTION 6-127 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the 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 6-128 TRIALS AND JUDGMENTS.

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

B. The defendant must be present in person at the trial 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 of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.
- G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each five dollars (\$5.00) of fine or as set out in subsection H of this section 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. (1989 Code)

6-129: **WITNESS FEES:**

- A. Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a sum per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk-treasurer a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:
 - 1. The names of no more than three (3) witnesses;
 - 2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;

3. That the testimony of the witnesses is material; and

4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality. (1989 Code)

6-130: **SENTENCING:**

- A. The judge may suspend, modify, defer or reduce a sentence in accordance with 11 Oklahoma Statutes sections 27-123 and 27-124.
- 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 part 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 11 Oklahoma Statutes section 27-123. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or pleas of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a 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 a deferred sentence is imposed, an administrative fee of not to exceed one hundred dollars (\$100.00) may be imposed as costs in the case. (1989 Code)

6-131: **IMPRISONMENT, WORK BY PRISONERS:**

- 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 therefor. (1989 Code)

6-132: **FINES AND COSTS:** If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, which shall be the maximum allowed by state law, plus the fees and mileage of witnesses and jurors, but the total amount of fine may not exceed the amount set forth in section 1-108 of this code. (1989 Code)

6-133: **PENALTY ASSESSMENT:**

- A. Any person convicted of an offense punishable by a fine not exceeding two hundred dollars (\$200.00), excluding court costs, or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay a separate penalty assessment as provided by state law, which shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.
- B. Upon conviction or bond forfeiture, the court shall collect the penalty assessments, as authorized by state law and deposit it in an account created for that purpose. As an administrative fee for handling funds collected as a penalty assessment, the court is authorized to retain a certain percentage as set forth by the collecting agencies and may retain all interest accrued thereon prior to the due date for deposits as provided. The remaining monies shall be forwarded by the court

clerk to the collecting agencies on the designated dates. (Ord. 13-03, 8-8-2013)

- C. As used in this section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment. (1989 Code)

Court

CHAPTER 2

(RESERVED)

Court

PART 7

FINANCE AND TAXATION

Subject	Chapter
Finance And Budget Administration	1
Sales Tax	2
Telephone Exchange Fee	3
Utility Tax	4
Use Tax	5

CHAPTER 1

FINANCE AND BUDGET ADMINISTRATION

Section 7-101	Depositories designated; funds to be deposited.
Section 7-102	Funds secured by Unit Collateral System.
Section 7-103	Contractual services defined for purchasing.
Section 7-104	Purchases, how made.
Section 7-105	When prior approval by the town board of trustees is required.
Section 7-106	Competitive bidding.
Section 7-107	When competitive bidding is not required.
Section 7-108	Sales, town board of trustees to declare surplus or obsolete competitive bidding.
Section 7-109	When competitive bidding is not required on sales.

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

Banks and all savings and loan associations which are incorporated under federal or state law may be designated as depositories for the funds of the town. The town clerk-treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations.

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 CONTRACTUAL SERVICES DEFINED FOR PURCHASING.

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

SECTION 7-104 PURCHASES, HOW MADE.

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

SECTION 7-105 WHEN PRIOR APPROVAL BY THE TOWN BOARD OF TRUSTEES IS REQUIRED.

Every contract for, or purchase of, supplies, materials, equipment or contractual services for more than Five Thousand (\$5,000.00) shall require the prior approval of the town board of trustees.

State Law Reference: Purchase Order Act, 62 O.S. Sections 310.1 et seq.

SECTION 7-106 COMPETITIVE BIDDING.

Before any purchase of, or contract for, supplies, materials, equipment or contractual services are made, as otherwise provided below, the town purchasing authority shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation, or invitation to bid, and specifications, to give them opportunity to bid; and/or publish notice of the proposed purchase in a newspaper of general circulation within the town. He shall favor a person, firm or corporation in the town when this can be done without additional cost to the town; but he shall submit requests for quotation to those outside the town when this may be necessary to secure bids or to create competitive conditions, or when he thinks that by so doing he can make a saving for the town; and shall purchase from them when he can make a saving for the town. All bids shall be sealed and shall be opened in public at a designated time and place. He may repeatedly reject all bids, and again may submit to the same or other persons, firms or corporations the request for quotation, or invitation to bid, and/or again publish notice of the proposed purchase. He may purchase from the bidder whose bid is most advantageous to the town, considering price, quality, date of delivery and so on, and in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the town.

State Law Reference: Public competitive bidding law, bidding required on construction and public works projects over \$7,500, 61 O.S. Sections 101 et seq.

SECTION 7-107 WHEN COMPETITIVE BIDDING IS NOT REQUIRED.

The following may be purchased without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services whose cost does not exceed Five Thousand Dollars (\$5,000.00) in a single transaction;
2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;
3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;
4. Equipment to replace existing equipment which has become inoperable when the board of trustees declares the purchase an emergency;
5. Contractual services, including but not limited to natural gas, electricity, telephone service, purchased from a public utility at a price or rate determined by the State Corporation Commission or other governmental authority;
6. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency or any other state agency hereafter authorized to regulate prices for things purchased by the state, whether such price is determined by a contract negotiated with a vendor or otherwise; and

7. Contractual services of a professional nature, such as engineering, architectural, legal and medical services unless competitive bidding is required by applicable law or regulations, such as certain federal grants programs.

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

No surplus or obsolete supplies, materials or equipment of a value of more than Five Thousand Dollars, (\$5,000.00) may be sold until the town board of trustees has declared them obsolete or surplus. Before the town board of trustees sells any surplus or obsolete supplies, materials or equipment, except as otherwise provided below, they shall be advertised for sale in a newspaper of general circulation in the town or give notice in such other manner as the board of trustees deems necessary adequately to reach prospective buyers to give them opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The town board of trustees may repeatedly reject all bids and advertise or give notice again. The town board of trustees shall sell such supplies, materials or equipment to the highest responsible bidder for cash. In case of a tie, the board of trustees may sell to either of the bidders tying, or may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders for cash.

SECTION 7-109 WHEN COMPETITIVE BIDDING IS NOT REQUIRED ON SALES.

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

1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed Five Thousand Dollars (\$5,000.00) in a single transaction; and
2. Supplies, materials or equipment when sold at a price at least as great as that paid by the town for the same.

CHAPTER 2

SALES TAX

SECTION:

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

7-201: **CITATION AND CODIFICATION:** This chapter shall be known and may be cited as *TOWN OF HULBERT SALES TAX ORDINANCE*¹. (1989 Code)

1. 68 OS §§ 2701, 1350 et seq.

A. Sales tax ordinances are as follows:

Ord. No.	Date	Description
13	Effective August 15, 1973	\$0.01
16	Effective August 10, 1976	\$0.01
29	Effective December 1, 1981	\$0.01
2013-05	Passed December 12, 2013 Effective July 1, 2014	1%

7-202: **DEFINITIONS:** The definitions of words, terms and phrases contained in the Oklahoma sales tax code, 68 Oklahoma Statutes section 1352, and 37 Oklahoma Statutes sections 576 and 593, are hereby adopted by reference and made a part of this chapter. (1989 Code)

7-203: **TAX COLLECTOR DEFINED:** The term "tax collector" as used in this chapter means the department of the town or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this chapter. (1989 Code)

7-204: **CLASSIFICATION OF TAXPAYERS:** For the purpose of this chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma sales tax code. (1989 Code)

7-205: **SUBSISTING STATE PERMITS:** All valid and subsisting permits to do business issued by the Oklahoma tax commission pursuant to the Oklahoma sales tax code are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose. (1989 Code)

7-206: **EFFECTIVE DATE:** This chapter became effective as to each cent tax after approval of a majority of the registered voters of the town voting on the ordinance in the manner prescribed by 11 Oklahoma Statutes section 16-112. (1989 Code)

7-207: **PURPOSE OF REVENUES:** It is the purpose of the sales tax levied herein to provide revenues for the support of the general municipal government of the town. (1989 Code)

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

A. There is hereby levied an excise tax as established in section 7-201 of this chapter 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;
2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this chapter;
3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;
4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
5. Printing or printed matter of all types, kinds, and characters and the service of printing or overprinting, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers;
6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camps;
7. Service of furnishing storage or parking privileges by auto hotels and parking lots;

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8. Selling, renting or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which prewritten programs have been coded, punched or otherwise recorded;

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

10. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;

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

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

13. Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged spectators, such as tennis, racket ball or hand ball courts;

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

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

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

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

18. Any licensing agreement, rental, lease or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performances or rights to receive images, pictures or performances for telecast by any method are transferred. Provided, persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed under this chapter shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons and scenes from copyrighted features and the sale or licensing of such films shall not be considered a sale within the purview of this chapter;

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

20. Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this state will lose tax revenue due to the difficulty of enforcing this chapter because of:

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

21. Any taxable services and tangible personal property including materials, supplies and equipment sold to contractors for the purpose of developing and improving real estate even though such real estate is intended for resale as real property are hereby declared to be sales to consumers or users and taxable; and

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

SECTION 7-209

EXEMPTIONS; SALES SUBJECT TO OTHER TAX.

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

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

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;

3. Sale of crude petroleum or natural or casinghead gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state; and

4. Sale of aircraft on which the tax levied pursuant to Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid. The provisions of this Paragraph 4 shall not become operative until July 1, 1984.

SECTION 7-210 EXEMPTIONS; GOVERNMENTAL AND NONPROFIT ENTITIES.

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

1. Sale of tangible personal property or services to the United States Government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States Government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;

2. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States Government if ownership and possession of such property transfers immediately to the United States Government;

3. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;

4. Sale of food in cafeterias or 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;

5. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided, such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which inures to the benefit of any individual member or members thereof to the exclusion of other members;

6. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

7. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, 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;

8. Sales of tangible personal property or services to the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls shall be exempt from sales tax;

9. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named

subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both;

10. Sales of tangible personal property or services to private institutions of higher education and private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for education 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 act shall be a misdemeanor as set forth in Paragraph (9) of this section;

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

12. Sales of tangible personal property made by public or private school for grade levels kindergarten through twelfth grade, a public school district, public school board, public school student group or organization or public school district personnel for purposes of raising funds for the benefit of such school, school district, school board, student group or organization. For purposes of this paragraph, "public or private school" shall mean any public or private institution of education 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 not include sale of admission tickets or concessions at athletic events.

SECTION 7-211 EXEMPTIONS; GENERAL.

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

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;

3. Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not

exceed seventy-five cents (\$0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;

4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;

5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;

6. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums;

9. 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 of Oklahoma in the federal food stamp program; and

10. Nothing herein shall be construed as limiting or prohibiting the city from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the city 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.

SECTION 7-212 EXEMPTIONS; AGRICULTURE.

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

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1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

- a. Farm, orchard or garden products;
- b. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
- c. Livestock sold by the producer at a special livestock sale; or
- d. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

3. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;

4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

- a. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;
- b. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
- c. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
- d. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
- e. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and
- f. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

Finance and Taxation

- a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;
- b. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching, and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;
- c. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, "agricultural fertilizer" "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals;
- d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;
- e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and
- f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be

retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; and

6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor and, upon violation and conviction for a second offense, the Oklahoma Tax Commission shall revoke the vendor's sales tax permit.

SECTION 7-213

EXEMPTIONS; MANUFACTURERS.

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

1. Goods, wares, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;

3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this chapter. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

4. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which

are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise;

5. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other state; and

6. Machinery, equipment, fuels and chemicals incorporated into and directly used or consumed in the process of treatment to substantially reduce the volume or harmful properties of controlled industrial waste at treatment facilities specifically permitted pursuant to the Controlled Industrial Waste Disposal Act¹ and operated at the place of waste generation, or facilities approved by the State Department of Health for the cleanup of a site of contamination. The term controlled industrial waste may include low-level radioactive waste for the purpose of this subsection.

SECTION 7-214 EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS.

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

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

where the state sales or use tax has previously been paid on such tangible personal property.

SECTION 7-215 TAX DUE WHEN; RETURNS; RECORDS.

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

SECTION 7-216 PAYMENT OF TAX; BRACKETS.

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

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

SECTION 7-217 TAX CONSTITUTES DEBT.

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

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

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

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

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

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 PENALTIES.

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this section, the applicable provisions of Section 220 of Title 68 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 wilfull 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, Section 205 of Title 68 of the Oklahoma Statutes, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax as if here set forth in full.

SECTION 7-225 AMENDMENTS.

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

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.

CHAPTER 3

TELEPHONE EXCHANGE FEE

Section 7-301 Fee levied on telephone exchanges.
Section 7-302 Fee to be in lieu of other fees, taxes.

SECTION 7-301 FEE LEVIED ON TELEPHONE EXCHANGES.

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the town in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the town. The inspection fee and charge shall be due and payable to the town on or before May 1 of each year for the calendar year ending the preceding December, and shall be paid into and appropriated and expended from the general revenue fund of the town.

State Law Reference: Town powers to levy utility tax on gross receipts, 68 O.S. Sections 2601 et seq.

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

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

CHAPTER 4

UTILITY TAX

Section 7-401	Utility tax levied.
Section 7-402	Not to apply to franchises.
Section 7-403	Payment of tax.
Section 7-404	Failure to pay tax.
Section 7-405	Tax constitutes lien.

SECTION 7-401 UTILITY TAX LEVIED.

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

State Law Reference: Utility tax authorized for municipalities, 68 O.S. Sections 2601 et seq.

SECTION 7-402 NOT TO APPLY TO FRANCHISES.

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

SECTION 7-403 PAYMENT OF TAX.

The tax levied under this chapter shall be levied for a term of not more than one year and shall be payable as required by the town board of trustees and placed in the general revenue fund of the town.

SECTION 7-404 FAILURE TO PAY TAX.

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

SECTION 7-405 TAX CONSTITUTES LIEN.

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

CHAPTER 5

USE TAX

Section 7-501	Citation and codification.
Section 7-502	Definitions.
Section 7-503	Excise tax on storage, use or other consumption of intangible, personal property levied.
Section 7-504	Purpose of revenues.
Section 7-505	Exemptions.
Section 7-506	Time when due, returns, payment.
Section 7-507	Tax constitutes debt.
Section 7-508	Collection of tax by retailer or vendor.
Section 7-509	Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state, permits.
Section 7-510	Revoking permits.
Section 7-511	Remunerative deductions allowed vendors or retailers of other states.
Section 7-512	Interest and penalties, delinquency.
Section 7-513	Waiver of interest and penalties.
Section 7-514	Erroneous payments, claim for refund.
Section 7-515	Fraudulent returns.
Section 7-516	Records confidential.
Section 7-517	Classification of taxpayers.
Section 7-518	Subsisting state permits.
Section 7-519	Provisions cumulative.

SECTION 7-501 CITATION AND CODIFICATION.

This chapter shall be known and may be cited as "Town of Hulbert Use Tax".

SECTION 7-502 DEFINITIONS.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401 of Title 68 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter. In addition thereto, the following words and terms shall be defined as follows:

1. "Tax collector" means the department of the town government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied; and
2. "Transaction" means sale.

SECTION 7-503 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 town tangible, personal property purchased or brought into this town, an excise tax on the storage, use or other consuming within the town of such property at the rate of three percent (3%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the town, tangible, personal property purchased or brought into the town. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the town and shall be assessed to only property purchased outside Oklahoma;

provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the town, but which is stored in the town pending shipment outside the town or which is temporarily retained in the town for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the town had been levied on the sale of such goods or services.

SECTION 7-504 PURPOSE OF REVENUES.

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

SECTION 7-505 EXEMPTIONS.

The provisions of this chapter shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the town by a nonresident individual visiting in this town for his or her personal use or enjoyment while within the town;

2. In respect to the use of tangible, personal property purchased for resale before being used;

3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the Town of Hulbert Use Tax, has been paid by the person using such tangible, personal property in the town, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and Town of Hulbert Use Tax, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the Town of Hulbert Use Tax, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the town;

4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the town, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the town. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the town. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

5. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the town;

6. In respect to the use of any article of tangible, personal property brought into the town by an individual with intent to become a resident of this town where such personal property is for such individual's personal use or enjoyment;

7. In respect to the use of any article of tangible, personal property used or to be used by commercial airlines or railroads; or

8. In respect to livestock purchased outside Oklahoma and brought into this town for feeding or breeding purposes, and which is later resold.

SECTION 7-506 TIME WHEN DUE, RETURNS, PAYMENT.

The tax levied by this chapter is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 7-507 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 7-508 COLLECTION OF TAX BY RETAILER OR VENDOR.

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

SECTION 7-509 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE, PERMITS.

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

SECTION 7-510 REVOKING PERMITS.

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

SECTION 7-511 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES.

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for the collection of state use taxes.

SECTION 7-512 INTEREST AND PENALTIES, DELINQUENCY.

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

SECTION 7-513 WAIVER OF INTEREST AND PENALTIES.

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the State Use Tax provided in Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purposes of this section the applicable provisions of Section 220 are hereby adopted by reference and made a part of this chapter.

SECTION 7-514 ERRONEOUS PAYMENTS, CLAIM FOR REFUND.

Refund of erroneous payment of the town use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes, and to accomplish the purpose of this section, the applicable provisions of Section 227 are hereby adopted by reference and made a part of this chapter.

SECTION 7-515 FRAUDULENT RETURNS.

In addition to all civil penalties provided by this chapter, the willful failure or

refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be punished as provided in Section 1-108 of this code. Each day of noncompliance with this chapter shall constitute a separate offense.

SECTION 7-516 RECORDS CONFIDENTIAL.

The confidential and privileged nature of the records and files concerning the administration of the town use tax is legislatively recognized and declared, and to protect the same the provisions of Section 205 of Title 68 of the Oklahoma Statutes, of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the town use tax as is herein set forth in full.

SECTION 7-517 CLASSIFICATION OF TAXPAYERS.

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

SECTION 7-518 SUBSISTING STATE PERMITS.

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

SECTION 7-519 PROVISIONS CUMULATIVE.

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

PART 8
HEALTH AND SANITATION

Subject	Chapter
Weeds And Trash	1
Food Regulations	2
Nuisances	3
Enforcement And Penalty	4
Prevention Of Youth Access To Tobacco	5
Smoking In Public Places And Indoor Workplaces	6
Tobacco And Electronic Cigarettes	7

Health and Sanitation

CHAPTER 1

WEEDS AND TRASH

Section 8-101	Accumulation of trash or weeds unlawful.
Section 8-102	Definitions.
Section 8-103	Reports of accumulation of grass, weeds or trash on property.
Section 8-104	Receipt of report, hearing and notice.
Section 8-105	Right of entry, work done by employees or contract.
Section 8-106	Determination and assessment of costs.
Section 8-107	Lien on property, civil remedy.
Section 8-108	Board may designate officer to perform duties, appeals.
Section 8-109	Unlawful to deposit rubbish.
Section 8-110	Burning refuse.
Section 8-111	Removal of dead animals.
Section 8-112	Unlawful to litter.
Section 8-113	Unlawful to litter from automobiles.
Section 8-114	Litter not to accumulate on property.
Section 8-115	Political advertising on right-of-way prohibited.
Section 8-116	Penalty.

SECTION 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL.

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

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-110.

SECTION 8-102 DEFINITIONS.

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

1. "Weeds" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

- a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or own in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
- b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
- c. Harbors rodents or vermin;
- d. Gives off unpleasant or noxious odors;
- e. Constitutes a fire or traffic hazard; or

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- 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;

2. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

SECTION 8-103 REPORTS OF ACCUMULATION 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 town clerk-treasurer if, as a result of the accumulation or growth, the premises appear to be:

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

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Section 22-111.

SECTION 8-104 RECEIPT OF REPORT, HEARING AND NOTICE.

A. Upon receiving the report provided for in Section 8-103 of this code, or upon receipt of equivalent information from any reliable source, the town clerk-treasurer shall give written notice of the provisions of this section and that premises are in violation of Section 8-101 of this code by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of a hearing by the board of trustees or before it takes action.

B. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the town board shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the board determines that any of the conditions specified in Section 8-103 of this code exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:

1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or

2. Gives written consent authorizing the town to abate the trash or weeds, thereby waiving his right to a hearing.

SECTION 8-105 RIGHT OF ENTRY, WORK DONE BY EMPLOYEES OR CONTRACT.

A. Upon finding that the condition of the property constitutes a detriment or hazard as specified in Section 8-103, and that the property would be benefited by the removal of such conditions, the agents of the town are granted the right of entry on the property to remove trash, mow weeds or grass, and perform necessary duties as a governmental function.

B. The work ordered to be performed under Section 8-104 of this code may be done by the employees of this town under supervision of the town, or it may be let by contract in the manner for letting other contracts.

SECTION 8-106 DETERMINATION AND ASSESSMENT OF COSTS.

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

SECTION 8-107 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 notice prescribed by Section 8-106 hereof, 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 upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this section the town may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the town clerk-treasurer shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

SECTION 8-108 BOARD MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS.

The town board may designate an administrative officer to carry out the duties of the town board in Sections 8-102 to 8-107 of this code. The property owner shall have a right of appeal to the town board from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the town clerk-treasurer within ten (10) days after the administrative hearing.

SECTION 8-109 UNLAWFUL TO DEPOSIT RUBBISH.

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

SECTION 8-110 BURNING REFUSE.

A. It is unlawful to wilfully burn any trash or refuse or any type material within the town.

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

SECTION 8-111 REMOVAL OF DEAD ANIMALS.

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

SECTION 8-112 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 8-113 UNLAWFUL TO LITTER FROM AUTOMOBILES.

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

SECTION 8-114 LITTER NOT TO ACCUMULATE ON PROPERTY.

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

SECTION 8-115 POLITICAL ADVERTISING ON RIGHT-OF-WAY PROHIBITED.

A. A political advertising sign is defined as any sign, poster or placard printed, painted, made or designed for the purpose of furthering or advertising the candidacy of any person who is or intends to become or may be a candidate for the election to any public office, whether such public office be in the local, state or federal government, or any subdivision thereof.

B. No person, firm or corporation shall erect or display any political advertising sign on any street or alley right of way, or upon any public utility easement within this town.

C. No person, firm or corporation shall place, tack, nail, staple or glue any political advertising sign on any telephone, telegraph, electric or street lighting pole within this town.

D. Any political advertising sign erected, placed or displayed in violation of the provisions hereof shall be a public nuisance. No property right shall exist in such sign erected, placed or displayed in violation of the provisions of this section.

SECTION 8-116 PENALTY.

Any person, firm or corporation found violating any provision of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

FOOD REGULATIONS

Section 8-201	Food service regulations adopted.
Section 8-202	Milk ordinance adopted.
Section 8-203	Grade requirements.
Section 8-204	Violation; penalty.

SECTION 8-201 FOOD SERVICE REGULATIONS ADOPTED.

A. The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated in this code by reference. At least one copy of the rules and regulations shall be on file in the office of the town clerk-treasurer. The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section.

B. Any person who violates any of the provisions of this section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

State Law Reference: State food regulations, 63 O.S. Sections 1-1101 et seq.

SECTION 8-202 MILK ORDINANCE ADOPTED.

Part II of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16 and 17 of the abridged ordinance shall be replaced, respectively by Sections 8-202 and 8-203 of this code.

State Law Reference: State laws regulating milk standards, 63 O.S. Sections 1-1301 et seq.; manufacture of milk, 2 O.S. Sections 7-1 et seq.

SECTION 8-203 GRADE REQUIREMENTS.

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

SECTION 8-204 VIOLATION; PENALTY.

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

CHAPTER 3

NUISANCES

Section 8-301	Nuisance defined; public nuisances; private nuisances.
Section 8-302	Persons responsible.
Section 8-303	Time does not legalize.
Section 8-304	Remedies against public nuisances.
Section 8-305	Remedies against private nuisances.
Section 8-306	Town has power to define and summarily abate nuisances.
Section 8-307	Certain public nuisances in the town defined.
Section 8-308	Summary abatement of nuisances.
Section 8-309	Abatement by suit in district court.
Section 8-310	Nuisance unlawful.
Section 8-311	Health nuisances; abatement.
Section 8-312	Toilet facilities required; nuisance.
Section 8-313	Procedure cumulative.

SECTION 8-301 NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES.

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

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

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

C. Every nuisance not included in Subsection B above is a private nuisance.

State Law Reference: Nuisances defined, municipal powers to abate, 50 O.S. Sections 1 et seq.

SECTION 8-302 PERSONS RESPONSIBLE.

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

SECTION 8-303 TIME DOES NOT LEGALIZE.

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

SECTION 8-304 REMEDIES AGAINST PUBLIC NUISANCES.

The remedies against a public nuisance are:

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

SECTION 8-305 REMEDIES AGAINST PRIVATE NUISANCES.

The remedies against a private nuisance are:

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

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

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

SECTION 8-307 CERTAIN PUBLIC NUISANCES IN THE TOWN DEFINED.

In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinance of the town;

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3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The conduct or holding of public dances in violation of the ordinances of the town; or the keeping of a place where such dances are held;
8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;
11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;
13. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;
14. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;
15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
16. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
17. Any fire or explosion hazard which endangers the public safety;
18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; or

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

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

SECTION 8-308 SUMMARY ABATEMENT OF NUISANCES.

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

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

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

D. If the board of trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the board of trustees shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town clerk-treasurer shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts to the town may be collected.

SECTION 8-309 ABATEMENT BY SUIT IN DISTRICT COURT.

In cases where it is deemed impractical summarily to abate a nuisance the town may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes.

SECTION 8-310 NUISANCE UNLAWFUL.

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

SECTION 8-311 HEALTH NUISANCES; ABATEMENT.

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

B. If the order is not complied with, the health officer may cause the order to be executed and complied with and the cost thereof shall be certified to the town clerk-treasurer, and the cost of removing or abating such nuisance shall be added to the water bill or other town utility bill of the owner or occupant if he is a user of water from the town water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any town utility service, such cost, after certification to the town clerk-treasurer, may be collected in any manner in which any other debt due the town may be collected.

SECTION 8-312 TOILET FACILITIES REQUIRED; NUISANCE.

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

1. "Human excrement" means the bowel and kidney discharge of human beings;
2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and
3. "Sanitary pit privy" means a privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.

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B. Every owner of a residence or other building in which humans reside, are employed or congregate within this town shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement.

C. All human excrement disposed of within this town shall be disposed of by depositing it in suitable toilet facilities provided for in this code. It is unlawful for any owner of property within the town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the town in any other manner.

D. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense. (Amended 1992)

Cross Reference: See also Sections 17-301 et seq. on requirements for human excrement and sewer facilities.

SECTION 8-313 PROCEDURE CUMULATIVE.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized.

CHAPTER 4

ENFORCEMENT AND PENALTY

Section 8-401	County health department designated to enforce health ordinances.
Section 8-402	Obstructing health officer.
Section 8-403	Quarantine; violations.
Section 8-404	Penalty.

SECTION 8-401 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.

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

SECTION 8-402 OBSTRUCTING HEALTH OFFICER.

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

SECTION 8-403 QUARANTINE; VIOLATIONS.

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

SECTION 8-404 PENALTY.

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

CHAPTER 5

PREVENTION OF YOUTH ACCESS TO TOBACCO

SECTION:

- 8-501: Definitions
- 8-502: Furnishing Or Sale Of Tobacco Products To Minors
- 8-503: Receipt Of Tobacco Products By Minors
- 8-504: Distribution Of Tobacco Product Samples
- 8-505: Sale Of Tobacco Products Except In Original, Sealed Package Prohibited
- 8-506: Public Access To Displayed Tobacco Products
- 8-507: Report Of Violations And Compliance Checks

8-501: **DEFINITIONS:** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CIGARETTE: Any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

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

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

The term "cigarette" includes "roll your own" (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by,

consumers as tobacco for making cigarettes). For purposes of this definition, nine one-hundredths (0.09) of an ounce of "roll your own" tobacco shall constitute one individual "cigarette".

PROOF OF AGE:	A driver's license, license for identification only, or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.
SAMPLE:	A tobacco product distributed to members of the public at no cost for the purpose of promoting the product.
SAMPLING:	The distribution of samples to members of the public in a public place.
TOBACCO PRODUCT:	Any product that contains tobacco and is intended for human consumption.
TRANSACTION SCAN:	The process by which a seller checks, by means of a transaction scan device, the validity of a driver's license or other government issued photo identification.
TRANSACTION SCAN DEVICE:	Any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or other government issued photo identification. (Ord. 2012-01, 3-8-2012)

8-502: FURNISHING OR SALE OF TOBACCO PRODUCTS TO MINORS:

- A. Unlawful Sale To Minor: It is unlawful for any person to sell, give, or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age or to purchase in any manner a tobacco product on behalf of any such person. It shall not be

unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

- B. **Proof Of Age:** Any person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under eighteen (18) years of age. If an individual engaged in the sale or distribution of tobacco products has demanded and was shown proof of age from a prospective purchaser or recipient who is not under eighteen (18) years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.
- C. **Defenses:** Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to prosecution under subsection A or B of this section. A person cited for violation of this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:
1. The individual who purchased or received the tobacco product presented a driver's license or other government issued photo identification purporting to establish that such individual was eighteen (18) years of age or older; and
 2. The person cited for the violation confirmed the validity of the driver's license or other government issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.
 3. Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.
- D. **Penalty:** When a person is convicted or enters a plea and receives a continued sentence for a violation of subsection A or B of this section, the total of any fines, fees, or costs shall not exceed the following:

1. One hundred dollars (\$100.00) for the first offense;
2. Two hundred dollars (\$200.00) for the second offense within a two (2) year period following the first offense; and
3. Three hundred dollars (\$300.00) for the third or subsequent offense within a two (2) year period following the first offense. (Ord. 2012-01, 3-8-2012)

8-503: RECEIPT OF TOBACCO PRODUCTS BY MINORS:

- A. It is unlawful for any person who is under eighteen (18) years of age to purchase, receive, or have in his or her possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.
- B. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsection A of this section, the total of any fines, fees, or costs shall not exceed the following:
 1. One hundred dollars (\$100.00) for a first offense; and
 2. Two hundred dollars (\$200.00) for a second or subsequent offense within a one year period following the first offense. (Ord. 2012-01, 3-8-2012)

8-504: DISTRIBUTION OF TOBACCO PRODUCT SAMPLES:

- A. It is unlawful for any person to distribute tobacco products or product samples to any person under eighteen (18) years of age.
- B. No person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within three hundred feet (300') of any playground, school, or other facility when the facility is being used primarily by persons under eighteen (18) years of age.
- C. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsection A or B of this section, the total of any fines, fees, or costs shall not exceed the following:

1. One hundred dollars (\$100.00) for the first offense;
2. Two hundred dollars (\$200.00) for the second offense; and
3. Three hundred dollars (\$300.00) for the third or subsequent offense. (Ord. 2012-01, 3-8-2012)

8-505: SALE OF TOBACCO PRODUCTS EXCEPT IN ORIGINAL, SEALED PACKAGE PROHIBITED:

- A. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
- B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed two hundred dollars (\$200.00) for each offense. (Ord. 2012-01, 3-8-2012)

8-506: PUBLIC ACCESS TO DISPLAYED TOBACCO PRODUCTS:

- A. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under eighteen (18) years of age.
- B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed two hundred dollars (\$200.00) for each offense. (Ord. 2012-01, 3-8-2012)

8-507: REPORT OF VIOLATIONS AND COMPLIANCE CHECKS:

- A. Any conviction for a violation of this chapter and any compliance checks conducted by the police department pursuant to subsection B of this section shall be reported in writing to the alcoholic beverage laws enforcement (ABLE) commission within thirty (30) days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE commission. Convictions shall

be reported by the town clerk or his designee and compliance checks shall be reported by the chief of police or his designee.

- B. Persons under eighteen (18) years of age may be enlisted by the police department to assist in enforcement of this chapter pursuant to the rules of the ABLE commission. (Ord. 2012-01, 3-8-2012)

CHAPTER 6

SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES

SECTION:

8-601:	Definitions
8-602:	Possession Of Lighted Tobacco In Certain Places Prohibited
8-603:	Exemptions
8-604:	Designated Smoking Rooms And Areas
8-605:	Posting
8-606:	Violation And Penalty
8-607:	Enforcement

8-601: **DEFINITIONS:** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

INDOOR WORKPLACE: Any indoor place of employment or employment type service for or at the request of another individual or individuals, or any public or private entity, whether part time or full time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, rest-rooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this chapter shall apply to such indoor workplace at

any given time, whether or not work is being performed.

PUBLIC PLACE: Any enclosed indoor area where individuals other than employees are invited or permitted; the term is synonymous with the phrase any indoor place used by or open to the public.

RESTAURANT: Any eating establishment regardless of seating capacity.

SMOKING: The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

STAND ALONE BAR, STAND ALONE TAVERN, AND CIGAR BAR: An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low point beer and no person under twenty one (21) years of age is admitted, except for members of a musical band employed or hired as provided in 37 Oklahoma Statutes section 537, subsection B, paragraph 2 and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant. (Ord. 2012-02, 3-8-2012)

8-602: POSSESSION OF LIGHTED TOBACCO IN CERTAIN PLACES PROHIBITED:

- A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.
- B. All buildings, or portions thereof, owned or operated by this state shall be designated as nonsmoking; provided, however, each building may have one designated smoking room. As used in this subsection, "buildings" shall not include up to twenty five percent (25%) of any hotel or motel rooms rented to guests if the rooms are properly ventilated so that smoke is not circulated to nonsmoking areas.

- C. All buildings, or portions thereof, owned or operated by this town, shall be entirely nonsmoking.
- D. A smoking room as provided for in subsection B of this section:
 - 1. Shall not be used for the conduct of public business;
 - 2. Shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No smoking exhaust shall be located within twenty five feet (25') of any entrance, exit or air intake; and
 - 3. Shall be verified for compliance with the provisions of this subsection by the department of central services for state buildings, by a county entity designated by the board of county commissioners for county buildings, or by the Hulbert officer or employee designated by the mayor for Hulbert buildings.
- E. No smoking shall be allowed within twenty five feet (25') of the entrance or exit of any building specified in subsection B or C of this section. (Ord. 2012-02, 3-8-2012)

8-603: **EXEMPTIONS:** The restrictions provided in section 8-602 of this chapter shall not apply to the following:

- A. Stand alone bars, stand alone taverns and cigar bars;
- B. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
- C. Up to twenty five percent (25%) of the guest rooms at a hotel or other lodging establishment;
- D. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- E. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the busi-

ness to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

- F. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;
- G. Private offices occupied exclusively by one or more smokers;
- H. Private residences and workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
- I. Medical research or treatment centers, if smoking is integral to the research or treatment;
- J. A facility operated by a post or organization of past or present members of the armed forces of the United States which is exempt from taxation pursuant to sections 501(c)(8), 501(c)(10) or 501(c)(19) of the internal revenue code, 26 USC, sections 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and
- K. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within twenty five feet (25') of any exterior public doorway or any air intake of a restaurant. (Ord. 2012-02, 3-8-2012)

8-604: DESIGNATED SMOKING ROOMS AND AREAS:

- A. An employer not otherwise restricted from doing so under this chapter may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within twenty five feet (25') of any entrance, exit or air intake.
- B. If smoking is to be permitted in any space exempted in section 8-603 of this chapter or in a smoking room pursuant to subsection A of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking

areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within twenty five feet (25') of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

- C. A nursing facility licensed pursuant to the nursing home care act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building.
- D. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty five feet (25') of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the state department of health. (Ord. 2012-02, 3-8-2012)

8-605: POSTING:

- A. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four inches by two inches (4" x 2") in size, at each entrance to the building indicating that the place is smoke free or tobacco free.
- B. Responsibility for posting signs or decals shall be as follows:
 - 1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
 - 2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible. (Ord. 2012-02, 3-8-2012)

8-606: **VIOLATION AND PENALTY:** Any person who knowingly violates this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). (Ord. 2012-02, 3-8-2012)

8-607: **ENFORCEMENT:** The state or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places:

- A. Post signs at entrances to places where smoking is prohibited which state that smoking is prohibited or that the indoor environment is free of tobacco smoke; and
- B. Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this chapter. (Ord. 2012-02, 3-8-2012)

CHAPTER 7

TOBACCO AND ELECTRONIC CIGARETTES

SECTION:

- 8-701: Definitions
- 8-702: Prohibition Of Tobacco Products And Electronic Smoking
Devices In Certain Places
- 8-703: Exemptions
- 8-704: Designated Smoking Rooms And Areas
- 8-705: Posting
- 8-706: Penalty

8-701: **DEFINITIONS:** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ELECTRONIC
SMOKING DEVICE:** An electronic and/or battery operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking device includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

INDOOR WORKPLACE: Any indoor place of employment or employment type service for or at the request of another individual(s), or any public or private entity, whether part time or full time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager,

officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this chapter shall apply to such indoor workplace at any given time, whether or not work is being performed.

OUTDOOR AREA:	Any covered area, partially covered area or area open to the sky that is on a property owned by the city.
PUBLIC PLACE:	Any enclosed indoor area where individuals other than employees are invited or permitted; the term is synonymous with the phrase any indoor place used by or open to the public.
RECREATIONAL AREA:	Any area that is owned, controlled or used by the town of Hulbert, Oklahoma, and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller and ice skating rinks, beaches surrounding lakes and skateboard parks.
RESTAURANT:	Any eating establishment regardless of seating capacity.
SMOKING:	The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

**STAND ALONE BAR,
STAND ALONE
TAVERN, AND CIGAR
BAR:**

An establishment that derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low point beer and no person under twenty one (21) years of age is admitted, except for members of a musical band employed or hired as provided in 37 Oklahoma Statutes section 537, subsection B, paragraph 2 and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

TOBACCO PRODUCT:

Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco product" does not include any cessation product specifically approved by the United States food and drug administration for use in treating nicotine or tobacco dependence. (Ord. 2015-02, 11-12-2015)

8-702: PROHIBITION OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES IN CERTAIN PLACES:

- A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.
- B. All buildings and other properties, including indoor and outdoor areas, owned or operated by the town of Hulbert, shall be entirely tobacco free to include all forms of tobacco products and electronic smoking devices.

- C. All indoor and outdoor recreational areas owned or operated by the town of Hulbert, shall be entirely tobacco free to include all forms of tobacco products and electronic smoking devices. (Ord. 2015-02, 11-12-2015)

8-703: **EXEMPTIONS:** The restriction provided in section 8-702 of this chapter shall not apply to the following:

- A. Stand alone bars, stand alone taverns and cigar bars;
- B. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
- C. Up to twenty five percent (25%) of the guestrooms at a hotel or other lodging establishment;
- D. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
- E. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
- F. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;
- G. Private offices occupied exclusively by one or more smokers;
- H. Private residences and workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed childcare facility during hours of operation;
- I. Medical research or treatment centers, if smoking is integral to the research or treatment;
- J. A facility operated by a post or organization of past or present members of the armed forces of the United States which is exempt

from taxation pursuant to sections 501(c)(8), 501(c)(10) or 501(c)(19) of the internal revenue code, 26 USC, sections 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and

- K. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen feet (15') of any exterior public doorway or any air intake of a restaurant. (Ord. 2015-02, 11-12-2015)

8-704: DESIGNATED SMOKING ROOMS AND AREAS:

- A. An employer not otherwise restricted from doing so under this chapter may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen feet (15') of any entrance, exit or air intake.
- B. If smoking is to be permitted in any space exempted in section 8-703 of this chapter or in a smoking room pursuant to subsection A of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen feet (15') of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
- C. A nursing facility licensed pursuant to the nursing home care act may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building.
- D. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be

served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty five feet (25') of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the state department of health. (Ord. 2015-02, 11-12-2015)

8-705: POSTING:

- A. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four inches by two inches (4" x 2") in size, at each entrance to the building indicating that the place is smoke free or tobacco free.
- B. Responsibility for posting signs or decals shall be as follows:
 - 1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
 - 2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - 3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible. (Ord. 2015-02, 11-12-2015)

8-706: PENALTY: Any violation of any provision contained in this chapter is an offense against the town of Hulbert. Upon conviction of any such offense, the violator shall be punished as provided by section 6-132 of this code, including costs. (Ord. 2015-02, 11-12-2015)

PART 9

LICENSING AND BUSINESS REGULATIONS

Subject	Chapter
Occupational License Fees	1
Itinerant Vendors	2
Residential Sales	3

Licensing and Business Regulations

CHAPTER 1

OCCUPATIONAL LICENSE FEES

Section 9-101	License fee levied on certain occupations.
Section 9-102	Ex-service persons.
Section 9-103	Separate licenses required.
Section 9-104	License to be displayed.
Section 9-105	License may be revoked.
Section 9-106	Transfer of license prohibited.
Section 9-107	Duplicate license.
Section 9-108	Fee required for certain amusement devices.

SECTION 9-101 LICENSE FEE LEVIED ON CERTAIN OCCUPATIONS.

A. A license fee is hereby levied on any person engaging in, exercising, or pursuing any business, profession, trade, occupation, or privilege in this town, as required by the town board, for an annual fee as set by the board of trustees by motion or resolution. A schedule of such fees shall be adopted or amended by motion or resolution with a copy of the current schedule on file in the town clerk-treasurer's office.

B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the town and state. A copy of this permit shall be provided by the applicant for a license to the town clerk-treasurer prior to issuance of the town license.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

Cross Reference: See also alcoholic beverages, Secs. 3-101 et seq.; electricians and plumbers, Secs. 5-201 and 5-301 et seq.; Sec. 10-303 on fireworks licenses.

Ed. Note: The following fees are in effect as of July 1, 1989, but may be amended as provided in this section:

	Annually	Per Day
1. Body works shop	\$ 2.00	
2. Feed and produce stores	2.00	
3. Propane and butane distributors with appliances and equipment sales	2.00	
4. Service stations	2.00	
5. Service stations with other business in connection	2.00	
6. Cafes	2.00	
7. Cafes (large) or with other business	2.00	
8. Hotel	2.00	
9. Garage	2.00	
10. Grocery and meat market	2.00	

Licensing and Business Regulations

		Annually	Per Day
11.	Beauty shops	\$ 2.00	
12.	Lumber business or lumber yards	2.00	
13.	Five and ten cent stores	2.00	
14.	Nursing homes	2.00	
15.	Sundries shops (with cold drinks, etc.)	2.00	
16.	Banks	2.00	
17.	Insurance agencies	2.00	
18.	Feed and seed stores	2.00	
19.	Barber shops	2.00	
20.	Used car lots	2.00	
21.	Tourist courts	2.00	
22.	Pool halls	2.00	
23.	Clothing stores	2.00	
24.	Shoe shops	2.00	
25.	Radio and TV repairs & sales	2.00	
26.	Dry goods stores	2.00	
27.	Jewelry stores	2.00	
28.	Auto supply	2.00	
29.	Fireworks	2.00	
30.	Furniture stores	2.00	
31.	Taverns	2.00	
32.	Funeral homes	2.00	
33.	Leather goods shop	2.00	
34.	Dry cleaners	2.00	
35.	Laundries	2.00	
36.	Florists	2.00	
37.	Business or occupation agents or solicitors selling insurance or taking orders for insurance policies, each	50.00	10.00
38.	Agents or policies, each selling or taking orders for sale of books, magazines, periodicals, or publications of any description, each	50.00	10.00
39.	Carnival, circus or menagerie where admission is charged	-----	50.00
40.	Collection agents	50.00	10.00
41.	Concessions, games and amusements not a part of an organized carnival where a fee is charged	50.00	15.00
42.	Fortune tellers, each	50.00	10.00
43.	Palm readers, each	50.00	10.00
44.	Business or occupation person selling or undertaking to sell unsolicited services not specifically listed herein	-----	15.00
45.	Photographers, each	50.00	7.50
46.	Real estate agents, each	50.00	7.50
47.	Shows, including tent shows other than circuses and menageries, where admission is charged, each	50.00	7.50

Licensing and Business Regulations

	Annually	Per Day
48. Salesman, solicitors, solicitors of donations to public or private charities, vendors and peddlers, either selling or taking orders for sale of retail goods and merchandise not heretofore listed, each	\$ 50.00	\$ 25.00

SECTION 9-102 EX-SERVICE PERSONS.

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

SECTION 9-103 SEPARATE LICENSES REQUIRED.

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

SECTION 9-104 LICENSE TO BE DISPLAYED.

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

SECTION 9-105 LICENSE MAY BE REVOKED.

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

SECTION 9-106 TRANSFER OF LICENSE PROHIBITED.

The assignment or transfer of licenses shall not be permitted in this town.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

SECTION 9-107 DUPLICATE LICENSE.

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or

connivance by the holder, the town clerk-treasurer, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the town clerk-treasurer an affidavit that the licensee has in fact lost or destroyed the license without any wrongful act or connivance by the licensee.

SECTION 9-108 FEE REQUIRED FOR CERTAIN AMUSEMENT DEVICES.

No person, either as principal or agent shall own, operate, lease or permit to be operated on the business premises of such person any form of coin operated machine or other device intended for the use of or used by persons patronizing such business for such persons amusement, entertainment or edification, including, but not limited to the following:

1. Bowling machines;
2. Shuffle boards;
3. Pinball and associated similar machines; and
4. Music playing machines commonly called juke boxes,

without first paying in advance to the town clerk-treasurer the license fee or tax hereinafter prescribed and procuring a license therefore. The fee shall be as set by the town board by motion or resolution.

Ed. Note: Fee is set at \$5.00 per year per machine on shuffleboard; per 6 months or less the fee is \$2.50 per machine or shuffleboard.

CHAPTER 2

ITINERANT VENDORS**SECTION:**

- 9-201: Definitions
- 9-202: License Required
- 9-203: Application; Bond
- 9-204: License Fee
- 9-205: Transfer
- 9-206: Going Upon Private Residences
- 9-207: Hours Permitted

9-201: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

ITINERANT VENDOR: Means and includes all persons, firms or corporations, as well as their agents and employees who engage in the temporary or transient business in the town of selling or offering for sale any goods or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the town in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

TEMPORARY: As used in the definition of "itinerant vendor" means any such business transacted or conducted in the town for which definite

arrangements have not been made for the hire, rental or lease of premises for at least one hundred (100) days, in or upon which such business is to be operated or conducted.

TRANSIENT:

As used in the definition of "itinerant vendor" means any such business of any such itinerant vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the town or who have fixed places of business in places other than the town or who move stocks of goods or merchandise or samples thereof into the town with the purpose or intention of removing them, or the unsold portion thereof, away from the town before the expiration of one hundred (100) days.

Anyone engaged in interstate commerce or anyone upon which the provisions of this chapter would impose a direct and unlawful burden on interstate commerce may appeal to the judge of the municipal court for a determination of the applicability of these provisions. (1989 Code)

9-202: **LICENSE REQUIRED:** It is unlawful for any itinerant vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the town without first obtaining a license as herein provided for. The town clerk-treasurer shall issue to any itinerant vendor a license authorizing such itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the town his goods or merchandise only after such itinerant vendor shall have fully complied with all provisions of this chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the town for the services herein required of it and to enable the town to partially defray the expenses of enforcing the provisions of this chapter. (1989 Code)

9-203: **APPLICATION; BOND:**

- A. The itinerant vendor shall make application to the town clerk-treasurer of the town at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the town which application shall be in the form of an affidavit, stating the full name and address of the itinerant vendor, the location of his or its principal office and

place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor be a firm. The application thereof must be accompanied by:

1. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited;
2. A certified copy of the articles of incorporation if the itinerant vendor be a corporation, incorporated under the laws of this state;
3. A certified copy of its permit or authority to do business in the state if the itinerant vendor be a corporation, incorporated under the laws of some state other than Oklahoma; and
4. A bond in the sum of not less than five hundred dollars (\$500.00), executed by the itinerant vendor as principal, with some surety company authorized to do business in the state as surety, which bond shall be payable to the town for the use and benefit of any person or persons entitled thereto and conditioned that the principal and surety will pay all damages to person, or persons, caused by or arising from, or growing out of the wrongful or illegal conduct of the itinerant vendor while conducting the sale or exhibit in the town. The bond shall remain in full force and effect for the entire duration of the license permit as provided herein, and two (2) years thereafter. (1989 Code)

9-204: **LICENSE FEE¹:** The license fee for itinerant vendor shall be as set by the board of trustees. (1989 Code)

9-205: **TRANSFER:** The license permit provided for herein shall not be transferable nor give authority to more than one person to conduct a business as an itinerant vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business. (1989 Code)

1. See section 9-101 of this part.

9-206: GOING UPON PRIVATE RESIDENCES¹:

- A. In the exercise of the authority conferred upon the town by state law, the practice of going to, in or upon the premises of any private residence in the town by door to door salespersons, solicitors, peddlers and order takers, without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sale of goods, wares, or publications or merchandise of any description, or the purpose of peddling, or hawking the same, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.
- B. This section shall not apply to salespersons, solicitors, peddlers or order takers representing sales or local nonprofit or charitable organizations, nor to the sale or soliciting of any order for the sale of milk, dairy products, vegetables, poultry, eggs or other farm and garden produce so far as the sale of the commodities named in this section is authorized by law.
- C. Any violation of the provisions of this section shall be punishable as a misdemeanor against the town. Any person convicted of violating any provisions of this section shall be fined as provided in section 1-108 of this code. (1989 Code)

9-207: HOURS PERMITTED: Solicitations by persons covered by this chapter may be made in the town of Hulbert from Monday through Saturday of each week from the hours of eight o'clock (8:00) A.M to eight o'clock (8:00) P.M., and it shall be prohibited to make any solicitations under this chapter on Sunday. (Ord. 95-01, 10-12-1995)

1. 11 OS § 22-106; 47 OS §§ 22-106, 421; 72 OS § 1.

CHAPTER 3

RESIDENTIAL SALES

SECTION:

- 9-301: Definitions
- 9-302: License Required
- 9-303: License Application
- 9-304: Issuance Of License; Investigation
- 9-305: Revocation Or Refusal To Issue License
- 9-306: Intervals Between Sales
- 9-307: Signs Restricted
- 9-308: Sale Area; Display Of Goods
- 9-309: Exceptions
- 9-310: Penalties

9-301: **DEFINITIONS:** As used in this chapter, "residential sale" shall mean any sale held out to be, or commonly known as a garage, porch, room, back yard, front yard or patio sale, or any other type of general sale conducted from or on any premises located in a residential zoning district. This definition shall not include a situation where specific items are held out for sale, and all advertisements of such sale specifically name the items to be sold. (Ord. 06-01, 8-10-2006)

9-302: **LICENSE REQUIRED:**

- A. No person shall hold, conduct, engage in or participate in any manner in a residential sale at any place within the limits of the town of Hulbert without first having obtained a license therefor. The issuance of a license under the provisions of this chapter shall not exempt such person from the terms and provisions of any other ordinance of the town, and for the issuance of said license the town clerk shall collect a fee of two dollars (\$2.00).
- B. A separate license shall be required for each location at which a residential sale is to be held, and no location shall be eligible for

more than three (3) licenses in any twelve (12) month period, and if more than one family group is participating in said sale, each family or group participating therein shall obtain such a license. (Ord. 06-01, 8-10-2006)

9-303: **LICENSE APPLICATION:** An applicant for a license under this chapter shall furnish the clerk with the following information:

- A. Full name and address of the applicant;
- B. The location at which the proposed residential sale is to be held;
- C. The date or dates upon which the sale shall be held; and
- D. An affidavit from the applicant to the effect that all goods to be sold at the subject residential sale are owned by the applicant and have not been obtained for the purpose of reselling the articles at the sale. (Ord. 06-01, 8-10-2006)

9-304: **ISSUANCE OF LICENSE; INVESTIGATION:**

- A. The clerk is authorized to grant a license for a residential sale for a period not to exceed three (3) consecutive days to any person applying therefor and who otherwise complies with the requirements of this chapter and the other ordinances of the town. When a residential sale is not held on the dates for which the license is issued or is terminated during the first day of such sale because of inclement weather conditions, and an affidavit by the license holder to this effect is submitted, the clerk may issue another license to the applicant for a residential sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.
- B. Before issuing a residential sale license, the clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with the ordinances of the town. (Ord. 06-01, 8-10-2006)

9-305: **REVOCATION OR REFUSAL TO ISSUE LICENSE:** Any license issued under this chapter may be revoked, or any

application for issuance of such license may be refused by the clerk in the event the ordinances of the town are not complied with or if the application submitted by the applicant or license holder contains any false, fraudulent or misleading statement. (Ord. 06-01, 8-10-2006)

9-306: **INTERVALS BETWEEN SALES:** No person shall hold, conduct, engage in or participate in any manner a residential sale or allow a residential sale to be held or conducted on premises under his control or ownership more than three (3) times in any twelve (12) month period, except as provided in section 9-304 of this chapter. (Ord. 06-01, 8-10-2006)

9-307: **SIGNS RESTRICTED:** Not more than one sign or other device used for the purpose of advertising or otherwise calling attention to a residential sale shall be allowed for each residential sale license. The sign or device shall be located on the immediate premises where the sale is to be conducted, but in no event shall the sign or device be more than two hundred (200) square feet from the sale area. The display surfaces of such sign or device shall not exceed twelve (12) square feet on each side and shall be removed upon completion of the sale. (Ord. 06-01, 8-10-2006)

9-308: **SALE AREA; DISPLAY OF GOODS:** The sale area at any residential sale shall be confined to the premises for which the license has been issued. In no event shall articles or goods be so displayed as to attract attention or be conspicuously in view from any public street. (Ord. 06-01, 8-10-2006)

9-309: **EXCEPTIONS:** This chapter shall not apply to or effect the following persons:

- A. Persons acting pursuant to an order or process of a court of competent jurisdiction;
- B. Persons acting in accordance with their powers and duties as public officials;
- C. Duly licensed auctioneers selling at auctions;

- D. Charitable organizations or persons, when the proceeds from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis. (Ord. 06-01, 8-10-2006)

9-310: **PENALTIES:** Any person, firm or corporation violating the provisions of this chapter shall be guilty of a public offense and shall be fined as provided in section 1-108 of this code and each day of violation of this chapter shall constitute a separate offense. (Ord. 06-01, 8-10-2006)

PART 10
OFFENSES AND CRIMES

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

OFFENSES IN GENERAL

Section 10-101 Attempts to commit an offense.
Section 10-102 Aiding in an offense.

SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

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

SECTION 10-102 AIDING IN AN OFFENSE.

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

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201	Petit larceny prohibited.
Section 10-202	Injuring automobiles and other vehicles.
Section 10-203	Destroying or injuring buildings and other property.
Section 10-204	Placing signs on property of another.
Section 10-205	Throwing or shooting at persons or property.
Section 10-206	Tampering with or damaging public utilities.
Section 10-207	Unlawful intrusion upon land.
Section 10-208	Illegal entrance.
Section 10-209	Throwing advertising on street, prohibited.
Section 10-210	Throwing injurious substances.
Section 10-211	Injury to plants and trees.
Section 10-212	Public streets and trees.
Section 10-213	Trespass prohibited.
Section 10-214	Parking on property of another.
Section 10-215	Interference with fire hydrants.

SECTION 10-201 PETIT LARCENY PROHIBITED.

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

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

State Law Reference: Petit larceny defined, 21 O.S. Sections 1704, 1706.

SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES.

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

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

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

SECTION 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER.

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

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

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

SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.

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

SECTION 10-207 UNLAWFUL INTRUSION UPON LAND.

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

SECTION 10-208 ILLEGAL ENTRANCE.

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

Cross Reference: See also trespass, Section 10-213 of this code.

SECTION 10-209 THROWING ADVERTISING ON STREET, PROHIBITED.

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

Cross Reference: For provision prohibiting placing signs on property of another without consent, etc., see Section 10-204 of this code.

SECTION 10-210 THROWING INJURIOUS SUBSTANCES.

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other

Offenses and Crimes

irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal.

SECTION 10-211 INJURY TO PLANTS AND TREES.

It is unlawful for any person to wilfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the town, or wilfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or wilfully injure or destroy any stand, bench, seat or other property situated upon such park or ground; any person violating this section, upon conviction, shall be deemed guilty of an offense.

SECTION 10-212 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

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

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

SECTION 10-213 TRESPASS PROHIBITED.

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

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

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

B. It is unlawful for any person to trespass on private property.

Cross Reference: For provisions on illegal entrance, see Section 10-208 of this code.

SECTION 10-214 PARKING ON PROPERTY OF ANOTHER.

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

SECTION 10-215* INTERFERENCE WITH FIRE HYDRANTS.

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

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

CHAPTER 3

OFFENSES AGAINST THE PUBLIC

Section 10-301	Disturbing the peace.
Section 10-302	Insulting signs; literature or language.
Section 10-303	Fireworks regulated.
Section 10-304	Storing or keeping explosives.
Section 10-305	Carrying weapons; exceptions.
Section 10-306	Reckless conduct.
Section 10-307	Discharging firearms; exceptions.
Section 10-308	Loud noise or music prohibited; amplified sound.

SECTION 10-301 DISTURBING THE PEACE.

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

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

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

2. Appearing in an intoxicated condition;

3. Engaging in a fistic encounter;

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

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

6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;

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

8. Making unnecessarily loud, offensive noises;

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

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

SECTION 10-302 INSULTING SIGNS; LITERATURE OR LANGUAGE.

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

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

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

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

SECTION 10-303 FIREWORKS REGULATED.

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

B. The discharge, setting off or detonation of fireworks within the corporate limits of the town is hereby prohibited.

C. It is hereby declared legal for any person, firm or corporation to sell merchandise, commonly known as fireworks, and any kind thereof, within the town limits of the town, for a period of time commencing ten (10) days before the Fourth of July of each year hereafter, and for that period of time only.

D. The provisions of this chapter shall not be construed to prohibit the presentation of public displays of fireworks by responsible persons or organizations who have first obtained permission of the town board of trustees for the presentation of such displays.

State Law Reference: Bottlerockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Sections 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101.

SECTION 10-304 STORING OR KEEPING EXPLOSIVES.

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

SECTION 10-305 CARRYING WEAPONS; EXCEPTIONS.

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, bowie knife, dirk knife, switch-blade knife, spring-type knife, metal knuckle, or any other dangerous or deadly weapon or firearm except when doing so in line of duty or as may be permitted by state law.

State Law Reference: State Firearms Act, 21 O.S. Sections 1289.1 et seq.

SECTION 10-306 RECKLESS CONDUCT.

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

SECTION 10-307 DISCHARGING FIREARMS; EXCEPTIONS.

No person shall discharge any species of firearm in the town except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or when otherwise authorized by state law or ordinance. It is unlawful to discharge an air rifle or BB gun in the town.

Cross Reference: See also Section 10-205 for provisions on throwing or shooting at persons or property.

SECTION 10-308 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

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

Offenses and Crimes

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

SECTION:

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

10-401: **PUBLIC INTOXICATION AND DRINKING PROHIBITED:**

- A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the town in a state of intoxication.
- B. For the purposes of this section, a "state of intoxication" means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full

physical or mental power, or in which a person is a danger to himself or others. (1989 Code)

10-402: POSSESSION; TRANSPORTATION OF INTOXICATING AND NONINTOXICATING BEVERAGES:

- A. It is unlawful for any person under the age of twenty one (21) years to be in possession of any intoxicating or nonintoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the town limits.
- B. It is unlawful for any parent or guardian of a person under the age of twenty one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.
- C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or nonintoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container be in the rear trunk or rear compartment. The rear trunk or compartment shall include the spare tire compartment in a station wagon or panel truck or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.
- D. For the purpose of this section "intoxicating beverage" and "non-intoxicating beverage" shall be as defined in sections 3-101 and 3-201 et seq. of this code. (1989 Code)

10-403: INTOXICATING LIQUORS:

- A. It is unlawful:
 - 1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating or nonintoxicating liquor or beverage of any kind except as permitted by law;
 - 2. To have in possession or under control any intoxicating or non-intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the town any intoxicating or nonintoxicating liquor or beverage except as permitted by law;

3. To loiter in a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or

4. To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law. (1989 Code)

10-404: **MARIJUANA PROHIBITED:**

A. It is unlawful for any person knowingly to:

1. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store, distribute, dispense or possess with intent to manufacture, distribute or dispense marijuana;

2. Use, have, inject, ingest, inhale, otherwise introduce into the human body or possess marijuana;

3. Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or

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

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

C. This section shall not apply to any marijuana lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice. (1989 Code)

SECTION 10-405 PROSTITUTION.

- A. It is unlawful for any person to:
1. Be a prostitute;
 2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
 3. Engage in any act of prostitution;
 4. Knowingly let premises for purposes of prostitution;
 5. Conduct a business or premises for prostitution; or
 6. Be a party to an act of prostitution or solicitation of prostitution in the limits of town.
- B. For the purposes of this section:
1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
 2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
 3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

SECTION 10-406 DISORDERLY HOUSE.

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

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
2. The violation of any of the ordinances of this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;
3. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution; or
4. The violation of any state statute or town ordinance prohibiting gambling.

SECTION 10-407 MAINTAINING OR LEASING A DISORDERLY HOUSE.

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

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

SECTION 10-408 RESIDENTS AND VISITORS TO DISORDERLY HOUSE.

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

SECTION 10-409 NUDITY; IMPROPER DRESS; INDECENT EXPOSURE.

It is unlawful for any person to:

1. Appear in any public place in the town in a state of nudity;
2. Appear in any public place in the town in any offensive, indecent or lewd dress; or
3. Make an indecent public exposure of his or her person.

SECTION 10-410 DEFINITIONS; OBSCENITY REGULATIONS.

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

1. "Obscene" means that to the average person applying contemporary community standards:
 - a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e. shameful or morbid interest in sexual conduct, nudity, or excretion;
 - b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and,
 - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
2. "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;
3. "Person" means any individual, partnership, firm, association, corporation or other legal entity;

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4. "Disseminate" means to transfer possession of, with or without consideration;
5. "Knowingly" means being aware of the character and the content of the material;
6. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;
7. "Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience;
8. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;
9. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and
10. "Promote" means to cause, permit, procure, counsel or assist.

SECTION 10-411 PROHIBITED OBSCENE CONDUCT.

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

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B. Each complete or partial display or other material exhibition of any motion picture film or other material shall be deemed to constitute a separate offense. The provisions of Sections 10-410 and 10-411 shall not apply to a projectionist, assistant projectionist, usher or cashier provided such person has no financial interest in the motion picture theatre so long as that person is not acting as director or manager of the theatre.

SECTION 10-412 VAGRANCY DEFINED FOR SPECIFIC ACTS, OFFENSES.

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

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

SECTION 10-413 CURFEW FOR CHILDREN.

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

1. "Minor" is any person under the age of sixteen (16);
2. "Parent" is the natural or adoptive parent of a minor;
3. "Guardian" is any person other than a parent who has legal guardianship of a minor;
4. "Custodian" is any person over the age of twenty-one (21) years who is in loco parentis to a minor; and
5. Public place means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

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B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the town between the hours of 12:00 A.M. midnight and 5:00 A.M. Monday through Friday or between the hours of 2:00 A.M. and 5:00 A.M. on Saturday and Sunday unless:

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

2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor; or

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

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

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

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

2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or

3. The parent, guardian or other adult person herein has made a missing person notification to the town police department.

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

SECTION 10-414 SLEEPING IN PUBLIC.

A. It is unlawful for any person, between the hours of 12:00 A. M. midnight and 6:00 A.M., to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.

B. It is unlawful for a person to loiter on or about the premises of any public or private school or other public building, or in or about a depot of a public carrier.

SECTION 10-415 BEGGING PROHIBITED.

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

SECTION 10-416 GAMBLING PROHIBITED.

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

1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;

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

3. To gamble knowingly in any other manner; or

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

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

State Law Reference: Authority to prohibit gambling, 11 O.S. Section 22-108.

SECTION 10-417 BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.

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

SECTION 10-418 HARMFUL DECEPTION.

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

SECTION 10-419 FALSE OR BOGUS CHECKS.

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

10-420: **SWINDLING UNLAWFUL:** It is unlawful to get money or property from any other person or persons or businesses under false pretenses, deception, cheating or by any other fraudulent act. (1989 Code)

10-421: **TOBACCO USE IN TOWN PARKS PROHIBITED:**

- A. The use of tobacco is a public nuisance, is dangerous to the health of both adults and children, and sets an unhealthy example for the town of Hulbert's youth and children. Therefore, the use of tobacco in any form is hereby prohibited in all town owned parks. The use of tobacco in any form shall also be prohibited in and around all public restrooms located in town owned parks, and in and around all parking lots adjacent to town owned parks.
- B. For purposes of this section, a "town owned park" shall be defined as any parcel of open land which is owned by the town of Hulbert and used for recreational activities, including all walking and bicycle trails, golf courses, ball fields, skate parks, and other fields or facilities used for sporting events.
- C. Any person who knowingly violates this section is guilty of a misdemeanor and upon conviction thereof, shall be punished by imposition of a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), excluding costs, fees, and assessments. (Ord. 2012-01a, 9-13-2012)

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and battery prohibited.

SECTION 10-501 ASSAULT AND BATTERY PROHIBITED.

A. An assault is any intentional, wilful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

B. A battery is any intentional, wilful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.

C. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the town. Any person committing an assault or an assault and battery within the jurisdiction of the town, shall be guilty of an offense.

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Resisting an officer.
Section 10-602	Refusing or failing to assist an officer.
Section 10-603	Assault or battery upon police or other law officer.
Section 10-604	Rescuing prisoners.
Section 10-605	Escape of prisoners.
Section 10-606	Impersonating an officer or employee.
Section 10-607	False alarms.
Section 10-608	False representation to an officer.
Section 10-609	Removal of barricades.
Section 10-610	Resisting public officials.

SECTION 10-601 RESISTING AN OFFICER.

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

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

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

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

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

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

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

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

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

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

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

SECTION 10-604 RESCUING PRISONERS.

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

SECTION 10-605 ESCAPE OF PRISONERS.

It is unlawful for any person confined in the town jail or other place of confinement by the town, or working upon the streets or other public places of the town in pursuance of any judgement, or otherwise held in legal custody by authority of the town, to escape or attempt to escape from any such jail, prison or custody.

SECTION 10-606 IMPERSONATING AN OFFICER OR EMPLOYEE.

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

SECTION 10-607 FALSE ALARMS.

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

SECTION 10-608 FALSE REPRESENTATION TO AN OFFICER.

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

SECTION 10-609 REMOVAL OF BARRICADES.

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

SECTION 10-610 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or wilfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the town in the discharge of his official duties;
2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or
3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

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CHAPTER 7

PENALTIES

Section 10-701 General penalties.

SECTION 10-701 GENERAL PENALTIES.

Any violation of the provisions of this part is punishable as provided in Section 1-108 of this code.

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CHAPTER 8
FAIR HOUSING

SECTION:

- 10-801: Policy
- 10-802: Definitions
- 10-803: Unlawful Practice
- 10-804: Discrimination In The Sale Or Rental Of Housing
- 10-805: Discrimination In The Financing Of Housing
- 10-806: Discrimination In The Provision Of Brokerage Services
- 10-807: Exemption
- 10-808: Administration
- 10-809: Education And Conciliation
- 10-810: Enforcement
- 10-811: Investigations; Subpoenas; Giving Of Evidence
- 10-812: Enforcement By Private Persons
- 10-813: Interference, Coercion, Or Intimidation
- 10-814: Separability Of Provisions
- 10-815: Prevention Of Intimidation In Fair Housing Cases

10-801: **POLICY:** It is the policy of the town of Hulbert to provide, within constitutional limitations, for fair housing throughout the town. (Ord. 94-01, 1-6-1994)

10-802: **DEFINITIONS:**

DISCRIMINATORY HOUSING PRACTICE: An act that is unlawful under sections 10-804 through 10-806 of this chapter.

DWELLING: Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

- FAMILY:** Includes a single individual.
- PERSON:** Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
- TO RENT:** Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (Ord. 94-01, 1-6-1994)

10-803: UNLAWFUL PRACTICE: Subject to the provisions of subsection B of this section and section 10-807 of this chapter, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to:

- A. All dwellings except as exempted by subsection B of this section.
- B. Nothing in section 10-804 of this chapter shall apply to:

1. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection B shall apply only with respect to one such sale within any twenty four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented: a) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings, or of any employee or

agent of any such broker, agent, salesman, or person, and b) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of subsection 10-804C of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. For the purposes of subsection B of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. He has, within the preceding twelve (12) months, participated as an agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. 94-01, 1-6-1994)

10-804: **DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING:** As made applicable by section 10-803 of this chapter and except as exempted by subsection 10-803B and section 10-807 of this chapter it shall be unlawful:

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

- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, or national origin, handicap, or familial status or an intention to make any such preference, limitation, or discrimination.
- D. To represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, or national origin, handicap, or familial status. (Ord. 94-01, 1-6-1994)

10-805: **DISCRIMINATION IN THE FINANCING OF HOUSING:** It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, sex, color, religion, national origin, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in subsection 10-803B of this chapter. (Ord. 94-01, 1-6-1994)

10-806: **DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES:** It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, rental or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, sex, color, religion, national origin, handicap, or familial status. (Ord. 94-01, 1-6-1994)

10-807: **EXEMPTION:** Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, handicap or familial status. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. 94-01, 1-6-1994)

10-808: **ADMINISTRATION:**

- A. The authority and responsibility for administering the act shall be in the chief executive officer of the town of Hulbert.
- B. The chief executive officer may delegate any of these functions, duties, and powers to employees of the town or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the town, to boards of officers or to himself, as shall be appropriate and in accordance with law.
- C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the chief executive officer to further such purposes. (Ord. 94-01, 1-6-1994)

10-809: **EDUCATION AND CONCILIATION:** Immediately after the enactment of this chapter, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the

provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. 94-01, 1-6-1994)

10-810: ENFORCEMENT:

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection C of this section, the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the chief executive officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be (upon conviction) fined not more than one hundred dollars (\$100.00) or imprisoned not more than zero days.
- B. A complaint under subsection A of this section shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- C. If within thirty (30) days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to

obtain voluntary compliance with this chapter, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the department of housing and urban development. The chief executive officer will assist in this filing.

- D. If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent names in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
- E. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance. (Ord. 94-01, 1-6-1994)

10-811: INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE:

- A. In conducting an investigation the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided however, that the chief executive officer first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The chief executive officer may issue a subpoena to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The chief executive officer may administer oaths.
- B. Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of

subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

- C. Witnesses summoned by subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- D. Within five (5) days after services of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- E. In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.
- F. Any person who wilfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than zero days, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to his subpoena or other order, or shall wilfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall wilfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than zero days, or both.

- G. The town attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this chapter. (Ord. 94-01, 1-6-1994)

10-812: ENFORCEMENT BY PRIVATE PERSONS:

- A. The rights granted by sections 10-803 through 10-806 of this chapter may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided however, that the court shall continue such civil case brought pursuant to this section or subsection 10-810D of this chapter from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.
- B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than one thousand dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff. Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney fees. (Ord. 94-01, 1-6-1994)

10-813: INTERFERENCE, COERCION, OR INTIMIDATION: It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or an account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 10-803 through 10-806 of this chapter. This section may be enforced by appropriate civil action. (Ord. 94-01, 1-6-1994)

10-814: **SEPARABILITY OF PROVISIONS:** If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 94-01, 1-6-1994)

10-815: **PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES:** Whoever, whether or not acting under color of law, by force or threat of force wilfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- A. Any person because of his race, color, religion, national origin, handicap or familial status and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- B. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - 1. Participating, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection A of this section; or
 - 2. Affording another person or class of persons opportunity or protection so to participate; or
- C. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, handicap, familial status, in any of the activities, services, organizations or facilities described in subsection A of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate:

shall be fined not more than one hundred dollars (\$100.00), or imprisoned not more than zero days, or both; and if bodily injury results shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than zero days, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 94-01, 1-6-1994)

PART 11
PARKS, RECREATION AND CULTURAL AFFAIRS

CHAPTER 1

GENERAL PROVISIONS

Section 11-101	Board of trustees to make rules for recreational facilities.
Section 11-102	Fees to be determined.
Section 11-103	Penalty.

CHAPTER 2

(RESERVED)

Parks, Recreation and Cultural Affairs

CHAPTER 1

GENERAL PROVISIONS

Section 11-101 Board of trustees to make rules for recreational facilities.
Section 11-102 Fees to be determined.
Section 11-103 Penalty.

SECTION 11-101 BOARD OF TRUSTEES TO MAKE RULES FOR RECREATIONAL FACILITIES.

The board of trustees shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park 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 park or recreational privileges on any property or facility for recreational purposes owned or operated by the town.

SECTION 11-103 PENALTY.

It is unlawful for any person to use any of the park or recreational facilities without having complied with the rules and regulations promulgated by the board of trustees in connection therewith. 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 punished as provided in Section 1-108 of this code.

CHAPTER 2
(RESERVED)

PART 12
PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1

PLANNING COMMISSION

Section 12-101	Created, membership.
Section 12-102	Chairman, secretary.
Section 12-103	Rules and regulations.
Section 12-104	Duties and powers.
Section 12-105	Procedure.
Section 12-106	Plats and subdivision.
Section 12-107	Expenditures.

CHAPTER 2

ZONING ORDINANCE

Section 12-201	Purpose, intent and necessity of interim zoning ordinance.
Section 12-202	Short title.
Section 12-203	Application.
Section 12-204	Definitions.
Section 12-205	Only residential uses permitted.
Section 12-206	Zoning clearance permit procedure.
Section 12-207	Existing buildings and uses not affected.
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CHAPTER 3

FLOOD DAMAGE PREVENTION

Section 12-301	Findings of facts.
Section 12-302	Statement of purpose.
Section 12-303	Methods of reducing flood losses.
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Section 12-316	Provisions for flood hazard reduction; general standards.
Section 12-317	Provisions for flood hazard reduction; specific standards.
Section 12-318	Standards for subdivision proposals, flood hazard areas.
Section 12-319	Standards for areas of shallow flooding (AO zones).
Section 12-320	Floodways.

CHAPTER 1

PLANNING COMMISSION

Section 12-101	Created, membership.
Section 12-102	Chairman, secretary.
Section 12-103	Rules and regulations.
Section 12-104	Duties and powers.
Section 12-105	Procedure.
Section 12-106	Plats and subdivision.
Section 12-107	Expenditures.

SECTION 12-101 CREATED, MEMBERSHIP.

A. There is hereby created in the town a planning commission to be composed of five (5) members. Upon the passage and adoption of this chapter, the president of the board of trustees of the town shall nominate:

1. One member to serve for a period of one year;
2. Two (2) members to serve for a period of two (2) years; and
3. Two (2) members to serve for a period of three (3) years.

B. Such nominees shall be confirmed by a majority of the board of trustees of the town. The members of the planning commission appointed upon the passage and approval of this chapter shall all serve an interim term to the first day of June, on which date the respective terms of office of the commissioners so appointed shall begin. The president upon nominating such commissioners shall state:

1. Which such commissioners shall serve for a period of one year;
2. Which of such commissioner shall serve for a period of two (2) years; and
3. Which of such commissioners shall serve for a period of three (3) years.

C. The members of the planning commission shall be appointed from residents of the town, and an effort is to be made to secure the services of persons best qualified to plan for the future growth, development and improvement of the town, and in the orderly development of planning for the town as a whole. The members of the planning commission shall serve without salary, and in the event of a vacancy on the commission for any reason, a successor shall be appointed as herein provided for the unexpired term only of such vacancy.

SECTION 12-102 CHAIRMAN, SECRETARY.

A. Immediately after the appointment and qualification of the members of the planning commission, the commission shall meet and elect:

1. One of their number as chairman;
2. One of their number as vice chairman; and
3. One of their number as secretary.

B. Such officers when so elected shall serve in their respective capacity until June 1, 1983, at which time a chairman, vice chairman and secretary shall be elected for a term of one year, or until their successors are elected and qualified.

SECTION 12-103 RULES AND REGULATIONS.

The planning commission shall prescribe rules and regulations governing and controlling the transaction of business before it, and shall determine a date each month for regulation meetings. Special meetings may be called at any time by the chairman of the commission.

SECTION 12-104 DUTIES AND POWERS.

The duties and powers of the planning commission shall be as follows:

1. To investigate and recommend to the president and board of trustees suitable zoning ordinances for the town;
2. To investigate and make recommendations concerning the physical development growth, improvement, convenience and beautification of the town;
3. To investigate all matters relating to the location and development of parks, recreation places, streets, public grounds, location and design of public buildings and public structures, and to make report of their findings on any proposed or contemplated project relative to any of the above matters to the board of trustees of the town; and
4. All findings and recommendations of the planning commission affecting private property shall be submitted in writing to the board of trustees of the town for their examination, approval or reflection.

SECTION 12-105 PROCEDURE.

All projects or matters that fall within the purview of the duties of the planning commission, as herein specified, that may come before the board of trustees of the town, shall be referred to the planning commission for investigation and report before any final action be taken thereon. However, if the planning commission shall fail to make an investigation and report on any matter or subject referred to it for a period of sixty (60) days, such failure shall be considered a refusal to approve the proposed plan or project, and the board of trustees may thereupon act upon such proposal, plan or project as though such matter had not been referred to the planning commission.

SECTION 12-106 PLATS AND SUBDIVISION.

No platting of unplatted property in the town, and no platting of any existing subdivisions in the town, shall be permitted until such plat or subdivision shall be presented to the planning commission. Upon such proposed plat or subdivision being presented to the planning commission, it shall within thirty (30) days make its findings and recommendations to the board of trustees of the town, concerning the adoption, modification or rejection of the platting, replatting, or subdivision.

SECTION 12-107 EXPENDITURES.

The planning commission shall as required make application to the board of trustees of the town for the funds that may be necessary for such planning commission

Planning, Zoning and Development

to expand in order to carry out its duties as herein specified. Commencing with the next fiscal year following the enactment of this chapter, the planning commmssion shall make application to the board of trustees for an appropriation to be set up for its use in carrying out its duties, and the town shall include such appropriation in its budget to be filed with the excise board of Cherokee County.

CHAPTER 2

ZONING ORDINANCE

Section 12-201	Purpose, intent and necessity of interim zoning ordinance.
Section 12-202	Short title.
Section 12-203	Application.
Section 12-204	Definitions.
Section 12-205	Only residential uses permitted.
Section 12-206	Zoning clearance permit procedure.
Section 12-207	Existing buildings and uses not affected.
Section 12-208	Effective date.

SECTION 12-201 PURPOSE, INTENT AND NECESSITY OF INTERIM ZONING ORDINANCE.

A. The purpose and intent of the board of trustees of the town is to immediately begin the preparation of and to adopt a general plan for the town, that will provide for the development of an orderly, attractive, efficient and healthful town; and it is further intended that a comprehensive zoning ordinance shall be prepared and adopted to implement the general plan.

B. The board of trustees recognizes that the preparation of such a comprehensive zoning ordinance shall require considerable time for surveys, investigations and studies before such regulation can be prepared and adopted. During the time that such comprehensive zoning ordinance and regulations are being developed, Sections 12-201 et seq. are enacted:

1. To promote the health, safety, morals and general welfare of the community that the regulations are intended to promote;

2. To permit the indiscriminate location and conduct of certain activities within the commercial or industrial areas of the town;

3. To allow the overcrowding of land with buildings for commercial purposes;
or

4. To permit the projection of buildings into yard area needed to provide light, air open space for the occupants, tenants or owners thereof.

C. The board of trustees of the town hereby declare the purpose of the regulations and restrictions set forth herein is to promote the public health, safety, morals and general welfare by controlling, regulating and restricting:

1. The height, number of stories, size of buildings and other structures;

2. The percentage of lot that may be occupied;

3. Size of yards, courts and other open spaces;

4. The density and location and use of buildings and structures; and

5. The land for trade, business, industry or other purposes for a reasonable period until such comprehensive zoning ordinance has been financed, prepared, adopted and approved.

SECTION 12-202 SHORT TITLE.

This section shall be known and be cited as the Interim Zoning Ordinance of the Town of Hulbert.

SECTION 12-203 APPLICATION.

The provisions of these regulations shall apply to all lands, properties, buildings and structures located within the corporate limits of the town, except as hereinafter otherwise provided, and no land shall be used and no building, structure or improvement shall be made, erected, constructed or altered except in accordance with the provisions, contained in these regulations. This interim zoning ordinance shall remain in full force and effect until the comprehensive zoning ordinance is adopted by the board of trustees of the town.

SECTION 12-204 DEFINITIONS.

A. In these zoning regulations, words used in the present tense include the future tenses; words used in the singular number shall include the plural and words used in the plural shall include the singular; except where the natural construction of the writing indicates otherwise.

B. The word "shall" is mandatory and compulsory. The word "building" means and may be interchangeable with the word "structure". The word "used" means and shall include and be interchangeable with:

1. "Altered";
2. "Arranged";
3. "Constructed";
4. "Converted";
5. "Designed";
6. "Intended to be used"
7. "Leased" or
8. "Rented".

C. As used in these regulations the definitions set out below shall govern the interpretation of the words to which they are attached:

1. "Accessory building" means a building or structure customarily incidental and subordinate to the main or principal building;

2. "Accessory use" means a use customarily incidental, appropriate, and subordinate to the main or principal use of the land or buildings located on the same lot or premises;

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3. "Board" or "board of trustees" means the board of trustees of the town, and necessarily includes and is interchangeable with the "city", "town", "city council" and "governing body";

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

5. "Building main" means a building in which is conducted the principal use of the lot on which it is situated. Any dwelling shall be deemed to be a main building on the lot on which it is situated;

6. "Dwelling" means any building or portion thereof which is designed or used as living quarters for one or more persons;

7. "Lot" means any plot of land occupied or intended to be occupied by one building or a group of buildings, and its accessory buildings and uses, including open spaces, and having its principal frontage on a street;

8. "Nonresidential" means any type of land use not classified as a residence or dwelling place of one or more persons, and includes commercial, industrial and all other types of land uses;

9. "Planning commission" or "commission" means the planning commission of the town and necessarily includes and is interchangeable with "commission" or "zoning commission";

10. "Residence" or "residential" means any building, structure, or portion thereof, which is designed or used as living quarters for one or more persons, but not including a tent, cabin, trailer, or trailer coach, boarding or rooming house, hotel or motel, apartments, duplexes, or multiple dwellings;

11. "Street" means any public or private thoroughfare which affords the principal means of access to abutting property;

12. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground; and

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

SECTION 12-205 ONLY RESIDENTIAL USES PERMITTED.

It shall be unlawful to use any land or to locate, erect, or construct any building or structure intended or designed to be used for commercial, industrial, or any other types of land uses or purposes other than residential uses as defined hereinbefore, or to change the use of any building or land for any other than residential purposes as hereinbefore defined; provided, however, that a zoning clearance permit signifying the express authorization of the board of trustees may permit such commercial industrial, or other types of land uses to be located, expanded, or moved anywhere within the corporate limits of the town.

SECTION 12-206 ZONING CLEARANCE PERMIT PROCEDURE.

A. All commercial, industrial, or other types of land uses other than residential uses shall be reviewed and authorized or rejected under the following procedures:

1. An application shall be filed with the planning commission for review. The application, accompanied by a fee of Ten Dollars (\$10.00), shall be filed with the town clerk-treasurer who shall act as the filing clerk for the commission. Upon the filing of such application, the town clerk-treasurer shall refer the same to the planning commission for its action. The application may be by letter or by other document sufficient to represent the applicant's intent and shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) feet and any other material pertinent to the request which the planning commission may require; and

2. The planning commission within a reasonable time following the filing of such application shall transmit to the board of trustees its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to general welfare, and the recommendation of the planning commission concerning use thereon.

B. Thereupon the board of trustees may authorize or deny the issuance of a permit for use of land or buildings as requested. Upon approval by the board of trustees, the zoning clearance permit may be issued by the town clerk-treasurer.

SECTION 12-207 EXISTING BUILDINGS AND USES NOT AFFECTED.

Any building, structure or use lawfully existing at the time of enactment of these regulations, may be continued, even though such building, structure or use does not conform with the provisions of these regulations.

SECTION 12-208 EFFECTIVE DATE.

This interim zoning ordinance shall become effective on June 1, 1983.

CHAPTER 3

FLOOD DAMAGE PREVENTION

Section 12-301	Findings of facts.
Section 12-302	Statement of purpose.
Section 12-303	Methods of reducing flood losses.
Section 12-304	Definitions.
Section 12-305	Lands to which special flood hazard applies.
Section 12-306	Basis for establishing the areas of special flood hazard.
Section 12-307	Establishment of development permit.
Section 12-308	Compliance.
Section 12-309	Abrogation and greater restrictions.
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Section 12-311	Warning and disclaimer of liability.
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Section 12-313	Duties and responsibilities of the floodplain administrator.
Section 12-314	Permit procedures.
Section 12-315	Variance procedures.
Section 12-316	Provisions for flood hazard reduction; general standards.
Section 12-317	Provisions for flood hazard reduction; specific standards.
Section 12-318	Standards for subdivision proposals, flood hazard areas.
Section 12-319	Standards for areas of shallow flooding (AO zones).
Section 12-320	Floodways.

SECTION 12-301 FINDINGS OF FACT.

A. The flood hazard areas of the community are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

SECTION 12-302 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

7. Insure the potential buyers are notified that property is in a flood area.

SECTION 12-303 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, these regulations are established to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging and other development which may increase flood damage; and

5. Prevent or regulate the construction of flood barriers which will increase flood hazards to other lands.

SECTION 12-304 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following terms as used herein will mean:

1. "Appeal" means a request for a review of an interpretation by the community board of trustees or its designated agency of any provision of this chapter or a request for a variance;

2. "Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow;

3. "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V;

4. "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;

5. "Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised;

6. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;
7. "Elevated building" means a nonbasement building:
 - a. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and
 - b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations;
8. "Existing construction" means for the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures;
9. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source;
10. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community;
11. "Flood insurance study" means the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map;
12. "Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding);
13. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of

associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards;

14. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height;

15. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities;

16. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor";

17. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure;

18. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding;

19. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices;

20. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations;

21. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles;

22. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced;

23. "New construction" means, for flood plain management purposes, structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by a community;

24. "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair,

reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure;

25. "Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home;

26. "Substantial improvement" means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred;

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; and

27. "Variance" means a grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the chapter;

28. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided; and

29. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

SECTION 12-305 LANDS TO WHICH SPECIAL FLOOD HAZARD APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the community.

SECTION 12-306 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Insurance Study for the community, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary-Floodway Maps (FBFM) and any revisions thereto are hereby adopted and incorporated herein by reference are declared to be a part of this chapter.

SECTION 12-307 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required to ensure conformance with the provisions of this chapter.

SECTION 12-308 COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

SECTION 12-309 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 12-310 INTERPRETATION.

In the interpretation and application of this chapter all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 12-311 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 12-312 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Town of Hulbert is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Programs Regulations) pertaining to flood plain management.

SECTION 12-313 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
2. Review permit applications to determine whether proposed building sites will be reasonably safe from flooding;
3. Review, approve or deny all applications for development permits required by adoption of this chapter;
4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1934) from which prior approval is required;
5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be conflict between a mapped boundary and actual field conditions);
6. Notify, in riverine situations, adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Administration;
7. Assure that flood carrying capacity within the altered or relocated portion of the watercourse is maintained;
8. When base flood elevation data has not been provided in accordance with Section 12-306, obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of Sections 12-316 et seq. of this code; and
9. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION 12-314 PERMIT PROCEDURES.

A. Application for a development permit shall be presented to the floodplain administrator on forms developed by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

Planning, Zoning and Development

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any non-residential structure shall be flood-proofed;

3. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Paragraph 2 of Section 12-317 of this code;

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

5. Maintain a record of all such information in accordance with Paragraph 1 of Section 12-313.

B. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION 12-315 VARIANCE PROCEDURES.

A. The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of this chapter.

B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Administration upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

F. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection B of Section 12-314 of this code have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of Section 12-302 of this code.

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Prerequisites for granting variances include the following:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

2. Variances shall only be issued upon:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

J. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Subsection A through I of this section are met; and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION 12-316 PROVISIONS FOR FLOOD HAZARD REDUCTION; GENERAL STANDARDS.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-317 PROVISIONS FOR FLOOD HAZARD REDUCTION; SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 12-306, Paragraph 8 of Section 12-313 or Subsection D of Section 12-318 of this code, the following provisions are required:

1. Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this paragraph, as proposed in Section 12-314 of this code is satisfied;
2. Non-residential construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation

or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop a review structural design, specifications and plans for construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of this certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the floodplain administrator;

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot above grade; or
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

4. Manufactured homes.

- a. Require that all manufactured homes to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- b. All manufactured homes shall be in compliance with this chapter; and
- c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufacturd home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this chapter.

SECTION 12-318

STANDARDS FOR SUBDIVISION PROPOSALS, FLOOD HAZARD AREAS.

A. All subdivision proposals shall be consistent with Sections 12-301 through 12-303 of this code.

B. All proposals for the development of subdivisions shall meet development permit requirements of Sections 12-307, 12-314 and 12-315 et seq. of this code.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres, if not otherwise provided pursuant to Sections 12-306 and 12-313 of this code.

D. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

SECTION 12-319 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; and therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the community's FIRM, or at least two (2) feet if no depth number is specified;

2. All new construction and substantial improvements of nonresidential structures shall:

- a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the FIRM, or at least two (2) feet if no depth number is specified; or
- b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Section 12-314 of this code are satisfied; and

4. Adequate drainage paths around structures on slopes are required within Zones AH or AO to guide flood waters around and away from proposed structures.

SECTION 12-320 FLOODWAYS.

Floodways located within areas of special flood hazard established in this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

Planning, Zoning and Development

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during occurrence of the base flood discharge; and

2. If Paragraph 1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 12-316 et seq. of this code.

PART 13
PUBLIC SAFETY

Subject	Chapter
Fire Prevention Code ¹ (Rep. by Ord. 2017-02, 4-13-2017)	1
Fire Department And Service	2
Police Department	3
Civil Defense	4

1. See section 5-101 of this Code.

CHAPTER 1
FIRE PREVENTION CODE¹

(Rep. by Ord. 2017-02, 4-13-2017)

1. See section 5-101 of this Code.

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

SECTION:

13-201:	Fire Department
13-202:	Duties Of The Fire Chief
13-203:	Duties Of The Assistant Chief
13-204:	Company Officers
13-205:	Secretary-Treasurer
13-206:	New Members
13-207:	Bylaws
13-208:	Rules And Regulations
13-209:	Use Of Fire Equipment; Inventory And Repair
13-210:	Contracts Authorized Outside Town Limits
13-211:	Contract Terms, Fees For Service
13-212:	Authority To Answer Calls
13-213:	Firefighters Serving In Regular Line Of Duty
13-214:	Department Considered Agent Of State

13-201: **FIRE DEPARTMENT¹:**

- A. There shall be a fire department, the head of which shall be the chief of the fire department. (1989 Code)
- B. The term "volunteer firefighter" means one who is enrolled as a member of the fire department of the town and who serves in that capacity without receiving a regular salary. The size of the volunteer fire department shall be composed of not less than twelve (12), nor more than twenty five (25) members. (Ord. 04-02, 8-5-2004)
- C. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention;

1. 11 OS § 29-201 et seq.

and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings. (1989 Code)

13-202: DUTIES OF THE FIRE CHIEF¹:

- A. The chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the town, and the rules and regulations adopted in this chapter. The chief shall have the following powers and duties, and he may assign duties to other members of the department:
1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the town board;
 2. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cistern and other sources of water supply at least twice each year;
 3. The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;
 4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;
 5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;
 6. The chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure and preserve all possible evidence for future use in the case;
 7. The chief is authorized to enter any building or premises in the town at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and

1. 11 OS § 20-102; 74 OS § 314.

8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the town board as it may require. The chief shall keep the board of trustees informed regarding the fire department and its needs. (1989 Code)

13-203: **DUTIES OF THE ASSISTANT CHIEF:** In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the fire department. (1989 Code)

13-204: **COMPANY OFFICERS:**

- A. Company officers shall be selected by the chief based upon the following criteria:
 - 1. Knowledge of firefighting;
 - 2. Leadership ability; and
 - 3. Knowledge of firefighting equipment. (1989 Code)

13-205: **SECRETARY-TREASURER:**

- A. One member elected by the members of the fire department shall be a secretary-treasurer. His duties shall consist of the following:
 - 1. Calling the roll at the opening of each meeting;
 - 2. Keeping the minutes of each meeting; and
 - 3. Collecting any money due the department by the members. (1989 Code)

13-206: **NEW MEMBERS:** New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department and the town board. (1989 Code)

13-207: BYLAWS:**A. 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 rolls;
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; and
7. 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. (1989 Code)

13-208: RULES AND REGULATIONS: The town board of trustees by motion or resolution may adopt and change regulations relating to the fire department, its organization, operation and compensation. (1989 Code)

13-209: USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR: No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department. (1989 Code)

13-210: CONTRACTS AUTHORIZED OUTSIDE TOWN LIMITS¹:
The town is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the town, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state. (Ord. 0300, 3-6-2003)

13-211: CONTRACT TERMS, FEES FOR SERVICE: Any contract entered into by the town with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the town for such fire apparatus and personnel at the rate of five hundred dollars (\$500.00) per call. All monies received from the calls shall go into the general fund to be used for fire department expenses. (Ord. 0300, 3-6-2003)

13-212: AUTHORITY TO ANSWER CALLS: The fire department of the town is hereby authorized and directed to answer all outside calls within a distance of five (5) miles 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. (Ord. 0300, 3-6-2003)

13-213: FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY:
All firemen of the fire department of the town attending and serving at fires or doing fire prevention work outside the corporate limits of the town, 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

1. 11 OS § 29-108.

town, 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 firefighting or fire prevention work was being done within the corporate limits of the town. (Ord. 0300, 3-6-2003)

13-214: **DEPARTMENT CONSIDERED AGENT OF STATE:** The fire department of the town 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, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of sections 13-210, 13-211, 13-212, and 13-213 of this chapter. (Ord. 0300, 3-6-2003)

CHAPTER 3

POLICE DEPARTMENT

Section 13-301 Police department created; chief.
Section 13-302 Duties.
Section 13-303 Police officers.

SECTION 13-301 POLICE DEPARTMENT CREATED; CHIEF.

There shall be a police department, the head of which is the chief of police, or police chief, appointed by the town board of trustees and removable by the board. The chief of police is an officer of the town, and has supervision and control of the police department. All police officers are officers of the town.

State Law Reference: Police department and duties, 11 O.S. Sections 34-101 et seq.

SECTION 13-302 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the town; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the town jail.

SECTION 13-303 POLICE OFFICERS.

Police officers shall be appointed subject to approval of the town board of trustees. Police officers who shall perform such duties as shall be required of them by the chief of police, town ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace.

CHAPTER 4

CIVIL DEFENSE

Section 13-401	Purpose of civil defense organization.
Section 13-402	Department established.
Section 13-403	Duties of director.
Section 13-404	Powers of director in emergencies.
Section 13-405	Compensation of members.

SECTION 13-401 PURPOSE OF CIVIL DEFENSE ORGANIZATION.

A civil defense organization is created for the town to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the town. The duties of the civil defense organization are the protection of the lives and health of the citizens and of property and property rights, both private and public, and performance of all functions necessary and incident thereto.

State Law Reference: Local civil defense organizations, 63 O.S. Section 683.11.

SECTION 13-402 DEPARTMENT ESTABLISHED.

There is hereby established under the executive branch of the government a department of civil defense which shall consist of:

1. A director of civil defense who shall be appointed and may be removed with or without cause by the mayor; and
2. A civil defense advisory committee. This committee shall consist of the mayor as chairman and five (5) members appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. It shall hold such meetings as are directed by the mayor and its function shall be to act in an advisory capacity as needed or requested by the mayor or the director of civil defense.

SECTION 13-403 DUTIES OF DIRECTOR.

The director of civil defense shall be the executive head of the department of the civil defense and shall be responsible for carrying out the civil defense program of the town. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the director of civil defense as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this chapter and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all civil defense agencies of other governmental units, including the state and the federal government. The director of civil defense is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the civil defense organization.

SECTION 13-404 POWERS OF DIRECTOR IN EMERGENCIES.

- A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the director of civil defense after due authorization from the mayor

shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or civil defense organizations. If required by the mayor, the director shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the town.

B. The director of civil defense and other members of the civil defense organization created by him shall have the power and authority to enforce the laws of the state and ordinances of the town during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances.

SECTION 13-405 COMPENSATION OF MEMBERS.

All members of the civil defense organization created in this chapter shall serve without compensation. The town shall not be liable for any personal or bodily injury received by any member of such organization while acting in the line of duty.

PART 14
STREETS, SIDEWALKS AND PUBLIC WORKS

CHAPTER 1

USE AND OBSTRUCTION OF STREETS

Section 14-101	Trees and shrubbery to be trimmed.
Section 14-102	Unlawful to injure trees and shrubbery.
Section 14-103	Unlawful to obstruct sidewalks, parkways, streets and alleys with merchandise.
Section 14-104	Unlawful to obstruct unduly sidewalks and streets.
Section 14-105	Unlawful to deposit trash upon streets or sidewalks.
Section 14-106	Unlawful to play on streets.
Section 14-107	Water from filling stations and other businesses.
Section 14-108	Owner or occupant not to permit sidewalk or sidewalk area to become a hazard.
Section 14-109	Street not to be obstructed so as to interfere with drainage.
Section 14-110	Penalty.

CHAPTER 2

(RESERVED)

CHAPTER 1

USE AND OBSTRUCTION OF STREETS

Section 14-101	Trees and shrubbery to be trimmed.
Section 14-102	Unlawful to injure trees and shrubbery.
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Section 14-104	Unlawful to obstruct unduly sidewalks and streets.
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Section 14-109	Street not to be obstructed so as to interfere with drainage.
Section 14-110	Penalty.

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

A. The owner of any premises abutting on any street of this town shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (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 Subsection A of this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the town. Every day that the 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 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 DEPOSIT TRASH UPON STREETS OR SIDEWALKS.

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the town any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

SECTION 14-106 UNLAWFUL TO PLAY ON STREETS.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance.

SECTION 14-107 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 14-108 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 14-109 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-110 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

(RESERVED)

Streets, Sidewalks and Public Works

PART 15
TRAFFIC AND VEHICLES

Subject	Chapter
General Provisions And Administration	1
Operation Of Vehicles Generally, Parking And Speeding	2
General Provisions	2A
Speeding Regulations	2B
Parking Regulations	2C
Turning And Signals	2D
Traffic Signals And Devices	3
Bicycles	4
Impoundment Of Vehicles	5
Penalties	6

Traffic and Vehicles

CHAPTER 1

GENERAL PROVISIONS AND ADMINISTRATION

Section 15-101	Definitions.
Section 15-102	Application of regulations.
Section 15-103	Vehicle equipment generally.
Section 15-104	Size, weight of vehicles, vehicles more than ten (10) tons.
Section 15-105	Securing loads.
Section 15-106	Inspection of vehicles by officers.
Section 15-107	Opening and closing vehicle doors.
Section 15-108	Boarding or alighting from vehicles.
Section 15-109	Unlawful riding.
Section 15-110	Authorizing or permitting violations prohibited.
Section 15-111	Application to animal-drawn vehicles.
Section 15-112	Working on streets; exceptions.
Section 15-113	Authorized emergency vehicles.
Section 15-114	Approach of authorized emergency vehicles.
Section 15-115	Following fire apparatus prohibited.
Section 15-116	Crossing fire hose.
Section 15-117	Duty of police.
Section 15-118	Accidents, duty to stop, leaving scene of accident.
Section 15-119	Eluding police officer prohibited.
Section 15-120	Adoption of state traffic code.
Section 15-121	Insurance or certificate required.

SECTION 15-101 DEFINITIONS.

For the purposes of this part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part:

1. "Alley" means a public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;
2. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty (20) inches in diameter;
3. "Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property;
4. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
5. "Driver" means every person who drives or is in actual physical control of a vehicle;
6. "Emergency vehicles" means vehicles of fire departments, police vehicles and ambulances;

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7. "Intersection" means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;

8. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

9. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;

10. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

11. "Official time standard" means that whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this town;

12. "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;

13. "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;

14. "Pedestrian" means any person afoot;

15. "Police officer" means any officer of the town police department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;

16. "Private road or roadway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

17. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

18. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

19. "Right-of-way" means the privilege of the immediate use of the roadway;

20. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

21. "Sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians;

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22. "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;

23. "Stop" means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

24. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

25. "Through street" means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part;

26. "Traffic" means pedestrians, ridden or herded animals, vehicles, street-cars, and other conveyances either singly or together while using any street for purposes of travel;

27. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and

28. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic laws, 47 O.S. Sections 1-101 et seq.

SECTION 15-102 APPLICATION OF REGULATIONS.

The provisions of this part shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, every other public way either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate, including but not limited to:

1. Those dedicated to or acquired by the public for public use;
2. Those upon land owned by the town;
3. Those upon land owned by any other governmental unit, but the regulation of the use of which has been given to the town;
4. Those upon private property, the regulation of the use of which has been given to the town.

SECTION 15-103 VEHICLE EQUIPMENT GENERALLY.

Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

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1. Operate a vehicle upon a street of the town which is not equipped as required by law;
2. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or
3. Operate a vehicle which has equipment prohibited by law upon a street in the town.

State Law Reference: Equipment of vehicles, 47 O.S. Sections 12-101 et seq.

SECTION 15-104 SIZE, WEIGHT OF VEHICLES VEHICLES MORE THAN TEN (10) TONS.

A. No person shall drive on or convey through any street any vehicle the width, height, length, weight, or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

B. No vehicle weighing more than ten (10) tons shall be operated upon the streets, alleys and other public ways within the town, except on state highways.

State Law Reference: Size, weight, load of vehicles, 47 O.S. Sections 14-101 et seq.

SECTION 15-105 SECURING LOADS.

A. No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or salt may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any street or alley any vehicle with any load unless the load, and any covering thereon, is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the streets or alleys.

C. This section shall not apply to trucks loaded only with livestock, poultry or agricultural products except baled agricultural products but any such truck shall be constructed or loaded as to prevent the livestock or poultry from escaping therefrom.

SECTION 15-106 INSPECTION OF VEHICLES BY OFFICERS.

Police officers have authority to inspect and test any vehicle upon the streets of the town at any time to determine whether it is safe, whether it is properly equipped, and whether its equipment is in proper adjustment or repair.

SECTION 15-107 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 provisions, 47 O.S. Section 11-1105.

SECTION 15-108 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 15-109 UNLAWFUL RIDING.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

SECTION 15-110 AUTHORIZING OR PERMITTING VIOLATIONS PROHIBITED.

No person shall authorize or knowingly permit a vehicle owned by him, registered in his name or under his control to be driven, parked or stopped in violation of any provision of this part. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this part.

SECTION 15-111 APPLICATION TO ANIMAL-DRAWN VEHICLES.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle except those provisions of this part which by their very nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-104.

SECTION 15-112 WORKING ON STREETS; EXCEPTIONS.

A. Town employees or contractors, while repairing or improving the streets of the town, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the board of trustees, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising such authority, the employees, personnel or contractors shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A and traffic-control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance, and repair, or to persons entering therein for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic-control devices to warn and guide the public; and every person using the street shall obey all signs, signals, markings, flagmen, or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

SECTION 15-113 AUTHORIZED EMERGENCY VEHICLES.

The provisions of this part shall not apply to a driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Similar provisions, 47 O.S. Section 11-106.

SECTION 15-114 APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

State Law Reference: Similar provisions, 47 O.S. Section 11-405.

SECTION 15-115 FOLLOWING FIRE APPARATUS PROHIBITED.

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

SECTION 15-116 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State Law Reference: Similar provisions, 47 O.S. Section 11-1109.

Cross Reference: Interference with fire services, Section 15-115 of this code.

SECTION 15-117 DUTY OF POLICE.

The police department shall have the power to enforce the street traffic regulations of this town and all of the state vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions. Officers of the fire

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department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic there or in the immediate vicinity.

SECTION 15-118 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT.

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.

C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided in Section 1-108 of this code.

State Law Reference: Accident reports, 47 O.S. Sections 10-101 et seq.

SECTION 15-119 ELUDING POLICE OFFICER PROHIBITED.

No person operating a motor vehicle who has received a visual or audible signal directing the operator to bring his vehicle to a stop shall wilfully increase his speed or extinguish his lights or in any other manner attempt to or actually elude such law enforcement officer. A visual or audible signal for the purpose of this section means a red light and a siren from a law enforcement officer driving a motor vehicle with insignia showing the same to be an official police, sheriff, or highway patrol car.

SECTION 15-120 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 fully as if set out at length herein.

State Law Reference: State rule of the road, 47 O.S. Sections 10-101 et seq.; state motor vehicle code, 47 O.S. Sections 1-101 et seq.

SECTION 15-121 INSURANCE OR CERTIFICATE REQUIRED.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the town's boundaries, shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

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

1. "Owner's Policy" means an owner's policy of liability insurance which:

a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws; and

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy;

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3. "Security" means:

- a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;
- b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or
- c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 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;

5. "Security verification form" means a form, approved by the State Board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

H. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

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CHAPTER 2

**OPERATION OF VEHICLES GENERALLY,
PARKING AND SPEEDING**

SECTION:

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- 15-203: Vehicle License Required
- 15-204: Unlicensed Vehicles
- 15-205: Display Of Inspection Sticker
- 15-206: Starting A Parked Vehicle
- 15-207: Drive On Right Side Of Roadway; Exceptions
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Liquor Or Narcotics
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- 15-250: Required Position, Method Of Turning At Intersections
- 15-251: Turns And U-Turns
- 15-252: Turning, Stopping Signals Required

ARTICLE A. GENERAL PROVISIONS

15-201: **OPERATION OF VEHICLES GENERALLY¹:** Every person operating a vehicle in the town shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the town and state, having due regard for other vehicles, rights of pedestrians, and property of others. (1989 Code)

15-202: **DRIVER'S LICENSE REQUIRED²:** It is unlawful for any person who does not have a driver's license as required by state law for operation of a vehicle upon the state highways, to operate a motor vehicle within the town, or to operate a motor vehicle within the town in violation of any restriction applied to the driver's license. (1989 Code)

15-203: **VEHICLE LICENSE REQUIRED:** No person shall drive, propel, move, or park on the streets of this town any motor vehicle, trailer, or semitrailer unless the motor vehicle, trailer, or semitrailer is licensed as required by state law and the license is conspicuously displayed thereon. (1989 Code)

1. 47 OS § 11-101 et seq.

2. 47 OS § 6-101 et seq.

15-204: **UNLICENSED VEHICLES:** It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the town. (1989 Code)

15-205: **DISPLAY OF INSPECTION STICKER:** No motor vehicle shall be operated on the streets of this town which does not have displayed thereon an official inspection sticker as required by sections 851 through 861 of title 47 of the Oklahoma Statutes, as amended. (1989 Code)

15-206: **STARTING A PARKED VEHICLE:** No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made in safety. (1989 Code)

15-207: **DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS:**

- A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or
 2. When the right half of a roadway is closed to traffic while under construction or repair.

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Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, 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 15-208 RIGHT-OF-WAY GENERALLY.

The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different street, provided that the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

SECTION 15-209 VEHICLE TURNING LEFT.

The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this part, may make such left turn, and the drivers of all other vehicles approaching the intersection from such opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

SECTION 15-210 RECKLESS DRIVING.

It is unlawful for any person to drive recklessly in the town. Reckless driving shall include any person who drives a motor vehicle in wilful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed.

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

SECTION 15-211 DRIVING WHILE IMPAIRED OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS.

A. It is unlawful for any person who is under the influence of intoxicating liquor to drive, operate, or be in actual physical control of any motor vehicle within this town.

B. It is unlawful for any person whose ability to drive, operate or be in actual physical control of any motor vehicle is impaired due to consumption of intoxicating liquor or nonintoxicating beverages.

C. It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use

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such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this paragraph.

State Law Reference: Similar provisions, 47 O.S. Section 11-902; driving while impaired, 47 O.S. Section 751.

SECTION 15-212 DRIVING ON SIDEWALK.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SECTION 15-213 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 15-214 CORNER CUTTING.

No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself or herself of the services offered on the premises served by the service drive or parking facility. No person shall drive a vehicle through any service drive or across any parking facility for the purpose of shortening their travel distance, avoiding a traffic-control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in opposite direction on the street from which it entered the drive.

SECTION 15-215 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to 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 15-216 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.

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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 seat belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:

1. A nonresident driver transporting a child in this state;
2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle. A person who violates the provision of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection shall not be admissible as evidence in any civil action or proceeding for damages. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this section. Any person convicted of violating subsection A of this section shall be punished by a maximum fine of Ten Dollars (\$10.00) and court costs.

ARTICLE B

SPEEDING REGULATIONS

SECTION 15-220 GENERAL RULE FOR SPEED REGULATIONS.

A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

B. The driver of every vehicle shall, consistent with the requirements of Subsection A, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and

when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

SECTION 15-221 GENERAL MAXIMUM SPEED LIMIT.

No vehicle, unless otherwise specifically authorized by this chapter or by posted signs, shall be driven at a speed greater than thirty (30) miles per hour upon any street within this town. The board of trustees may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

ARTICLE C

PARKING REGULATIONS

SECTION 15-230 OBSTRUCTING TRAFFIC OR DRIVEWAYS.

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block the driveway entrance to any abutting property.

SECTION 15-231 PARK WITHIN INDICATED SPACE.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delineating a space.

SECTION 15-232 PROXIMITY TO CURB, PARALLEL PARKING.

Every vehicle stopped or parked upon a roadway shall be so stopped or parked in the direction of lawful traffic movement with the curbside wheels of the vehicle parallel to and within eighteen (18) inches of the curb or roadway edge.

SECTION 15-233 ANGLE PARKING, DESIGNATION.

The board of trustees may determine upon what streets angle parking is permitted and shall direct the marking or signing of the streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. Angle parking, for the purpose of this part, shall mean parking at the curb at approximately a 45-degree angle between the right side of the vehicle and the curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1004 (c).

SECTION 15-234 OBEDIENCE TO ANGLE PARKING RULES.

A. On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings with the front of the vehicle directed toward the curb or edge of the roadway.

B. No person shall park or stand a vehicle in angle parking spaces designated by markings upon the pavement unless the vehicle is positioned within the confines of

an individually marked space. The vehicle shall not be of such length, or positioned in a manner, as to protrude into the street a distance which would cause or require passing traffic to change lanes or drive on the left side of the street. (1989 Code)

15-235: PARKING PROHIBITIONS IN SPECIFIC AREAS¹:

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

1. Stop, stand or park a vehicle:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street except as authorized otherwise in this section;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

f. On any railroad tracks; or

g. At any place where official signs prohibit stopping or parking;
or

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

a. In front of a public or private driveway;

b. Within ten feet (10') of a fire hydrant;

c. Within ten feet (10') of a crosswalk at an intersection; except in marked parking spaces;

1. 47 OS § 11-1003; see also section 15-241 of this article.

d. Within thirty feet (30') upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

e. Within twenty feet (20') of the driveway entrance to any fire station; or

f. At any place where official signs prohibit standing. (1989 Code)

15-236: **DESIGNATION OF LOADING ZONES:** The board of trustees may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. (1989 Code)

15-237: **STANDING IN LOADING ZONE:**

- A. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.
- B. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- C. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone. (1989 Code)

15-238: **PROHIBITION AGAINST SELLING MERCHANDISE FROM PARKED VEHICLES:** It is unlawful for any person to park

any vehicle upon a street in the town and offer merchandise for sale therefrom. In addition to the penalty provided in this part, the sale of merchandise from parked vehicles on streets in the town is declared to be dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance. (1989 Code)

15-239: PRESUMPTION IN REFERENCE TO ILLEGAL PARKING:

- A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.
- B. The presumption in subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed. (1989 Code)

15-240: HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY¹:

- A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of section 15-112 of title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in section 15-112 of title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.
- B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable as provided in section 1-108 of this code. (1989 Code)

1. 47 OS § 15-112.

15-241: MAIN STREET PARKING; FINES:

- A. Enumerated: No person shall park a vehicle on Main Street in the town of Hulbert for a period of time longer than twelve (12) hours, with exception of tractor trailers who will be limited to one hour.
- B. Authority To Restrict Parking Time:
1. The board of trustees, by resolution, may establish parking time limits, or prohibit parking, on designated streets by having appropriate signs placed thereon.
 2. When such signs are in place, no person shall park a tractor trailer in violation thereof.
- C. Enforcement And Fines:
1. Whenever any tractor trailer is found in the same position within any such designated parking space, or whenever any tractor trailer is found to be stopped, standing or parked on Main Street for a period of time longer than sixty (60) minutes, such fact shall be prima facie evidence that such tractor trailer has been so stopped, standing and parked beyond period of sixty (60) minutes, and that person who so stopped, stood or parked such tractor trailer was the person in whose name such tractor trailer is then and there registered.
 2. It shall be the duty of the personnel of the town of Hulbert, as designated by the board of trustees, to enforce the provisions of this section.
 3. The designated town personnel, finding a vehicle in violation thereof, shall place upon the vehicle an overparking citation.
 4. Each sixty (60) minutes of continued violation shall constitute a separate offense for which an overparking citation may be issued. A violation of a commercial loading zone shall be deemed to occur, and an offense committed, immediately upon the presence of a tractor trailer stopping, standing, or parking in a designated commercial loading zone except for the loading or unloading of freight.
 5. From and after the effective date hereof, each and every offense under the terms of this section shall be punishable by a fine of twenty five dollars (\$25.00), for all vehicles, except tractor trailers which will be one hundred dollars (\$100.00).

6. Payment for overparking violations issued pursuant to this section may be made on the day the overparking citation is issued by depositing the appropriate amount of the citation in an authorized overparking depository provided by the town. After the date of issuance, payment for the overparking violation may be made by depositing twenty five dollars (\$25.00) to one hundred dollars (\$100.00) for each overparking citation in such depository. Any person failing to pay for such overparking violation within five (5) days from the date of issuance shall be punished under the general penalty provisions established in this code.

7. The personnel designated by the board of trustees of the town of Hulbert to enforce this section of the code are directed to immobilize those vehicles which shall have a total of three (3) or more unpaid overparking citations. After a vehicle has three (3) or more parking citations credited to its license plate number, the owner or operator of the vehicle shall be notified that the vehicle may be immobilized by attaching a notice of the immobilization to the windshield of the automobile or by mailing a copy of the notice of the immobilization to the last known address of the owner of the vehicle. The notice of the immobilization may be made a part of the overparking citation by including language on the face of the citation in a conspicuous place which shall read as follows:

YOU ARE HEREBY NOTIFIED THAT UPON YOUR RECEIPT OF A TOTAL OF THREE (3) PARKING VIOLATIONS THIS VEHICLE SHALL BE SUBJECT TO IMMEDIATE IMMOBILIZATION OR REMOVAL AS AUTHORIZED BY THE CODES OF THE TOWN OF HULBERT, OKLAHOMA.

8. Immobilization is accomplished by installing on or attaching to such vehicle a device designed to restrict the normal movement of such vehicle or by any other means whatsoever. The device shall not be installed or attached on such vehicle unless it is parked upon any public right of way or property and a minimum of five (5) calendar days has elapsed since the mailing or windshield affixed notification referred to in the previous subsection, except as hereinafter provided.

9. When such vehicle is immobilized, the person performing such immobilization shall conspicuously affix to such vehicle a notice in writing advising the owner, driver, or person in charge of the vehicle that release from such immobilization may be obtained by contacting the person or town department responsible for the immobilization at

a designated place. Such notice shall include the name of the department or person that immobilized the vehicle and from whom release from such immobilization may be obtained and the address and telephone number of the person or town department.

10. The administrative fee for release from such immobilization and towing shall be as set by the board of trustees by motion or resolution. Such fees shall be in addition to any fines due and owing for overparking citations. Release of such vehicle shall be accomplished within one hour after having been contacted by the owner, driver, or person in charge of the vehicle, and after receipt of payment for fines and fees. (Ord. 97-03, 11-6-1997)

ARTICLE D. TURNING AND SIGNALS

15-250: **REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS¹:**

A. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right Turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway; or

2. Left Turns On Two-Way Roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (1989 Code)

1. 47 OS § 11-601.

15-251: TURNS AND U-TURNS¹:

- A. The board of trustees may determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.
- B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (1989 Code)

15-252: TURNING, STOPPING SIGNALS REQUIRED²:

- A. No person shall turn a vehicle to the right or left except upon giving a signal of intention, as provided in this section, in the event any other traffic may be affected by such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal. (1989 Code)

1. 47 OS § 15-102(a).

2. 47 OS § 11-604.

CHAPTER 3

TRAFFIC SIGNALS AND DEVICES

Section 15-301	Obedience to devices.
Section 15-302	Necessity of signs.
Section 15-303	Interference with devices, or signs or signals.
Section 15-304	Presumption of legality.
Section 15-305	Ratification of existing devices.
Section 15-306	Traffic-control signal legend.
Section 15-307	Flashing signals.
Section 15-308	Driving within traffic lanes.
Section 15-309	One-way streets, alleys designation.
Section 15-310	Designation of through streets.
Section 15-311	Signs at through streets.
Section 15-312	Procedures at stop signs.
Section 15-313	Procedure at yield signs.

SECTION 15-301 OBEDIENCE TO DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this part unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Similar provisions, 47 O.S. Section 11-201(a).

SECTION 15-302 NECESSITY OF SIGNS.

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

State Law Reference: Similar provisions, 47 O.S. Section 11-201(b).

SECTION 15-303 INTERFERENCE WITH DEVICES, OR SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

SECTION 15-304 PRESUMPTION OF LEGALITY.

A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such

devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

SECTION 15-305 RATIFICATION OF EXISTING DEVICES.

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this part and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law.

SECTION 15-306 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend. These lights shall indicate appropriate action and apply to drivers of vehicles and pedestrians as provided by applicable state law.

SECTION 15-307 FLASHING SIGNALS.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, or if none, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

2. Flashing yellow (caution signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

SECTION 15-308 DRIVING WITHIN TRAFFIC LANES.

A. Where traffic lanes have been marked, it shall be unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

B. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the

roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; and

3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

SECTION 15-309 ONE-WAY STREETS, ALLEYS DESIGNATION.

A. Whenever any ordinance or resolution of this town designates any one-way street or alley the appropriate town personnel shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Upon those streets and parts of streets and in those alleys designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

State Law Reference: Similar provisions, 47 O.S. Sections 11-308, 15-102(a).

SECTION 15-310 DESIGNATION OF THROUGH STREETS.

The board of trustees, by motion or resolution, may designate any street or part of a street a through street.

State Law Reference: Authority to designate through streets, 47 O.S. 1971, Section 15-108.

SECTION 15-311 SIGNS AT THROUGH STREETS.

Whenever a through street is designated by the board of trustees, the appropriate town personnel shall be directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals.

SECTION 15-312 PROCEDURES AT STOP SIGNS.

A. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

B. After having stopped at a stop sign, the driver of a vehicle shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

State Law Reference: Similar provisions, 47 O.S. Sections 11-403(b), 11-703(d).

SECTION 15-313 PROCEDURE AT YIELD SIGNS.

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. The driver approaching a yield sign shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

State Law Reference: Similar provisions, 47 O.S. Sections 11-403(c), 11-703(c).

Traffic and Vehicles

CHAPTER 4

BICYCLES

Section 15-401	Regulations applicable generally.
Section 15-402	Traffic laws and regulations apply.
Section 15-403	Obedience to traffic-control devices.
Section 15-404	Riding on bicycles.
Section 15-405	Use right side of roadway.
Section 15-406	Riding abreast.
Section 15-407	Speed.
Section 15-408	Riding on sidewalks.
Section 15-409	Lights and reflectors.

SECTION 15-401 REGULATIONS APPLICABLE GENERALLY.

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. The provisions of this chapter are applicable to bicycles operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201.

SECTION 15-402 TRAFFIC LAWS AND REGULATIONS APPLY.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of law and ordinances which by their nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-1202.

SECTION 15-403 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians.

SECTION 15-404 RIDING ON BICYCLES.

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

State Law Reference: Similar provisions, 47 O.S. Section 11-1203.

SECTION 15-405 USE RIGHT SIDE OF ROADWAY.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

SECTION 15-406 RIDING ABREAST.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

SECTION 15-407 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 15-408 RIDING ON SIDEWALKS.

Bicycles may not be ridden upon any sidewalk within the town.

SECTION 15-409 LIGHTS AND REFLECTORS.

Every bicycle, when in use at nighttime, shall be equipped with a lamp on the frame which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the state department of public safety, which shall be visible from all distances from three hundred (300) feet to five hundred (500) feet to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

State Law Reference: Similar provisions, 47 O.S. Section 11-1207(a).

CHAPTER 5

IMPOUNDMENT OF VEHICLES

SECTION:

- 15-501: Purpose And Effect Of Impoundment Provisions
- 15-502: Place Of Impoundment
- 15-503: Duration Of Impoundment
- 15-504: Police Granted Authority To Impound Vehicles
- 15-505: Disabled Vehicles
- 15-506: Vehicles On Bridge
- 15-507: Arrest And Detention Of Driver Of Vehicle
- 15-508: Vehicle Constitutes Traffic Hazard
- 15-509: Illegal Trespass By Vehicle
- 15-510: Vehicles Parked Overtime
- 15-511: Vehicles Blocking Fire Exits Or Hydrants
- 15-512: Vehicles Parked In Intersection
- 15-513: Stolen Vehicles; Recovery By Police
- 15-514: Vehicles With Outstanding Traffic Citations
- 15-515: Inventory Of Impounded Vehicles

15-501: **PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS¹:** The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles. (1989 Code)

1. Grounds for removal of vehicles on highway by State, 47 OS § 955; removal of abandoned vehicles on private property, 47 OS § 954A.

15-502: **PLACE OF IMPOUNDMENT:** Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the Town Board of Trustees, and to no other place. (1989 Code)

15-503: **DURATION OF IMPOUNDMENT:**

- A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the Traffic Violations Bureau or other proper police officer.
- B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle. (1989 Code)

15-504: **POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES:** Members of the Police Department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter. (1989 Code)

15-505: **DISABLED VEHICLES:**

- A. A disabled vehicle upon a street or highway may be impounded under the following circumstances:
 - 1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
 - 2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and

the vehicle is so disabled as to constitute an obstruction to traffic or a hazard. (1989 Code)

15-506: **VEHICLES ON BRIDGE:** An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded. (1989 Code)

15-507: **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. (1989 Code)

15-508: **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. (1989 Code)

15-509: **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. (1989 Code)

15-510: **VEHICLES PARKED OVERTIME:** Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code regarding more than twenty four (24) hours, shall be impounded. (1989 Code)

15-511: **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. (1989 Code)

15-512: **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. (1989 Code)

15-513: **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 of impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.
- B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded. (1989 Code)

15-514: **VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS:**
Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part. (1989 Code)

15-515: **INVENTORY OF IMPOUNDED VEHICLES:** Any vehicle impounded for any reason shall be inventoried by two (2) or more persons for the protection of the owner and his property, the protection of town law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle. (1989 Code)

Traffic and Vehicles

CHAPTER 6

PENALTIES

Section 15-601 Penalty for violations.

SECTION 15-601 PENALTY FOR VIOLATIONS.

Any violations of the provisions of this part shall be punishable as provided in Section 1-108 of this code.

PART 16
TRANSPORTATION
(RESERVED)

PART 17
UTILITIES
CHAPTER 1
GENERAL PROVISIONS
ARTICLE A
LEASE OF SYSTEMS

Section 17-101	Lease of systems.
Section 17-102	Penalty, adoption by reference.

ARTICLE B
WATER SHORTAGES

Section 17-121	Authorizing declaration of an emergency.
Section 17-122	Defining emergency.
Section 17-123	Proclamation and order.
Section 17-124	Publication requirements.
Section 17-125	Specifying duration.
Section 17-126	Providing for appeals.
Section 17-127	Establishing penalties.

CHAPTER 2
REFUSE COLLECTION AND DISPOSAL

Section 17-201	Definitions.
Section 17-202	Accumulations of garbage and refuse.
Section 17-203	Collection of garbage and rubbish.
Section 17-204	Trash containers.
Section 17-205	Schedule.
Section 17-206	Landfill.
Section 17-207	Contracts authorized.
Section 17-208	Contractor requirements.
Section 17-209	Compliance by contractor.
Section 17-210	Fees.
Section 17-211	Disposal by contractor.
Section 17-212	Contractor's equipment.
Section 17-213	Insurance.
Section 17-214	Inspections.
Section 17-215	Duty to request garbage service.
Section 17-216	Penalty.

CHAPTER 3

SEWER SERVICES

Section 17-301	Deposits prohibited.
Section 17-302	Discharge of sewage, treatment.
Section 17-303	Privies, septic tanks prohibited.
Section 17-304	Connection to sewers required.
Section 17-305	Lifts required.
Section 17-306	Plumbing code governs connections, approval of deviations.
Section 17-307	Owners to comply.
Section 17-308	Separate sewers required.
Section 17-309	Private sewage disposal.

Utilities

CHAPTER 1

GENERAL PROVISIONS

ARTICLE A

LEASE OF SYSTEMS

Section 17-101	Lease of systems.
Section 17-102	Penalty, adoption by reference.

ARTICLE B

WATER SHORTAGES

Section 17-121	Authorizing declaration of an emergency.
Section 17-122	Defining emergency.
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Section 17-126	Providing for appeals.
Section 17-127	Establishing penalties.

ARTICLE A

LEASE OF SYSTEMS

SECTION 17-101 LEASE OF SYSTEMS.

The town has leased the operation of its water and sewer systems to the Hulbert Public Works Authority, including setting rates for use of the systems and all regulations governing them. For a copy of current rates and rules, see the minutes of the Hulbert Public Works Authority.

SECTION 17-102 PENALTY, ADOPTION BY REFERENCE.

The rates and rules of the Hulbert Public Works Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in Section 1-108 of this code.

ARTICLE B

WATER SHORTAGES

SECTION 17-121 AUTHORIZING DECLARATION OF AN EMERGENCY.

Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the mayor is hereby authorized to restrict or prohibit use of water from the town's water system.

SECTION 17-122 DEFINING EMERGENCY.

An emergency exists whenever the mayor reasonably determines that the town's water system is unable or will within sixty (60) days become unable, to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

SECTION 17-123 PROCLAMATION AND ORDER.

Upon the determination that such an emergency exists the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting the use of water from the town system. Such order may:

1. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and
2. Prohibit usages not essential to public health and safety.

The order may be revised from time to time as the mayor deems necessary.

SECTION 17-124 PUBLICATION REQUIREMENTS.

A. The proclamation required by the preceding section shall be published in a newspaper of general circulation in the town or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the town. The emergency shall be in full force upon publication. Substantial compliance with this section is sufficient to effect the emergency.

B. Whenever a sudden or unexpected event so reduces the availability of water or water pressure so as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. Provided that, if any such means if other than that required in Subsection A of this section, the proclamation shall be republished in accordance with Subsection A, within twenty-four (24) hours of the first notice.

SECTION 17-125 SPECIFYING DURATION.

A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the mayor or the board of trustees shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the board of trustees by resolution approved by a majority of all its members extends the proclamation.

SECTION 17-126 PROVIDING FOR APPEALS.

Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the board of trustees or to any emergency session called to discuss the water emergency. The board of trustees may exempt such aggrieved person, wholly or in part from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the board of trustees by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the board of trustees all water user shall be bound by the proclamation.

SECTION 17-127 ESTABLISHING PENALTIES.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody, or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Each separate day of violation of such

proclamation shall constitute a separate offense. Violation of this chapter shall be punishable as provided in Section 1-108 of this code.

CHAPTER 2

REFUSE COLLECTION AND DISPOSAL

Section 17-201	Definitions.
Section 17-202	Accumulations of garbage and refuse.
Section 17-203	Collection of garbage and rubbish.
Section 17-204	Trash containers.
Section 17-205	Schedule.
Section 17-206	Landfill.
Section 17-207	Contracts authorized.
Section 17-208	Contractor requirements.
Section 17-209	Compliance by contractor.
Section 17-210	Fees.
Section 17-211	Disposal by contractor.
Section 17-212	Contractor's equipment.
Section 17-213	Insurance.
Section 17-214	Inspections.
Section 17-215	Duty to request garbage service.
Section 17-216	Penalty.

SECTION 17-201 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. "Person" means any institution, public or private corporation, individual, partnership, or other entity;
2. "Premises" means land, buildings or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored;
3. "Refuse" means all solid wastes, including garbage and rubbish;
4. "Garbage" means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowls from any premises within the town limits;
5. "Rubbish" means tin cans, bottles, papers, tree limbs (which shall be cut into lengths not exceeding three and one-half (3½) feet), leaves, etc., from any premises within the town limits;
6. "Rubble" means brushwood, cardboard boxes and other bulky earthen, wooden, or metal refuse-like materials, longer, larger or heavier than refuse; and
7. "Town health officer" means that person so designated to act by the town board of trustees, at a compensation also set by the town board of trustees, if any.

SECTION 17-202 ACCUMULATIONS OF GARBAGE AND REFUSE.

- A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any

premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible, rodent-proof and fly-proof, with a tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the garbage and rubbish that may accumulate between collections. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.

B. All containers shall be kept in a convenient location for collection, as designated by the town board of trustees, whereby collectors can obtain same without going into buildings, garages, locked gates or fenced yards with dogs. All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times.

C. All ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber which cannot be conveniently placed in the containers required by this chapter shall be gathered together and baled, tied or sacked in compact bundles, weighing no more than fifty (50) pounds, and placed in a location easily accessible to the collector.

D. There shall be no open burning on the premises, unless the operations are carried out in an approved-type incinerator, or approval is obtained from the town health officer.

SECTION 17-203 COLLECTION OF GARBAGE AND RUBBISH.

The town or its authorized representative shall collect from all areas of the town upon schedule as approved by the town board. It is the duty of any person in possession or control of any premises to place the containers required by this ordinance in a location easily accessible to the collector as directed by the town health officer.

SECTION 17-204 TRASH CONTAINERS.

Each individual resident or business in the town shall maintain proper receptacles and containers for their garbage and trash in accordance with this chapter. Wet garbage shall be kept in plastic bags, in a location accessible to the streets or alleys designated for pickup, and dry trash and papers may be kept in covered containers at or near the same location. Covered containers at residences may not exceed thirty-two (32) gallons.

SECTION 17-205 SCHEDULE.

All wet garbage and dry trash shall be picked up and disposed of in accordance with the provisions of this chapter at least one time per week.

SECTION 17-206 LANDFILL.

The trash and garbage of the residences as well as the businesses of the town shall be disposed of by the collection of same and burial of same in a sanitary landfill in accordance with the rules of the State Department of Health and with the rules and regulations of the town.

SECTION 17-207 CONTRACTS AUTHORIZED.

The mayor and the board of trustees are specifically authorized to contract for or with any suitable person for the removal and disposal of garbage and trash in accordance with this chapter, and the rules of the State Department of Health, such contract to continue in force for a period of one year, providing that such contractor shall furnish a good and sufficient bond conditioned upon the faithful performance of such contract and all requirements of this chapter and that the contractor shall furnish liability insurance to assure protection of the town and its citizens, all to be determined by the board of trustees.

SECTION 17-208 CONTRACTOR REQUIREMENTS.

Any person who receives such contract from the town as hereinbefore specified shall provide all the necessary equipment to properly remove such garbage and trash and dispose of same by sanitary landfill, and no wagon or conveyance of any character shall be used by any such person, as a contractor unless the same be of iron or steel, watertight, so that none of such garbage or trash or any liquid coming therefrom can be spilled upon the streets, alleys, or avenues of this town during the operation of transportation, removal, and burial.

SECTION 17-209 COMPLIANCE BY CONTRACTOR.

No person shall remove and dispose of garbage from the town other than the properly designated contractor selected by the town in accordance with the provisions of this chapter, it being the intent of this chapter to protect the safety of the citizens of the town and their health by providing for the removal and disposition of garbage in such a manner that same falls within the police power of the town to enable them to obtain and retain a continuing check on the operations of the contractor.

SECTION 17-210 FEES.

The board of trustees of the town shall have the right, in addition to entering into a contract with the contractor for the collection and disposition of garbage and trash as hereinbefore set out, to establish fees for the same and to collect same by billing the residents and to collect these charges, as other charges are collected, against water meters in operation on the several premises. Providing that the town shall make a charge of twenty-five cents (\$.25) per account, for such collection to cover the cost of paper work, billing and other incidentals in connection therewith.

SECTION 17-211 DISPOSAL BY CONTRACTOR.

The contractor with whom the town contracts for the collection and disposal of trash and garbage shall provide for his own landfill, and that all trash and garbage collected from and after the effective date of these regulations shall be disposed of by proper landfill approved by the State Department of Health and by the governing board of the town and the designated official inspector of the town.

SECTION 17-212 CONTRACTOR'S EQUIPMENT.

The contractor who shall contract for the collection and disposition of trash and garbage within the town limits of the town, shall furnish his own equipment for the collection and compaction of the garbage and trash and provide his own help, and provide his own landfill and burial equipment and garbage collection in such manner as to meet the approval of the State Department of Health and the designated official inspector of the town.

SECTION 17-213 INSURANCE.

The contractor with whom the town contracts for the collection and disposition of garbage and trash shall be obligated to furnish liability insurance with the town to cover his operations in connection with the operation of his vehicles of not less than One Hundred Thousand Dollars (\$100,000) per person, or Three Hundred Thousand Dollars (\$300,000) per accident, and to provide necessary bond or assurance that the contractor shall perform the contract entered into between the town and the contractor.

SECTION 17-214 INSPECTIONS.

The town may make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with.

SECTION 17-215 DUTY TO REQUEST GARBAGE SERVICE.

To assist in maintaining the general sanitation of the town it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the town at the beginning of such occupancy and request, accept and use the garbage pickup and collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the town from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures.

SECTION 17-216 PENALTY.

Any person violating any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

CHAPTER 3

SEWER SERVICES

Section 17-301	Deposits prohibited.
Section 17-302	Discharge of sewage, treatment.
Section 17-303	Privies, septic tanks prohibited.
Section 17-304	Connection to sewers required.
Section 17-305	Lifts required.
Section 17-306	Plumbing code governs connections, approval of deviations.
Section 17-307	Owners to comply.
Section 17-308	Separate sewers required.
Section 17-309	Private sewage disposal.

SECTION 17-301 DEPOSITS PROHIBITED.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement, garbage or other objectionable waste. (Added 1992)

SECTION 17-302 DISCHARGE OF SEWAGE, TREATMENT.

It shall be unlawful to discharge into any natural outlet within the jurisdiction of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter. (Added 1992)

SECTION 17-303 PRIVIES, SEPTIC TANKS PROHIBITED.

It shall be unlawful to construct or maintain within the jurisdiction of the town any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Added 1992)

SECTION 17-304 CONNECTION TO SEWERS REQUIRED.

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the jurisdiction of the town, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such directly with the proper public sanitary sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice to connect. (Added 1992)

SECTION 17-305 LIFTS REQUIRED.

In any building in which the building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage from such buildings shall be lifted by an approved means and discharged into the building sewer or public sanitary sewer. (Added 1992)

SECTION 17-306 PLUMBING CODE GOVERNS CONNECTIONS, APPROVAL OF DEVIATIONS.

The connection of the building sewer into a public sanitary sewer shall conform to the requirements of the town plumbing codes or other applicable rules and regulations of the town. All such connections shall be made gastight and watertight. Any deviation

from the prescribed procedures and material must be approved in writing by the approving authority. (Added 1992)

SECTION 17-307 OWNERS TO COMPLY.

The owner or occupant of any building which is connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the town. (Added 1992)

SECTION 17-308 SEPARATE SEWERS REQUIRED.

A separate and independent building sewer shall be provided for every individually owned residential or commercial building, and each such building shall have its own connection to the public sewer. Multiple ownership of building sewers is prohibited. (Added 1992)

SECTION 17-309 PRIVATE SEWAGE DISPOSAL.

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private sewer disposal system complying with the provisions of this chapter. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made by the owner to the public sewer in compliance with these regulations and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material, as directed by the approving authority. (Added 1992)

APPENDICES

Subject	Appendix
Electric Franchise	1
Natural Gas Franchise	2
Cable Television Permit	3

APPENDIX 1

ELECTRIC FRANCHISE

(Reserved)

APPENDIX 2

NATURAL GAS FRANCHISE

(Reserved)

APPENDIX 3

CABLE TELEVISION PERMIT

<u>Ord. No., Date</u>	<u>Description</u>
1989	Town ordinance grants a fifteen year cable permit to OK Cablevision, which was transferred on November 9, 1989, to Mission Cable Company. A copy of these ordinances and resolutions are on file in the office of the clerk-treasurer.
2014-01	The franchise with Vyve Broadband A, LLC is hereby rescinded effective August 1, 2014, because it was no longer economically feasible to operate.

A

ADVERTISING

Insulting Signs Prohibited	10-302
Political Advertising On Right Of Way Prohibited	8-115
Sales Tax, When Exempt	7-208, 7-211
Signs, Unlawful Placement Of	10-204, 10-209

ALCOHOL AND ALCOHOLIC BEVERAGES (See Also
NONINTOXICATING BEVERAGES)

Certificates Of Zoning And Compliance, Issuance	3-105, 3-106
Consumption, Where Prohibited, Intoxication	3-109, 3-114, 3-115
Definitions	3-101
Disturbing The Peace By Appearing Intoxicated	10-301
Driving Under The Influence Of	6-121, 15-211
Minors, Prohibited To Sell To Or Employ	3-111, 3-113
Nonintoxicating Beverages, Generally	Part 3, Ch. 2
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ORDINANCE DISPOSITION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
29	11-24-1981	Amends section 8 of the town of Hulbert amended sales tax ordinance. Increases excise tax from 2% to 3%.
30	12-3-1981	Provides for residency requirements for members of town board of trustees.
31	12-3-1981	Provides for penalties for unlawful possession of marijuana.
32	1-7-1982	Establishes regular meeting dates for town board of trustees.
33	3-4-1982	Amends article 3, section B; article 5, subsection B(3); and article 5, section B relating to special flood hazards. Repeals all ordinances or parts of ordinances in conflict.
34	5-5-1983	Affiliation and joining of Oklahoma firefighters pension and retirement system.
35	3-8-1984	Establishes rules and regulations for handling of garbage, containers, collection and disposition.
36	--	Grants Gleason Communications Systems, Inc., nonexclusive permit to construct, operate and maintain a community antenna television system in the town.
37	12-10-1986	Levies excise tax of 3%.
38	12-10-1986	Provides for vacation and abandonment of streets and alleys in certain areas.
39	1-14-1987	Combines duties of town clerk and town treasurer.
40	3-5-1987	Amends chapter 22, article 19 of town code by adding new section 33-133 relating to mandatory use of seat belts.
41	3-5-1987	Flood damage prevention ordinance.
42	5-7-1987	Flood damage prevention ordinance outline.
43	12-3-1987	Amends chapter 15, section 15-15 of town code relating to drinking in a public place.

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
44	12-3-1987	Creates position of animal control officer; defines terms for animals kept within town, offenses, registration and rabies inoculation, confinement, impoundment, citations, fines and penalties.
45	5-5-1988	Extending the corporate limits.
46	12-8-1988	Opting out of the Oklahoma town meeting act; requiring elections and initiative and referendum questions to be decided only through elections conducted by the county election board.
47	12-13-1989	Amends ordinance 32, meeting times for board of trustees.
92-1	3-12-1992	Sanitary sewer connection requirement.
92-2	3-12-1992	Fire limits and answering calls outside limits.
93-1	3-4-1993	Fixing compensation for board of trustees.
93-2	9-9-1993	Court costs (special).
93-03	11-4-1993	Annexation (special).
94-01	1-6-1994	Adding part 10, chapter 8, fair housing.
95-01	10-12-1995	Adding section 9-207 regarding solicitation hours.
9701	1-9-1997	Adding part 8, chapter 5, prevention of youth access to tobacco.
97-02	6-5-1997	Annexation (special).
97-03	11-6-1997	Adding section 15-241, Main Street parking; fines.
9901	1-19-1999	Amending salaries of town board of trustees (special).
0101	7-5-2001	Adding new part 2, chapter 7, adopting an employee retirement system.
01-01	9-6-2001	Annexation (special).
0201	7-11-2002	Closing of a street (special).
0300	3-6-2003	Amending sections 13-210 through 13-214 as they pertain to fire protection outside the city limits.

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
0301	3-6-2003	Employee retirement system (special).
04-01	4-8-2004	Amending salaries of Board of Trustees (special).
04-02	8-5-2004	Amending definition of volunteer firefighter.
05-01	11-10-2005	Amending section 2-103, meetings of the Town Board of Trustees.
06-01	8-10-2006	Adding part 9, chapter 3, residential sales.
07-01	1-11-2007	Annexation (special).
07-02	1-31-2007	Amending salaries of Mayor and Board of Trustees (special).
2009-01	3-12-2009	Employee retirement system (special).
2009-02	3-12-2009	Amending sections 5-101 and 5-102, adoption of International Building Code.
10-01	11-9-2010	Amending part 2, chapter 7, employee retirement system, defined benefit plan.
2012-01	3-8-2012	Amending part 8, chapter 5, prevention of youth access to tobacco.
2012-01a	9-13-2012	Adding section 10-421, tobacco use in Town parks prohibited.
2012-02	3-8-2012	Adding part 8, chapter 6, smoking in public places and indoor workplaces.
13-01	6-25-2013	Amending subsection 1-108A, general penalty.
13-02	1-15-2013	Amending salaries of Board of Trustees (special).
13-03	8-8-2013	Amending subsections 6-133A and B, court penalty assessment.
2013-05	12-12-2013	Amending subsection 7-201A, Sales Tax.
2014-01	7-10-2014	Rescinds cable franchise.
2014-02	10-9-2014	Employee retirement system (special).

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
2015-01	6-11-2015	Closing Rider Lane between Fourth Street and Fifth Street (special).
2015-02	11-12-2015	Adding part 8, chapter 7, tobacco and electronic cigarettes.
2016-01	7-14-2016	Adding subsection 15-503C, duration of impoundment.
2017-01	4-13-2017	Rescind ordinance 2015-01; re-open Rider Lane (special).
2017-02	4-13-2017	Amending sections 5-101 and 5-102 to adopt the minimum required codes and amendments as adopted and amended by the Oklahoma Uniform Building Code Commission. Repealing part 5 chapters 2, 3, 4, 5, and 6, and part 13, chapter 1.
2017-02A	9-14-2017	Repeals subsection 15-503C, duration of impoundment.
2017-03	10-12-2017	Do not codify per Town.