WASHINGTON, OKLAHOMA

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CHAPTER 1 - ADMINISTRATION AND MANAGEMENT

Article 1 - Incorporation; Form of Government; Powers

Section 1-1. Incorporation.

The Town of Washington, Oklahoma, within the corporate limits as now established or as hereafter may be established, shall continue to be a Municipal body politic and corporate in perpetuity under the name of the "Town of Washington, Oklahoma." It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation knows as the Town of Washington, Oklahoma, and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Section 1-2. Form of Government.

The Municipal Government provided for the Town of Washington, Oklahoma, shall be the "Town Board of Trustees" form of government. All powers of the Municipality shall be exercised in the manner prescribed by this Code of Ordinances, future Ordinances or State Law; provided, that, this Code and all future Ordinances are not repugnant to the State Constitution and Laws.

Section 1-3. General Powers of the Municipality.

A. The Town of Washington, Oklahoma, shall have all the powers, functions, rights, privileges, franchises and immunities specifically granted to Municipalities, or not prohibited by the State Constitution and Laws, and all the implied power necessary to carry into execution all of the powers granted.

B. The Town of Washington, Oklahoma, shall have the power to adopt a corporate seal and alter the same, to sue and be sued, to make contracts and to grant, extend and renew franchises. It shall have the power, in accordance with the State Constitution and Laws, to accept and administer Federal and State grants-in-aid. It shall have the power to obtain and enforce local legislation, consistent with the State Constitution and Laws, for the proper organization and functioning of Municipal Government, for the preservation and enforcement of good government and order, for the protection of health, life, peace, safety, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare.

C. The enumeration of particular powers of this Code of Ordinances shall not be deemed to be exclusive or limiting. In addition to the powers enumerated herein or implied hereby, the Town of Washington, Oklahoma, shall have all the powers which, under the State Constitution and Laws, it would be competent for this Code of Ordinances specifically to enumerate.

Section 1-4 through 1-9. Reserved for future use.

Article 2 - Town Board of Trustees

Section 1-10. Election and Terms of Trustees and Offices.

A. The Town of Board of Trustees shall consist, and be composed of three (3) Trustees. Each Trustee shall be nominated and elected at large after August 1988, according to current state law, without regard to their place of residence within the corporate limits of the Town of Washington, Oklahoma. Trustees shall be actual residents and registered voters of the Town of Washington, Oklahoma.

B. The Resolution of the Town 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 billed. The Resolution shall direct that the ballot shall state the number of offices of Trustees to be filled for each term, and that the voters shall vote for the number to be filled. Candidates for the office of Trustee shall file for a special term, which shall be designated on the Declaration of Candidacy; candidates receiving the largest pluralities for each designated term shall be elected.

C. All Trustees, the Town Clerk-Treasurer and the Town Treasurer shall be elected for terms of four (4) years.

D. Pursuant to 11 O.S., 1991, Section 16-302, the Town of Washington, Oklahoma, declares that it shall be governed by the Oklahoma Town Meeting Act as a means of electing its officers and deciding Initiative and Referendum questions.

Section 1-11. Powers of the Town Board of Trustees.

Except as otherwise provided in this Code of Ordinances, all powers of the Municipality, including the determination of matters of policy, shall be vested in the Town Board of Trustees; said Town Board shall have, and may utilize, all of the powers granted to the Municipality and said Town Board by the State Constitution and Laws.

Section 1-12. Municipal Policy and Business.

A. The Town Board of Trustees of Washington, Oklahoma, shall conduct all business of the Municipality, set policy for the efficient administration of Municipal Government, administratively supervise all activities or Municipal employees, and carry out their responsibilities, powers and duties as officers and as a corporate and politic body, within the limits prescribed by the State Constitution and Laws and the Code of Ordinances of the Town of Washington, Oklahoma.

B. It shall be the policy of the Municipal Government that no person shall be discriminated against on the grounds of race, creed, color, sex, religion, handicap, national origin or age in employment or other activities sponsored directly or indirectly by the Town of Washington, Oklahoma.

C. Every member of the Town Board of Trustees who shall be present when the opportunity or need arises to vote upon a question, shall vote thereon, unless said member is a directly or indirectly interested in the question, in which event said interest shall be fully disclosed to the Town Board and it shall be made a matter of record.

Section 1-13. Town Board Meetings.

A. Municipal business shall be conducted at regularly-scheduled open and public meetings held in the Town

Hall (or another agreed upon place which is open to the public), on the 1st Monday of each month, or the next following day which is not a holiday, in the event of conflict with a holiday, beginning at 7:00 o'clock p.m.

B. Special or Emergency Town Board Meetings may be called by the Mayor, or by a majority of the Trustees, upon the serving of notice, as required by current State Law.

C. The Town Board of Trustees shall establish, by motion or Resolution, an order of business for the conduct of its meetings.

Section 1-14. Removal of Trustees; Vacancies.

A. Any Trustee, including the Mayor, may be removed from office for any cause specified by, and using the methods prescribed and specified by, applicable State Law for the removal of officers, including Title 22, Oklahoma Statutes, 1991, Section 1181, et seq., as amended.

B. Whenever a member of the Town Board of Trustees is absent from more than one-half (2) of all Regular and Special Meetings of said Town Board held within any period of four (4) consecutive months, said person shall thereupon automatically cease to hold office, unless the remaining members of the Town Board vote to retain said person on said Town Board.

C. Vacancies in the membership of the Town Board of Trustees shall be filled according to applicable provisions of State Law.

Section 1-15. Supervisory Designation of Trustees; Administrative Positions.

A. The Town Board of Trustees may give its members supervisory control over designated personnel, Departments and/or activities of the Municipality.

B. Each Trustee may be given an appropriate title and each Trustee shall be, in effect, a committee of one (1) of the Town Board of Trustees, and be subordinate to said Town Board.

Section 1-16 through 1-29. Reserved for future use.

Article 3 - Officers; Employees; Boards and Commissions

Section 1-30. Mayor; Acting Mayor.

A. The Town Board of Trustees shall elect one (1) of its members as Mayor. The Mayor shall be elected in each odd-numbered year, at the 1st Town Board meeting held after the Trustees' terms begin, or as soon thereafter as practicable.

B. When a vacancy occurs in the Office of Mayor, the Town Board of Trustees shall elect another Mayor from among its members to serve for the duration of the unexpired term.

C. The Mayor shall preside at all meetings of the Town Board of Trustees and may call Special Meetings thereof.

D. The Mayor shall certify to the correct enrollment of all Ordinances and Resolutions passed by the Town Board of Trustees. The Mayor shall have all the powers, rights, privileges, duties and responsibilities of a Trustee, and, as an elected representative of the citizens of a Ward, may vote on all matters that come before the Town Board of Trustees.

E. The Mayor shall be recognized as the head of the Municipal Government for all ceremonial purposes.

F. In order to ensure continued service and leadership during the absence, disability or suspension of the Mayor, the Town Board of Trustees shall elect an Acting Mayor from among its members.

G. The Mayor shall perform all other duties prescribed by State Law or Ordinance.

Section 1-31. Town Administrator.

A. Appointment: The Board of Trustees is charged and empowered to appoint and remove the Town Administrator.

B. Duties: The Town Administrator shall be the chief executive officer and the head of the administrative branch of the town government. He or she shall execute the laws and administer the government of the town and shall be responsible therefor to the Board of Trustees. He shall:

1. Supervise and control all administrative department, officers and agencies;

2. Prepare a budget annually and submit it to the Board of Trustees and he shall be responsible for the administration of the budget after it goes into effect; and recommend to the Board of Trustees any changes in the budget which he or she deems desirable;

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

4. Keep the Board of Trustees advised of the financial condition and future needs of the town, and make recommendations as he or she deems desirable; and

5. Perform such other duties as may be prescribed by law or by ordinance.

C. Spending Authority; Emergency Contracts:

1. The Washington Town Administrator is hereby expressly authorized to enter into and execute contracts, to make purchases, issue checks and warrants, to sign documents, and generally take any action necessary for the expenditure of municipal funds as have been previously budgeted, or budgeted by amendment, or approved by resolution or ordinance, by the Washington Board of Trustees for purposes of the general running and management of the Town of Washington.

2. The Washington Town Administrator is furthermore hereby expressly authorized to issue checks and warrants, sign documents, and take any action necessary for the expenditure of municipal funds for any reason reasonably related to the Town of Washington without prior approval of the Board of Trustees or the Public Works Authority without competitive bidding for amounts under Five-Thousand-Dollars ($5,000.00 USD).

3. The amount in Subsection 2 immediately above may be changed by Resolution of the by the Board of Trustees.

4. Except as specified in Subsection 5 herein, any expenditures, whether by contracts or direct purchases, the Town Administrator seeks to make in excess of Five-Thousand-Dollars ($5,000.00 USD) must be submitted to the Board of Trustees for approval by majority vote.

5. Emergency Contracts: If the Town Administrator in good faith determines that an emergency exists such that inaction would be detrimental to the safety and security of the Town of Washington and its citizens, the Town Administrator shall be authorized to expend and/or enter into contracts for amounts not exceeding Fifty-Thousand-Dollars ($50,000.00 USD) provided however, that if the Town Administrator undertakes such emergency action, he or she shall notify the Board of Trustees of such action within three (3) days. Such notification shall contain a statement of the reasons for the action and the same shall thereafter be recorded in the official minutes of the Board at the next regularly scheduled meeting.

Section 1-31.1 Town Clerk.

A. The Town Clerk, as an employee of the Town of Washington, Oklahoma, shall attend all meetings of the Town Board of Trustees and keep a journal of the proceedings of said Town Board.

B. The Town Clerk shall have custody of all documents, records and archives of the Town of Washington, Oklahoma, as well as be custodian of the Municipal Seal.

C. The Town Clerk shall attest and affix said Seal to documents as required by Law or Ordinance, and shall see that all Ordinances passed are kept on file, in the Office of the Town Clerk.

D. The Town Clerk shall have such other powers, duties and functions as may be prescribed by Law or Ordinance.

E. The Town Clerk shall report to the Town Administrator.

Section 1-32. Municipal Accountant.

The Municipal Accountant shall be contractually selected by the Town Board of Trustees. The Municipal Accountant shall maintain a general accounting system for the Town, issue billings for service rendered, and prepare financial reports, as contractually requested.

Section 1-33. Office Manager/Clerical Administrator.

The position of Office Manager/Clerical Administrator is hereby created. Said position shall be filled by the person serving as Town Clerk-Treasurer, unless the Town Board of Trustees shall otherwise prescribe, by Ordinance. The Officer Manager/Clerical Administrator shall perform such additional office operations and maintenance duties as the Town Board may direct. The salary for the Office Manager/Clerical Administrator shall be no more than one thousand dollars ($1,000.00) per pay period; such salary shall not be subject to Constitutional restrictions. All benefits shall be provided in accordance with Municipal Policy.

Section 1-34. Police Department; Chief; Personal Property; Mutual Aid.

A. There is hereby created a Police Department for Washington, Oklahoma, the head of which shall be the Chief of Police. The Chief of Police shall be appointed by and report to the Town Administrator. Law enforcement assistance may also be provided, as a Municipal service, on a contractual basis.

B. One (1) or more Police Officers may be appointed by the Chief of Police, subject to confirmation by the Town Board of Trustees; said Police Officers may be removed by the Town Board of Trustees, for cause, at a Regular Meeting, by a majority vote of all of said Town Board members.

C. The Chief of Police and all Police Officers shall possess the powers, and be subject to the liabilities possessed and conferred by Law upon Sheriffs, in executing the orders of the Town Administrator, or enforcing the Code of Ordinances of the Town of Washington, Oklahoma. All police officers shall be considered employees of the Town.

D. It shall be the duty of the Chief of Police and/or all Police Officers to bring to justice all violators of Municipal Ordinances and Federal and State Laws, and to turn such violators over to the proper authorities. The Chief of Police shall serve all warrants, writs, executions and other process, properly directed and delivered.

E. All personal property coming into the possession of any Police Officer, which has been found, stolen or taken off the person, or out of the possession of, any prisoner or person suspected of, or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be delivered into the charge of the Chief of Police, who shall make a permanent, written record of said property, including the date and circumstances of the receipt thereof, the name of the person from whom it was taken (or the place where it was found), the subsequent disposal thereof, the date of sale, name and address of the purchaser, and the amount for which it was sold.

F. Any personal property (other than animals) which remain unclaimed and in the possession of the Chief of Police, or the ownership of which is not satisfactorily established for a period of thirty (30) days, shall be sold and the proceeds of the sale paid over to the

Town Clerk-Treasurer, who shall issue a receipt therefor and deposit the same in the credit of the General Fund of the Municipality, except for such personal property as in the opinion of the Town Administrator can be more advantageously used by some Department or Office of the Municipal Government. Ten (10) days before a sale of such unclaimed property, the Chief of Police shall have posted in a conspicuous place in the Town Hall, notice of the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the Town Administrator, all or any of the personal property may be more advantageously used in any Municipal Department or Office, the Town Administrator shall so instruct the Chief of Police in writing and said Police Chief shall thereupon deliver the designated property to the Department or Office of Municipal Government and make a permanent record of its disposition.

G. Any personal property found by a person other than a public official or employee, which is delivered to any Police Officer for identification, if not claimed or identified within thirty (30) days, shall, withing ten (10) additional days thereafter, if requested by the finder, be returned to said finder, and a record of such disposal made thereof. If the finder does not request return of the property withing such additional ten (10) days, then the Chief of Police shall sell the property as if it had been found by a public official or employee, or, on the instruction of the Town Administrator, deliver it to some Municipal Department for its use.

H. If any property is sold as herein provided, and the owner thereof takes and recovers possession of the same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the Town Administrator.

I. The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally-appointed representative of the estate. If the personal property is claimed by the legally-appointed representative of the estate of the deceased, a certified copy of the order of the County Court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit supporting entitlement of possession of said property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of ninety (90) days, it shall be disposed of in the appropriate manner provided in this Section.

J. The Chief of Police, or a designated representative, is authorized to direct that any regularly-employed Police Officers of the Town of Washington, Oklahoma, may provide law enforcement assistance to another Municipality, County Government or the Oklahoma Highway Patrol in an emergency; provided, that, a written request from an official representative of the other Municipality has been received and approved by the Town of Washington, Oklahoma.

K. While serving in said capacity (above), the Town of Washington, Oklahoma, shall provide salaries, insurance and other regular benefits to these officers.

L. The Mayor, Town Administrator or Police Chief of the Town of Washington, Oklahoma, is also authorized to request law enforcement assistance from other Municipalities, in emergency situations. In such cases, the assisting Police Officers of the other Municipalities shall have all of the same powers and duties as fully as if employed by the Town of Washington, Oklahoma; however, salaries, insurance and other benefits shall not be paid by the Town of Washington, Oklahoma.

M. In all events, the Police Officers of the Town of Washington, Oklahoma, shall return to their regular duties when directed to do so by the Washington Police Chief, or the Police Chief (or authorized representative) of the requesting Municipality, whichever direction occurs first.

N. When the Washington Police Chief shall direct, the assisting Police Officers of the other Municipalities shall return to their own regularly-scheduled duties in their own Municipalities, and those assisting Police Officers shall cease to have the powers and duties of Police Officers regularly employed by the Town of Washington, Oklahoma.

O. The Chief of Police and each Police Officer shall perform all other duties prescribed by Law or Ordinance.

Section 1-35. Municipal Judge; Alternate and Acting Judge.

A. There shall be one (1) Judge of the Municipal Court, who shall be appointed by the Mayor, with the consent of the Town Board of Trustees; the Mayor may be designated as Judge upon approval of said Town Board. (See Chapter 11, this Code of Ordinances.)

B. The Municipal Judge shall be at least twenty-five (25) years of age, a resident of the Town of Washington, Oklahoma (unless a licensed attorney), have a high school education (or the equivalent) and be a good moral character. A Judge who is a licensed attorney may engage in the practice of law in other Courts, but shall not accept employment inconsistent with duties as a Municipal 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.

C. If the Judge of the Municipal Court is not a licensed attorney, the trial shall be to the Court, and the Court may not impose a fine which exceeds fifty dollars ($50.00) and may not order the defendant imprisoned, except for the non-payment of fines or costs. (See also Section 11-40, this Code of Ordinances.)

D. The official term of the Municipal Judge shall be two (2) years, expiring on the 4th day of December, in each odd-numbered year. The Municipal Judge, unless sooner removed for proper cause, shall until a successor is appointed and qualified.

E. The Judge of the Municipal Court shall receive a salary as prescribed by the Town Board of Trustees, paid in the same manner as the salaries of other Municipal Employees.

F. The Municipal Judge may prescribe rules, consistent with the State Constitution and Laws and this Code of Ordinances, for the proper conduct of the business of the Municipal Court.

G. There may be appointed an Alternate Judge of the Municipal Court, possessed of the same qualifications as the Municipal Judge, as set out in Subsection 2, hereinabove.

1. Said appointment shall be for the same term and made in the same manner as the Municipal Judge. The Acting Judge shall sit in the Municipal Court in any case where the Municipal Judge is absent from the Court, unable to act as Municipal Judge in a case.

2. If, at any time, there is not a Municipal Judge or Alternate Judge, duly appointed and qualified, available to sit as Municipal Judge, the Town Board of Trustees may appoint some person possessing the qualifications required by this Chapter for the Municipal Judge, who shall preside as Acting Judge over the Municipal Court in the disposition of pending matters, until such time as a Municipal Judge or Alternate Judge shall be available.

H. An Alternate Judge or an Acting Judge shall be paid, as prescribed by the Town Board of Trustees, for each day devoted to the performance of all duties, except that, for any month, the total payments so calculated shall not exceed the salary of the Municipal Judge. An alternate or Acting Judge who sits for an entire month shall receive the amount specified by the Town Board of Trustees as the salary of the Municipal Judge.

I. Judges shall be subject to removal from office by the Town Board of Trustees, for the causes prescribed by the State Constitution and Laws for removal from public offices. Provisions of the Oklahoma Administrative Procedure Act governing individual proceedings (Title 75, Oklahoma Statutes, Section 308-317 and any amendments or additions thereto in effect at the time of the hearing) shall govern removal proceedings hereunder, so far as they can be made applicable.

J. A vacancy in the Office of Municipal Judge shall occur if the incumbent dies, resigns, ceases to possess the qualifications for the office, or is removed. Upon the occurrence of a vacancy in the Office of Municipal Judge, the Mayor shall appoint a successor to complete the unexpired term, using the same procedure as for an original appointment.

Section 1-36. Town Attorney.

A. The Town Attorney may be appointed by the Board of Trustees on a contractual basis.

B. It shall be the duty of the Town Attorney to give legal advice on questions submitted by the Town Board of Trustees or Town Administrator when the subject matter concerns the duties of any Municipal official or employees, or the performance of their duties.

C. The Town Attorney shall draw such Ordinances, Resolutions, notices, forms, leases, deeds, papers or other documents as may be required or requested by the Town Board of Trustees or Town Administrator.

D. The Town Attorney shall be authorized to appear, prosecute and defend all actions wherein the Town of Washington, Oklahoma, is a party, and shall institute proceedings in court of law upon the order of the Town Board of Trustees or the order of the Town Administrator.

E. The Town Attorney shall be allowed actual and necessary traveling and hotel expenses while outside the Town of Washington, Oklahoma, and on official business for said Town; provided that such business has been approved and directed either by the Town Board of Trustees or by the Town Administrator.

F. The Town Attorney shall perform such other duties as the Town Board of Trustees or Town Administrator may require; provided that such duties are included within the scope of contractual arrangement.

Section 1-37. Fire Chief.

A. There is hereby created the Office of the Chief of the Fire Department, wo shall be appointed by the Town Administrator, with a term of office of two (2) years, running concurrent with the Town Board of Trustee Elections, or until all services are terminated by death, resignation, removal by said Town Administrator or other legal manner. (See Chapter 7, this Code of Ordinances.)

B. Duties of the Fire Chief shall include:

1. The Fire Chief shall have supervision and control of the Fire Department, subject to the State Law, the provisions of this Chapter, other Ordinances of the Municipality and the Town Administrator; the Fire Chief shall diligently perform the duties imposed by Law and Ordinance;

2. The Fire Chief shall be held responsible for the general condition and efficient operation of the Fire Department and the training of members, and may assign duties to other members of said Department;

3. The Fire Chief shall inspect, or cause to be inspected by members of the Department, the fire hydrants and water supply sources of the Town at least once each year;

4. The Fire Chief should maintain a library or file of publications on fire prevention and fire protection;

5. The Fire Chief shall attend all fires and direct and have complete charge of the officers and members of the Fire Department in the performance of their duties;

6. The Fire Chief should ensure that the Town Administrator and the Municipality's citizens are kept informed on fire hazards in the Community and on the activities of the Fire Department;

7. The Fire Chief shall see that each fire is carefully investigated to determine its cause and, in the case of incendiarism, shall notify proper

authorities and secure and preserve all possible evidence for future in the case;

8. The Fire Chief shall see that complete records are kept on all fires, inspections, apparatus, equipment, personnel and other information about the work of the Fire Department; and

9. The Fire Chief shall file the appropriate fire loss reporting forms with the Office of the State Fire Marshal, as required by current State Law.

Section 1-38. Assistant Fire Chief; Other Officers.

A. The Assistant Fire Chief of the Fire Department shall be appointed by the Town Administrator. In the absence of the Fire Chief, the Assistant Fire Chief shall command the Fire Department and be held responsible therefor in all respects, with the full powers and responsibilities of the Fire Chief. (See Chapter 7, this Code of Ordinances.)

B. The Officers of the Fire Department shall be selected upon their ability to lead men and women and their knowledge of fire-fighting and fire-fighting equipment.

C. One (1) member elected by the members of the Fire Department shall be Secretary-Treasurer; duties shall consist of calling the roll at each meeting, keeping the minutes of each meeting and collecting any money due said Department by the members.

Section 1-39. Municipal Building Inspector.

A. There is hereby created the Office of the Municipal Building Inspector within the administrative structure of the Town of Washington, Oklahoma. The Municipal Building Inspector shall be appointed by the Town Administrator; said appointment shall continue during good behavior and satisfactory service. Removal from office shall only be for cause, after full opportunity has been given for a hearing on specific charges. This position may also be filled, on a contractual basis, if necessary.

B. The powers and duties of the Municipal Building Inspector shall be as follows:

1. To enforce all provisions of the Codes adopted by the Code of Ordinances;

2. To receive and process applications required by such Code or this Code of Ordinances;

3. To review Building Permit applications, other Permit applications, issue required Certificates and serve as the Zoning Administration Officer for the Town (See Chapter 4, this Code of Ordinances);

4. To examine premises for which Permits have been issued under such Codes or this Code of Ordinances and make necessary inspections to see that the provisions of the Codes or this Code of Ordinances are complied with and that construction is done safely;

5. To investigate, when requested by the Town Administrator or Town Board of Trustees, or when the public interest so requires, matters referred to in such Codes and render written reports on the same;

6. To issue such notices or orders as may be necessary to enforce compliance with the adopted Codes or this Code of Ordinances, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures;

7. To make inspections required under the provisions of the Codes adopted by this Code of Ordinances, or to ensure that inspections are made by a duly-appointed assistant.

C. During any temporary absence of the Municipal Building Inspector, the Town Administrator may designate an Acting Building Inspector; the Town Clerk shall serve as Acting Building Inspector, unless the Town Administrator designates another person as such.

D. The Municipal Building Inspector, while in the discharge of official duty, shall have the authority to enter any building or premise for the purpose of making an inspection or test of the construction equipment contained therein, or its installation.

E. The Municipal Building Inspector may perform electrical or plumbing inspections and may also serve as the Electrical or Plumbing Inspector, if so designated by the Town Administrator.

Section 1-40. Animal Control Officer.

A. The Town Administrator may appoint a person, persons or other entity to serve as the Animal Control Officer(s) for the Town of Washington, Oklahoma; said Officer(s) shall be appointed for an indefinite term, and may be removed by the said Town Administrator.

B. The salary of the Animal Control Officer(s) shall be established by the Town Administrator and may be either salary basis or a contractual fee system related to enforcement activities.

Section 1-41. Civil Defense Director.

A. A position of Civil Defense Director is hereby created, to be appointed by the Town Administrator.

B. The Civil Defense Director shall be the executive head of the Office of Civil Defense and shall be responsible for carrying out the Civil Defense Program of the Town of Washington, Oklahoma.

C. The Civil Defense Director shall have the authority and responsibility to:

1. Form an organization to prepare and implement a Civil Defense Program;

2. Form committees to perfect such an organization;

3. Appoint the Chairman of such committees;

4. Cooperate with other civil defense agencies; and

5. Formulate plans, gather information and maintain records for the Office of Civil Defense.

D. The Civil Defense Director may be reimbursed for expenses incurred in the performance of official duties; provided that such expenses are at the direction of and approved by the Town Administrator.

E. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Civil Defense Director, after authorization from the Town Administrator, shall have the authority to enforce all regulations relating to civil defense, for the purpose of protecting the residents of the Town of Washington, Oklahoma.

Section 1-42. Civil Defense Department.

A. There is hereby established a Civil Defense Department under the executive branch of the Municipal Government, which shall consist of a Civil Defense Director and a Civil Defense Advisory Committee. (See Chapter _____, this Code of Ordinances.)

B. The purpose of said Department shall be to be prepared for, and function in the event of, emergencies endangering the lives and property of the people of the Town of Washington, Oklahoma, and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of said Community.

Section 1-43. Civil Defense Advisory Committee.

REPEALED May 13, 2025

Section 1-44. Municipal and Regional Planning Commission; Local Capital Improvements Planning Committee.

A. There is hereby created a Municipal Planning Commission to serve as an advisory board for the Town of Washington, Oklahoma, to be composed of at least five (5) members. The Mayor and the Town Clerk-Treasurer shall serve as ex-officio members of said Commission, without voting powers. (See Chapter 15, This Code of Ordinances.) The Washington Municipal Planning Commission shall operate pursuant to and in accordance with the Oklahoma Local and Regional Capital Improvement Planning Process Act. 62 O.S. § 910, et seq.

B. Upon the initial appointment of members to the Municipal Planning Commission, the Mayor shall designate one (1) member to serve for a period of one (1) year, two (2) members to serve for a period of two (2) years, and two (2) members to serve for a period of three (3) years. All subsequent appointments of members shall be for a three (3) year term, and until their successors are appointed and qualified.

C. The members of the Municipal Planning Commission shall be nominated for appointment by the Mayor and confirmed by the Town Board of Trustees, shall be residents of the Town of Washington, Oklahoma, and shall serve without salary.

D. Members of the Municipal Planning Commission may be removed by the Town Board of Trustees for inefficiency, neglect of duty, malefaction in office or other cause established by Resolution of the Town Board; vacancies occurring other than through the expiration of a term shall be filled only for the unexpired term by the Town Board of Trustees.

E. Within five (5) days of the appointment and qualifications of the members of the Municipal Planning Commission, said Commission shall meet and elect one (1) of their number as Chairman, one (1) as Vice-Chairman and one (1) as Secretary; in addition, the Municipal Planning Commission may create and fill such other offices as it may deem necessary. The term of all such offices shall be one (1) year, with eligibility for re-election. Three (3) members of the Commission shall constitute a quorum.

F. There is hereby created a Regional Planning Commission as an entity of the Town of Washington, Oklahoma. The Municipal Planning Commission for said Town shall also serve as the Regional Planning Commission, in order to avail itself of the powers of State Law relating primarily to the regulations of land subdivision within three (3) miles of the Corporate Limits of the Town of Washington, Oklahoma. The Mayor of the Town of Washington, Oklahoma, and the Chairman of the McClain County Board of Commissioners shall be ex-officio members of said Regional Planning Commission, to serve without voting powers.

G. There is hereby created a Local Capital Improvements Planning Committee for the Town of Washington, Oklahoma, in compliance with the provisions of the Oklahoma Capital Improvements Planning Act (62 O.S., 1994 Supplment, Section 901, et seq.). The Local Capital Improvements Planning Committee shall consist of five (5) voting members, to be appointed by the Mayor, subject to the confirmation of the Town Board of Trustees; All members must be residents of the Town of Washington, Oklahoma, and shall serve without salary. Terms of the members shall be established in the same manner as for those of the Municipal Planning Commission, and removal procedures for the Committee shall also be the same as for said Municipal Planning Commission. Unless the Town Board of Trustees, at its direction, specifically designates a separate group of persons, the Washington Municipal Planning Commission shall serve as the Local Capital Improvements Planning Commission. The Local Capital Improvements Planning Committee has the general responsibility to assist the Washington, Oklahoma, Town Board of Trustees in planning for the future development, growth and improvement of said Town of Washington, Oklahoma, and in preparing, adopting, implementing and amending the local Capital Improvements Plan and its related programs, consistent with the goals, guidelines and other provisions of the Oklahoma Capital Improvements Planning Act; it shall also:

1. Prepare the Town's Capital Improvements Plan;

2. Make recommendations to the Town Board of Trustees regarding the adoption of the Plan;

3. Serve in an ongoing advisory capacity to the Town Board of Trustees regarding implementation of the Plan, particularly in the Annual Update phase of the planning process;

4. Conduct public hearings and solicit and encourage citizens participation, as required by, and in accordance with, applicable provisions of the Oklahoma Capital Improvements Planning Act;

5. Take such other actions as may be necessary to carry out the Town's Capital Improvements Planning process, consistent with local Ordinances and policy, and State Law requirements, including the capacity to recommend agreements with other area jurisdictions, in order to carry out the purposes of the Capital Improvements Planning process; and

6. Maintain a working relationship with the appropriate Regional Planning Board of Trustees (the Association of South Central Oklahoma Governments, ASCOG), in order to ensure that the Statutory requirements for integrating the Town's Plan into the ASCOG Regional Capital Improvements Plan, each year, are fully met, to the benefit of the Town of Washington and the State of Oklahoma.

Section 1-45. Zoning Board of Adjustments; Floodplain Variance Appeals Board.

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

B. The Zoning Board of Adjustment, shall have the following powers:

1. To hear and decide Appeals when it is alleged there is error in any order, requirement, decision or determination made by the Town Clerk-Treasurer, Municipal Building Inspector or other administrative officials;

2. To hear and decide Special Exceptions to the terms of the Zoning or other Ordinances upon which the Zoning Board of Adjustment is required to pass; and

3. To authorize upon appeal in special cases, Variances from the terms of such Ordinances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, so that the spirit of the Ordinances will be observed and substantial justice done.

C. The Zoning Board of Adjustment shall also serve as the Appeals Board to hear and render judgement on requests for Variances from the requirements of Floodplain Management Regulations. The Appeals Board shall hear and render judgement on any appeal only when it is alleged there is an error in any requirement, decision or determination made by the Municipal Building Inspector in the enforcement or administration of the Town's Floodplain Management Regulations. Any person or persons aggrieved by the decision of the Appeals Board may appeal such decision in any court of competent jurisdiction. The Municipal Building Inspector shall maintain a record of all actions involving an appeal and shall report Variances to the Federal Emergency Management Agency (FEMA), upon request. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Register of Historic Places, or locally-registered as an Historic Landmark, without regard to the procedures set forth in the remainder of this Section. Variances may be issued for new consecution and substantial improvements to be erected on a lot of one-half (2) acre or less in size, contiguous to, and surrounding by, lots with existing structures constructed below the base flood level; provided, that, all relevant factors have been fully considered. As the lot size increases beyond one-half (2) acre, the technical justification required for issuing the Variance shall increase. Upon consideration of all factors noted above, the Appeals Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes and objectives of the Town's Floodplain Management Program. Variances shall not be issued withing any designated Floodway if any increase in flood levels during the base flood discharge would result. Prerequisites for granting Variances shall include:

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 (1) a showing of good and sufficient cause, (2) a determination that failure to grant the Variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisance creation, fraud or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant for whom a Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood 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 flood elevation.

4. Variances may be issued by the Town of Washington, Oklahoma, 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 this Code of Ordinances 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.

D. Notice of public hearing before the Washington Zoning Board of Adjustment and/or Floodplain Variance Appeals Board shall be given pursuant to 11 O.S. § 44-108.

Section 1-46. Fair Housing Board.

A. There is hereby created a Fair Housing Board for the Town of Washington, Oklahoma, to assist in the enforcement of all Municipal Fair Housing Regulations and Ordinances. (See Chapter 5, this Code of Ordinances.)

B. The Town Board of Trustees of Washington, Oklahoma, shall serve as the Fair Housing Board of said Community.

Section 1-47. Municipal Board of Health; Health Official.

A. The Town Board of Trustees of Washington, Oklahoma, shall constitute a Municipal Board of Health and shall be capable of performing all the functions provided by State Law. (See Chapter 9, this Code of Ordinances.)

B. The Municipal Board of Health shall be operated in general cooperation with the McClain County Department of Health and the Oklahoma State Department of Health.

C. It shall be the general duty of the Municipal Board of Health to examine and consider all measures necessary for the preservation of the public health of residents of the Town of Washington, Oklahoma, and to see that all Ordinances and regulations thereto are observed.

D. The Municipal Board of Health may appoint a Local Health Official to carry out its health programs and policies; the County Health Officer or an authorized representative may perform the duties of a Local Health Official.

Section 1-48 through 1-69. Reserved for future use.

Article 4 - Financial and Business Procedures:

Section 1-70. Purchasing and Sales Procedures.

The Town Administrator, subject to any regulations which the Town Board of Trustees may prescribe, and consistent with Section 1-31 of Chapter 1, Article 3 as amended hereby, shall contract for and purchase, or issue purchase authorization for all supplies, materials and equipment for the offices, departments and agencies of the Municipal Government. Every such contract or purchase exceeding Five-Thousand-Dollars ($5,000.00 USD) shall require the prior approval of the Town Board of Trustees.

Section 1-71. Competitive Bidding; Purchasing Agent.

Repealed on September 3, 2024

Section 1-72. Insurance.

A. The Town Board of Trustees may insure Municipal property, as authorized by Oklahoma Statutes. Any money received as a result of destruction, damages or loss of such insured property shall be accounted for, and used as provided by, said Statutes.

B. The Town Board of Trustees may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the Town of Washington, Oklahoma.

C. The Town Board of Trustees may provide hospital, health and medical insurance, through any company authorized to do business in Oklahoma, for any or all of its officers or employees and their dependents, whether said officers or employees are engaged in governmental or non-governmental functions of the Town of Washington, Oklahoma. The Town Board may pay a portion of all of said premiums from any Municipal Funds, and may deduct from the wages or salary of any such officer or employee, upon written authority signed by the officer or employee, amounts for the payment of all or any portion of the monthly premium for same.

Section 1-73 through 1-79. Reserved for future use.

Article 5 - Sales Tax

Section 1-80. Citation.

The Sections including in this Article shall constitute, shall be known and may be cited as the “Town of Washington, Oklahoma, Sales Tax Ordinance.”

Section 1-81. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, as amended, are hereby adopted by reference and made a part of this Ordinance. (68 O.S. 1991, Section 1302, as amended.)

Section 1-82. Tax Collector Defined.

The term “tax collector” as used herein means the Department of the Municipal Government or the official agency of the State duly designated according to Law, or contractually authorized by Law, to administer the collection of the tax herein levied.

Section 1-83. Classification of Taxpayers.

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

Section 1-84. Subsisting State Permits.

All valid and subsisting Permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Article, hereby

ratified, confirmed and adopted in lieu of any requirement for an additional Municipal Permit for the same purpose.

Section 1-85. Effective Date.

This Article shall continue to be effective, including its most current level, on and after the adoption date of this Codebook.

Section 1-86. Purpose of Revenues.

It is hereby declared to be the purpose of this Sales Tax Ordinance to provide revenues for the support of all of the functions of the Municipal Government of the Town of Washington, Oklahoma.

Section 1-87. Tax Rate; Sales Subject to Tax.

There is hereby levied an excise tax of $0.05 upon the gross proceeds or gross receipts derived from all sales taxable under the Sales Tax Law of Oklahoma, including but not exclusive to the following;

A. Tangible personal property;

B. Natural or artificial gas, electricity, ice, steam or other utility or public service except water;

C. 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;

D. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance; of this shall include all services and rental charges having any connection with the transmission of any message;

E. Printing or printed matter of all types, kinds and characters and the service of printing or overprinting;

F. Service of furnishing rooms or accommodations by hotels, apartment hotels, public rooming houses, public lodging houses, tourist camps and mobile home or trailer parks or camps;

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

H. 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;

I. Advertising of all kinds, types and characters, including any and all devices used for advertising purposes and the servicing of any advertising devices, except as provided elsewhere in this Article;

J. Dues or fees to clubs, and the sale of tickets or admission to places of amusement, to athletic, entertainment or recreational events, or dues or fees for the privilege of having access to, or the use of, amusement, entertainment, athletic or recreational facilities (including free or complimentary passes, tickets, dues or fees which are hereby declared to have a value equivalent to the sale price of tickets, passes, admissions, fees or dues of like kind or character);

K. For the purpose of this Article, sales of service or tangible personal property made for the purpose of developing real estate, even though such real estate is intended for resale as real property, are hereby declared to be sales to consumers or users; sales of service and tangible personal property, including materials, supplies and equipment made to contractors who use the same in the performance of any contract are hereby declared to be sales to consumers or users and not sales for resale; sales of tangible personal property to persons who are primarily engaged in selling their services shall be deemed sales to consumers or users and, therefore, taxable; sales of tangible personal property to peddlers, solicitors and other salesmen who do not have established places of business, shall be deemed to be sales to consumers or users, and therefore, taxable.

L. The total retail sale price received for the sale, preparation or service of mixed beverages, ice and non-alcoholic beverages to be mixed with alcoholic beverages for consumption on the premises where such sales, preparation and service occurs, shall constitute the gross receipts from such transaction.

Section 1-88: Exemptions:

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

A. Sale of raw products from the farm, orchard or garden where such sale is made by the producer of such raw products directly to the consumer or user; gross receipts or gross proceeds derived from the sale of livestock, poultry products and dairy products by the producers; exemptions granted by this Subsection shall not apply when such articles are sold even though by the producer thereof, at or from an “established business place” not on a farm’ neither shall this exemption apply unless said articles are produced or grown within the State of Oklahoma; the provisions of this Subsection are intended to exempt the sale by livestock producers of livestock sold at special livestock sales; the provisions of this Subsection are intended to exempt the sale of diary products when sold by a dairyman or farmer who owns all of the cows from which the dairy products he sells are produced; the provisions of this Subsection shall not be construed to exempt sales by florists, nurserymen and chicken hatcheries;

B. 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 do not operate for a profit which inures to the benefit of any individual member or members thereof, to the exclusion of other members;

C. Sales of tangible personal property or services to or by churches, except where such organizations may be engaged in business for profit or savings,

competing with other persons engaged in the same or similar business;

D. Gross receipts and gross proceeds deriving from the transportation of school children to and from schools and high schools in motor and other vehicles;

E. Transportation of persons where the fare of each person does not exceed the limits established by State Law, or local transportation of persons within the corporate limits of Cities and Towns, except by taxicabs;

F. Sales of food in public, common, high school or college cafeterias and lunch rooms operated primarily for teachers and pupils, but not operated primarily for the public or for profit;

G. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed the limits established by State Law;

H. Sales of the United States Government, State of Oklahoma or any of its political subdivisions;

I. Sales or gasoline or motor fuel on which the Motor Fuel Tax, Gasoline Excise Tax or Special Fuels Tax has been paid to the State of Oklahoma;

J. Sales of crude petroleum or natural or casinghead gas and other products subject to the Gross Production Tax under the provisions of the Laws of the State of Oklahoma; this exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the search for the purpose of promoting or facilitating the production of oil or gas; this exemption shall also not operate to increase or repeal the gross production tax levied by the State;

K. Sales of motor vehicles, attached optional equipment and accessories on which the Oklahoma Motor Vehicles Excise Tax has been paid;

L. Sales by County, district and State fairs;

M. Sales of advertising space in newspapers, periodicals, and billboards advertising services, and sales of time for radio and television broadcasts of advertising;

N. Sales for resale to persons regularly engaged in the business of reselling articles purchased, whether within or without the State; provided, that, such sales to residents of this State are made to persons to whom sales permits have been issued by the Oklahoma Tax Commission as provided by Law; this exemption shall not apply to the sales of articles made to persons holding Permits when such persons purchase items for the 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 Sales Tax Permits or established places of business;

O. Goods, wares, merchandise and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall not classified as having been sold for the purpose of resale or the subject matter of resale, only in the event:

1. Such goods, wares, merchandise or property are purchased for the purpose of being manufactured into a finished article and if it becomes a recognizable and integral part of the manufactured, compounded, processed, assembled or prepared products; or

2. If it is consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale;

P. Sales of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma; provided, that, this exemption shall not apply unless such machinery and equipment is incorporated into and directly used in the process of manufacturing property subject to taxation hereunder; the term “manufacturing or processing operations and generally recognized as such;

Q. Sales 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;

R. Sales of an interest in tangible personal property to a partner or other persons who, after such sale, owns a joint interest in such tangible personal property where the Oklahoma Sales or Use Tax has previously been paid on such tangible personal property;

S. Sales of containers shall be exempt, when sold to a person regularly engaged in the business of reselling empty or filled containers, or when he purchases such containers for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor; provided, that, this exemption shall not apply to the sale of containers used more than once and which are ordinarily known as returnable containers, unless a tax under this Article is collected and paid to the tax collector with respect to each and every transfer by such person of title or possession of such returnable container, if made to any consumer or user within this State; nor shall it 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;

T. Exemptions of poultry, livestock feed and farm machinery, as prescribed by the State Tax Code, shall be equally applicable as exemptions from the tax herein levied;

U. Sales of agricultural fertilizer to persons regularly engaged for profit in the business of farming and/or ranching; this Section shall not be construed as exempting from Sales Tax, seed which is packaged and sold for use in non-commercial flower and vegetable gardens;

V. Sales of agricultural fertilizer to any person engaged for profit in the business of supplying 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 and/or ranching;

W. Sales of agriculture seed or plants to any person regularly engaged, for profit, in the business of farming and/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;

X. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming and/or ranching;

Y. Gross proceeds from the sale of farm machinery and repair parts thereto, 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, agriculture or dairy products produces from such lands;

Z. Sales of tangible personal property or services to the Council Organizations or similar State supervisory organizations of the Boy Scouts or America, the Girl Scouts and the Campfire Girls;

AA. Gross proceeds from the 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 seller that the pullets will be used primarily for egg production;

BB. Sales of aircraft on which the tax levied by applicable State Law has been paid; provided, that, this exemption shall not apply until after July 1, 1984; and

CC. All other applicable exemptions granted by future amendments to Oklahoma's Sales Tax Statutes.

DD. 1991, Section 220; to accomplish the purposes of this Section, the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Article.

Section 1-89. Other Exempt Transfers.

Also, there is hereby specifically exempted from the tax herein levied, the transfer of tangible personal property exempted from the Oklahoma Sales Tax Law inclusive, but not exclusive of, the following:

A. From one (1) corporation to another corporation, pursuant to a re-organization; as used in this Subsection, the term "re-organization" means:

   1. A statutory merger or consolidation; or

   2. 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 this interest in the property prior to the transfer;

D. To a partnership in the organization of such partnership if the former owner 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 this interest in the property prior to the transfer; and

E. From a partnership to the members thereof when made in kind in the dissolution of such partnership.

Section 1-90. 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 Sales Tax Law of the State of Oklahoma.

Section 1-91. Payment of Tax; Brackets.

A. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form provided for payment of the State Sales Tax under the Sales Tax Law of Oklahoma.

B. The bracket system for the collection of the five percent (5%) Municipal Sales Tax by the tax collector, shall be as the same as hereafter adopted by the agreement of the Town of Washington, Oklahoma, and the tax collector in the collection of both the five percent (5%) Municipal Sales Tax and the State Sales Tax.

Section 1-92. 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 1-93. Vendor's Duty to Collect Tax.

A. The tax levied hereunder shall be paid by the consumer or user to the vendor and it shall be the duty of each and every vendor in this Municipality to collect from the consumer or user, the full amount of the tax levied by this Article, 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 the vendor until paid, and shall be recoverable by Law in the same manner as other debts.

C. A vendor, as defined herein, who willfully or intentionally fails, neglects or refused to collect the full amount of the tax levied by this Article, or willfully or intentionally fails, neglects or refuses to comply with

these 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 the vendor is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense.

Section 1-94. 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 required by the State Sales Tax Code; remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for collection of State Sales Tax.

Section 1-95. Interest and Penalties; Delinquency.

Section 217 of Title 68 O.S. 1991, as amended, is hereby adopted and made a part of this Article and interest and penalties at the rate and in the amount as therein specified are hereby levied and shall be applicable in case of delinquency in reporting and paying the tax levied by this Article. 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 Article shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the taxpayer shall forfeit all claim to any discount allowed under this Article.

Section 1-96. Waiver of Interest and Penalties.

The interest, penalty or any portion thereof, accruing by reason of a taxpayer's failure to pay the Municipal Sales Tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the State Sales Tax provided in Title 68, O. S. Municipality, if that State or Municipality does not grant like credit for taxes paid in Oklahoma and the Municipality;

Section 1-97. Erroneous Payment; Claim for Refund.

Refund of erroneous payment of the Municipal Sales 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 Sales Tax as set forth in Title 68, O.S. 1991, Section 227, and, to accomplish the purposes of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

Section 1-98. Fraudulent Returns.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment or any tax, or portion thereof, rightfully due under this Article, shall be an offense and upon conviction thereof, the offending taxpayer shall be subject to a fine of not more than the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances.

Section 1-99. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the Municipal Sales Tax is legislatively recognized and declared, and to protect the same, the provisions of Title 68, O.S. 1991 (as amended), Section 205 of the State Sales Tax Code and each Subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the Municipal Sales Tax, as if set forth herein in full.

Section 1-100. Amendment.

The people of the Town of Washington, Oklahoma, by their approval of these Ordinances at the elections hereinbefore noted, have authorized the Town Board of Trustees, by Ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administrative and enforcement of this Article as may be necessary or proper for efficiency and fairness; provided, that, the rate of the tax herein provided shall not be changed without approval of the qualified electors of the Municipality, as provided by Law.

Section 1-101. Provisions Cumulative and Severable.

A. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of Municipal Ordinances.

B. The provisions hereof are hereby declared to be severable, and if any Section, paragraph, sentence or clause of this Article is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other Section, paragraph, sentence or clause hereof.

Section 1-102. Mobile Temporary Food License

A. Requirements for a mobile temporary food license (for facilities that are vehicle mounted and/or readily moveable)

1. Applicant must obtain the property owner's permission.

2. The applicant must fill out the application in full for the business.

3. The applicant must provide a Certificate of Insurance as proof that the applicant has general liability insurance for the business in an amount acceptable to Town staff.

4. The applicant must provide a Certificate of Insurance as proof that the applicant has vehicle insurance on the amount required by the State.

5. An Oklahoma sales tax permit number is REQUIRED from the Oklahoma Tax Commission.

6. A copy of a current Oklahoma State Department of Health Permit.

7. The applicant's business must not reduce off-street parking of the host business.

8. Mobile vendors, such as ice cream trucks, cannot sell food on the public right of way except for a brief stop for point of sale.

9. If a sign is to be used the vendor must contact Code Enforcement to make sure the sign meets all Code requirements.

10. Vendors must comply with any requirements or restrictions imposed by the Town of Washington based upon the needs of the Town, public safety considerations, and other events.

B. COST OF PERMIT.
1. One (1) day permit is $25.00

2. Three (3) day permit is $65.00

3. Three-hundred-sixty-five (365) day permit is $400.00.

Sections 1-103 through 1-109. Reserved for future use.

Section 1-110. Excise Tax on Storage, Use or Other Consumption of Tangible Personal Property Levied.

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

Section 1-111. Exemptions.

The provisions of this Article shall not apply:

A. In respect to the use of an article of tangible, personal property brought into the Municipality by a non-resident individual visiting in this Municipality for his or her personal use or enjoyment while within this Municipality;

B. In respect to the use of tangible, personal property purchased for re-sale before being used;

C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the Town of Washington, Oklahoma, Use Tax Ordinance, has been paid by the person using such tangible, personal property in the Municipality, whether such tax was levied under the Laws of Oklahoma or some other State or Municipality of the United States. If any article of tangible, personal property has already been subject 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 and the Town of Washington, Oklahoma, Use Tax Ordinance, the provisions of this Article 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 Washington, Oklahoma, Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed; provided, that, no credit shall be given for taxes paid in another State or Municipality, if that State or Municipality does not grant like credit for taxes paid in Oklahoma and the Municipality;

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the Municipality, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in the machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to the taxation under the Sales Tax Code of the Town of Washington, Oklahoma. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

E. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the Town of Washington, Oklahoma.

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

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

H. In respect to livestock purchased outside Oklahoma and brought into this Municipality for feeding or breeding purposes, and which is later re-sold.

Section 1-112. Time Due; Returns; Payment.

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

Section 1-113. Tax Constitutes Debt.

Such taxes, penalty or 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 with any other debt.

Section 1-114. Collection of Tax by Retailer or Vendor.

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

Section 1-115. Collection of Tax by Retailer or Vendor not Maintaining a Place of Business within State or Both Within and Without State; Permits.

The Oklahoma Tax Commission may, at its discretion, upon application, authorize the collection of the Use Tax herein levied by any retailer or vendor not maintaining a place of business within this State but who makes sales of tangible personal property for use in this Municipality, and by the out-of-State place of business both within and without Oklahoma and making sales of tangible, personal property at such out-of-State place of business for use in this Municipality. Such retailer or vendor may be issued, without charge, a Permit to collect such taxes, by said 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 Use Tax upon all tangible, personal property sold to his knowledge for use within this Municipality. Such authority and Permit may be canceled when, at any time, said Tax Commission considers that such Use Tax can more effectively be collected from the person using such property in this Municipality; provided, however, that, in all instances where such sales are made or completed by delivery to the purchaser within this Municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable Municipal Sales Tax at the point of delivery and the tax shall be collected and reported under the taxpayer's Sales Tax Permit number accordingly.

Section 1-116. Revoking Permits.

Whenever any retailer or vendor not maintaining a place of business in this State, or both within and without this State, authorized to collect the Use Tax herein levied, fails to comply with any of the provisions of this Article or the Oklahoma Use Tax Code or any order, rules or regulations of the Oklahoma Tax Commission, said Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1991, Section 1408, 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 the notice and hearing above provided, cancel said corporation's License to do business in this State and shall issue a new License only when such corporation has complied with the obligations under this Article, the Oklahoma Use Tax Code, or any order, rules or regulations of the Oklahoma Tax Commission.

Section 1-117. Deductions Allowed Vendors or Retailers or Other States.

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

Section 1-118. Interest and Penalties; Delinquency.

Section 217 of Title 68 O.S. 1991, is hereby adopted and made a part of this Article, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the Use Tax levied by this Article; provided, that, the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of Use Tax in the time and manner required by this Article shall cause such Tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim and any discount allowed under this Article.

Section 1-119. Waiver of Interest and Penalties.

The interest and penalty, or any portion thereof, accruing by reason of a retailer's or vendor's failure to pay the Use Tax herein, levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. 1991, Section 227; to accomplish the purposes of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

Section 1-120. Erroneous Payments; Claim for Refund.

Refund of erroneous payment of the Municipal Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time provided for administration of the State Use Tax as set forth in 68 O.S. 1991, Section 227; to accomplish the purpose of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.

Section 1-121. Fraudulent Returns; Penalty.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any Use Tax, or portion thereof, the offending taxpayer shall be punished by a fine in an amount not to exceed the limits established in Section 11-40, Article 1, Chapter 11 of this Code of Ordinances.

Section 1-12. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the Municipal Use Tax is legislatively recognized and declared, and to protect the same, the provisions of 68 O.S. 1991, Section 205, of the State Use Tax Code, and each Subsection thereof, are hereby adopted by reference and made fully effective and

applicable to administration of the Municipal Use Tax, as if herein set forth in full.

Section 1-123. Provisions Cumulative and Separable.

A. The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of Municipal Ordinances.

B. The provisions hereof are hereby declared to be separable, and if any Section, paragraph, sentence or clause of this Article, is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other Section, paragraph, sentence or clause hereof.

Section 1-124. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401, 68 O.S. 1991, are hereby adopted by reference and made a part of this Article; in addition thereto, the following words and terms shall be defined as follows:

A. Tax Collector. The term "Tax Collector", as used herein, means the Department of the Municipality or the official agency of the State, duly designated according to Law or contract authorized by Law, to administer the collection of the Use Tax herein levied.

B. Town. The word "Town" shall mean the Town of Washington, Oklahoma.

C. Transaction. The word "transaction" shall mean sale.

Section 1-125. Subsisting State Permits.

For the purpose of this Article, the classification of taxpayers hereunder shall be as prescribed by State Law for purposes of the Oklahoma Use Tax Code.
Section 1-126: Subsisting State Permits:

Section 1-126. Subsisting State Permits.

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

Section 1-127. Purpose of Revenues.

It is hereby declared to be the purpose of this Article to provide revenues for the support of the functions of the Municipal Government of the Town of Washington, Oklahoma, and any and all revenues derived hereunder may be expended by the Town Board of Trustees for any purpose for which funds may be lawfully expended and authorized.

Section 1-128 through 1-139. Reserved for future use.

Article 7 - Firemen's Pensions

Section 1-140. Participation in State Firemen's Relief and Pension Fund.

The Volunteer Fire Department of the Town of Washington, Oklahoma, shall be subject to all of the provisions of the Oklahoma State Firemen's Relief and Pension Act, all of the provisions of which are hereby accepted by the Town of Washington, Oklahoma, for the use and benefit of its Volunteer Fire Department, which shall also be subject to all of the obligations thereunder.

Section 1-141 through 1-149. Reserved for future use.

Article 8 - Social Security.

Section 1-150. Extension of Benefits.

It is hereby declared to be the policy and purpose of the Town of Washington, Oklahoma, to extend to the employees and officials thereof, not excluded by Law or this Article, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old-Age and Survivors Insurance, as authorized by the Federal Social Security Act and amendments thereof. In pursuance of such policy and for the purpose, said Municipality shall take such action as may be required by applicable State or Federal Laws or regulations.

Section 1-151. Execution of Agreements.

The Mayor of the Town of Washington, Oklahoma, is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the appropriate State Department as agent or agency, to secure coverage of employees and officials as provided in Section 1-150 (above).

Section 1-152. Withholdings from Salaries.

Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1-150 (above) are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal Laws or regulations, and shall be paid over to the State or Federal agency designed by such Laws and regulations.

Section 1-153. Contributions by Town.

There shall be appropriated by the Town of Washington, Oklahoma, from available funds, such amounts at such times as may be required by applicable State or Federal Laws or regulations for employers' contributions to the Federal Social Security System. Such funds shall be paid over to the State or Federal agency designated by said Laws or regulations.

Section 1-154. Records and Reports.

The Town of Washington, Oklahoma, shall keep such records and make such reports, relative to the Federal Social Security System, as may be required by applicable State or Federal Laws or regulations.

Section 1-155. Excluded Officers and Employees.

A. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position or any 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 of Washington, Oklahoma.

B. There is hereby excluded from this Article and the benefits established hereunder, any authority to make any agreement with respect to any position, employee or official, compensation for which is on a fee basis, or any position, employee or official not authorized to be covered by applicable State or Federal Laws or regulations.

Sections 1-156 through 1-159. Reserved for future use.

Article 9 - Telephone Exchange Fee

Section 1-160. Inspection Fee.

There is hereby levied an annual inspection fee and service charge upon every person, firm or corporation operating a telephone exchange or rendering telephone service in the Town of Washington, Oklahoma, in an amount equal to five percent (5%) of the gross revenues for each current year, for exchange telephone transmission service rendered wholly within the corporate limits of the Town of Washington, Oklahoma, to compensate the Municipality for the expenses incurred and services rendered incident to the exercise of its police power, supervision, policy regulation and control during construction and operation of lines and equipment of said telephone company in said Municipality. Said fee shall be due and payable on or before the 1st day of March of each year and shall be paid into, and expended from, the General Fund of the Town of Washington, Oklahoma.

Section 1-161. Fee in Lieu of Taxes.

During continued substantial compliance with the terms of this Article by the owner of the telephone exchange (or company rendering telephone service within the limits of said Municipality), the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excises, franchises, licenses, privileges and permit fees, taxes or assessments except ad valorem taxes; provided, that, it is not intended hereby to extinguish or abrogate all existing arrangements whereby said Municipality is permitted to use any underground conduits, duct space or pole contracts of said company.

Section 1-162. Failure to Pay Inspection Fee.

Should any person, firm or corporation fail or refuse to pay such fee when levied, action may be taken against such person, firm or corporation for the amount of such fees; all expenses for collection of the same, including a reasonable attorney's fee, shall be paid by the party or parties that said action is taken against.

Sections 1-163 through 1-169. Reserved for future use.

Article 10 - Gross Receipts Tax

Section 1-170. Power to Levy and Assess Tax; Tax in Lieu of Other Taxes.

The Town Board of Trustees, being vested with power so to do, does hereby levy and assess an annual tax upon the gross receipts from residential and commercial sales of power, light, heat, electricity, water or both natural and liquefied petroleum gas in the Town of Washington, Oklahoma, in the amount of five percent (5%) of the gross receipts from said residential and commercial sales; this tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the Town of Washington, Oklahoma.

Section 1-171. Application of Tax.

The tax authorized to be levied under Section 1-170 (above) of this Article shall be levied at the time this Article shall take effect and shall apply to all persons, firms associations or corporations engaged in the business of furnishing power, light, heat, electricity, water or both natural and liquefied petroleum gas in the Town of Washington, Oklahoma; it shall not apply to any person, firm or association or corporation operating under a valid franchise from the Town of Washington, Oklahoma, and said exception shall be so stated in said valid franchise.
Section 1-172: Tax Levied Until Repealed; Payable Quarterly; Disposition:

Section 1-172. Tax Levied Until Repealed; Payable Quarterly; Disposition.

This tax that is now levied under Section 1-170 of this Article shall be levied for a term of not less than one (1) year and shall continue in effect until further amended or repealed; said tax shall be payable quarterly to the Town Clerk-Treasurer of the Town of Washington, Oklahoma, and placed in the General Fund of said Town.

Section 1-173. Penalties; Failure to Pay Tax.

Should any person, firm or corporation fail or refuse to pay such tax when levied, action may be taken against such person, firm or corporation for the amount of such tax; all expenses for collection of the same, including reasonable attorney fees, shall be paid by the party or parties that said action is taken against.

Section 1-174. Lien for Tax.

The Tax so imposed shall constitute a first and prior lien on all the assets located within the Town of Washington, Oklahoma, of any person, firm or corporation engaged in the business of selling power, light, heat, electricity, water or natural and liquefied petroleum gas.

Sections 1-175 through 1-179. Reserved for future use.

Article 11 - Miscellaneous Provisions

Section 1-180. Officers to Give Bonds.

A. The Town Clerk-Treasurer, Chief of Police and the Town's Purchasing Agent (s) shall each be bonded by the Town of Washington, Oklahoma, within ten (10) days after their election or appointment in the following amounts:

   1. Town Clerk-Treasurer $2,000.00

   2. Purchasing Agent (s), Each $2,000.00

   3. Chief of Police $1,000.00

B. The Town Board of Trustees shall, be motion, establish bond requirements for other Municipal officers and employees, as necessary or as required.

Section 1-181. Compensation; Change of Salaries.

A. The basic compensation of the following elected Municipal officers shall be as indicated below:

1. Each Trustee $20.00 per month

2. Town Clerk-Treasurer $680.00 per month

B. The basic salaries of elected Municipal officials shall not be changed after their election or during their term of office. (State Constitution, Article 23, Section 10.)

C. The Town Board of Trustees may determine or regulate the number and class of officers and employees and determine or change their compensation, by motion or Resolution; this provision shall also be applicable to the Town Clerk-Treasurer, whenever the position is appointive.

Section 1-182. Succession in Government.

A. All Ordinances, insofar as they are not inconsistent with this Code of Ordinances, shall continue in effect until they are repealed or until they expire by their limitations.

B. All officers and employees of the Town of Washington, Oklahoma, under any and all previous Ordinances, shall continue in the offices and employments which they respectively hold, after this Code of Ordinances goes into effect.

C. All books, monies or other property belonging to the Town of Washington, Oklahoma, and in charge or possession of any officer of the Town shall be delivered to said person's successor.

Section 1-183. Nepotism; Compatibility of Offices.

A. No member of the Town Board of Trustees nor any other authority of the Municipal Government, may appoint or vote for the appointment of, any person, related to said person by affinity or consanguinity within the 3rd degree, to any office or position of profit in the Municipal Government.

B. The following relatives shall be considered as within the 3rd degree of affinity or consanguinity: sons, daughters, grandsons, granddaughters, great grandsons, great granddaughters, brothers, sisters, nephews, nieces, aunts, uncles, primary cousins, grandfathers, grandmothers, grand uncles, grand aunts, great grandfathers, great grandmothers, son-in-law, great granddaughter-in-law, brother-in-law, sister-in-law, nephew-in-law, niece-in-law, aunt-in-law, uncle-in-law, primary cousins-in-law, grandfather-in-law, great grandmother-in-law, grand nephew, grand niece, grand nephew-in-law, grand niece-in-law, stepson, stepdaughter, stepfather or stepmother; a divorce decree shall be deemed to dissolve all relationships arising by that marriage.

C. Except as may be otherwise provided by Ordinance, the same person may hold more than one (1) office or position in the Municipal Government.

Section 1-184. Ordinances: General Provisions.

A. The enacting clause of all Ordinances passed by the Town Board of Trustees shall be: "BE IT ORDAINED by the Board of Trustees of the Town of Washington, Oklahoma", and of all Ordinances proposed by the voters under their power of initiative, "BE IT ORDAINED by the People of the Town of Washington, Oklahoma".

B. Every proposed Ordinance shall be read and a vote of a majority of all the Trustees shall be required for its final passage.

C. The Mayor shall have no power to veto any Ordinance.

D. Every Ordinance, except an Emergency Ordinance, shall become effective thirty (30) days after its final passage, unless it specifies a later date.

E. An Emergency Ordinance is an Ordinance which, in the judgment of the Town Board of Trustees, is necessary for the immediate preservation of the local welfare, peace, health or safety, and which should become effective prior to the time when a regular Ordinance would become effective. Every such Ordinance shall contain, as a part of its title, the words "and declaring an emergency" and, in a separate Section (herein called the Emergency Section), shall declare the emergency. The Town Board of Trustees shall vote on the Emergency Section separately and must adopt said Emergency Section by a vote of at least three-fourths (3/4) of all the members of said Town Board. An Emergency Ordinance shall take effect upon passage, unless it specifies a later date.

Section 1-185. Ordinances: Adoption by Reference.

The Town Board of Trustees, by Ordinance, may adopt by reference Codes, Ordinances and standards relating to building, plumbing, electrical installations and other matters which it has the power to regulate. Such a Code, Ordinance or standard so adopted, need not be enrolled in this Code of Ordinances; provided, that, three (3) copies are filed and kept in the Office of the Town Clerk-Treasurer.

Section 1-186. Ordinances: Compilation.

A. Every ten (10) years, the Town of Washington, Oklahoma, shall compile and publish its effective penal Ordinances in a permanent form.

B. Two (2) copies of the compilation or Ordinances shall be deposited by the Town in the McClain County Law Library.

C. Every two (2) years the Town of Washington, Oklahoma, shall prepare, adopt and publish Supplements to its compiled penal Ordinances, and no Ordinance shall be enforced if it is not reflected in such compilation or Supplement, if such Ordinance was adopted more than one (1) year prior to the latest compilation or Supplement.

D. When the Town has compiled and published its Code of Ordinances and succeeding Supplements, the Town Board of Trustees shall adopt a Resolution notifying the public of such compliance and cause

certified copies of the Resolution, the Code of Ordinances and the Supplements to be filed in the Office of the McClain County Clerk and the County Law Library.

Section 1-187. Amendments or Additions to the Code of Ordinances.

A. The Town Board of Trustees shall have the power to repeal, alter or amend this Code of Ordinances.

B. All Ordinances passed subsequent to this Code of Ordinances which amend, repeal, or in any way affect said Code, may be supplemented every two (2) years by being numbered in accordance with the numbering system of this Code of Ordinances and printed for inclusion therein. When subsequent Ordinances repeal any Chapter, Section or Subsection, or any portion thereof, such repealed portions may be excluded from this Code of Ordinances by omission thereof from re-printing pages. Such inclusion of Ordinances passed subsequent to this Code of Ordinances which amend or add to this Code (except in the case of repeal), shall be prima facie evidence of such subsequent Ordinances until such time that this Code of Ordinances and subsequent Ordinances numbered or omitted, are re-adopted as a new Code of Ordinances by the Town Board of Trustees.

C. Amendments to any of the provisions of this Code of Ordinances shall be made by amending such provisions by specific reference to the Chapter, Article and Section numbers of this Code in the following language: "Section ___ of Article ____, Chapter ____, of the Code of Ordinances, Town of Washington, Oklahoma, is hereby amended to read as follows: '_____.' "The new provisions shall then be set out in full as desired.

D. In the event a new Section not heretofore, existing in the Code of Ordinances is to be added, the following language shall generally be used: "The Code of Ordinances, Town of Washington, Oklahoma, is hereby amended by adding a Section to Article _____ of Chapter _____, which Section reads as follows: '_____.'". The new Section shall then be set out in full as desired.

CHAPTER 2 - ALCOHOLIC BEVERAGES

Article 1 - Oklahoma alcoholic beverage control act

Section 2-1. Oklahoma alcoholic beverage control act adopted.

The Oklahoma Alcoholic Beverage Control Act (37 O.S. 1991, Section 501-566, as amended) is hereby adopted and incorporated by reference in this Code of Ordinances for the Town of Washington, Oklahoma, applicable provisions of the Act are hereby declared to be in full force, as if included herein complete detail.

Section 2-2. Definitions and interpretations.

A. All words, phrases and terms used in this and other Chapters relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same as set forth in the Oklahoma Alcoholic Control Act (37 O.S. 1991, Section 506, as amended).

B. Beverages containing more than three and two-tenths percent (3.2%) alcohol by weight are hereby declared to be “intoxicating beverages”.

C. Beverages containing more than one-half of one percent (1%) alcohol by volume and not more than three and two-tenths (3.2%) alcohol by weight, are hereby declared to “nonintoxicating beverages”.

Sections 2-3 through 2-9. (Reserved for future use).

Article 2 - Alcoholic and intoxicating beverages

Section 2-10. Municipal occupation tax; license; reporting.

A. An annual Municipal Occupation Tax, as shown below, is hereby levied on person engaging in the following businesses within the Town of Washington, Oklahoma:

1. Retail Package Store - $300.00
2. Brewer - $1,250.00
3. Distiller - $3,125.00
4. Winemaker - $625.00
5. Oklahoma Winemaker - $75.00
6. Rectifier - $3,125.00
7. Wholesaler - $3,500.00
8. Class B Wholesaler - $625.00
9. Mixed Beverage Club - $900.00
10. Service Organizations Exempt Under Section 501(c) (19) of the IRS Code, for Mixed Beverage Club - $500.00
11. Caterer - $900.00
12. Special Event - $50.00 per day

B. If a Brewer or a Class B Wholesaler also holds a License from the State to manufacture or wholesale any nonintoxicating malt beverages, the Municipal Occupation Tax for such Brewer or Class B Wholesaler shall be reduced by seventy-five percent (75%).

C. It shall be unlawful for any person to engage in any of the businesses listed above without having paid the Municipal Occupation Tax levied by this Article and obtaining a valid License from the Town Clerk-Treasurer. If the applicant holds a valid State License to engage in said business within the Town of Washington, Oklahoma, is operating in compliance with Municipal Ordinances and has paid the required Municipal Occupation Tax, the Town Clerk-Treasurer shall issue the License applied for.

D. All Licenses issued pursuant to this Article shall expire on June 30th of the year for which issued. The cost of any type License shall be a prorate part of the cost of said yearly License, computed on a monthly basis. Licenses issued on or before the 15th day of any month shall be charged for on the basis of the 1st day of said month; Licenses issued after the 15th day of any month shall be charged for on the basis of the 1st day of the next month.

E. The Town Clerk-Treasurer shall transmit a report to the State ABLE Commission on June 30th of each year, showing the amount of money collected and the number of Municipal Occupation Tax Licenses issued under this Chapter.

Section 2-11. Retail package stores: Location; hours; offenses.

A. Location: The location of a retail package store is specifically prohibited within three hundred (300) feet of a public school, or any church property primarily and regularly used for worship services and religious activities; provided, that, 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 as long as it has been in continuous force and effect. The distance indicated in this Section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, along the street right of-way line providing the nearest, direct, route usually traveled 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 any location on the same block where a school or church is located.

B. Separate premises: It shall be unlawful for any person to operate or maintain, or to assist in the operation or maintenance of, any retail package store when the premises are not separated from the premises on which any other goods, wares or merchandise are sold or services are rendered, by non-transparent walls (which may be broken by a passageway to which the public is not admitted). It shall be unlawful for any person to take any alcoholic beverage from such store through said passageway to which the

public is not admitted, for the purpose of selling, re-selling or delivering in connection with the sale of, said alcoholic beverages.

C. Hours of operation: It shall be unlawful for any person holding a License for a retail package store, or any employee or agent thereof, to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of 10:00 o'clock a.m. and 9:00 o'clock p.m., Monday through Saturday; or to keep such premises open for such purpose on the day of any General, Primary, Runoff Primary or Special Election; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day.

D. Conditions of sale: Retail package stores may sell alcoholic beverages (a) only in retail containers in the original package for consumption off the premises and (b) only at ordinary room temperature.

E. Offenses: It shall be unlawful for any person holding a License for a retail package store, or any employee or agent thereof, to:

1. Knowingly sell, deliver or furnish any alcoholic beverages to any person under twenty-one (21) years of age, an intoxicated person or any person who has been legally adjudged insane or mentally deficient;

2. Employ any person under twenty-one (21) years of age in the selling or handling of alcoholic beverages;

3. Permit any person under twenty-one (21) years of age to enter into, remain within or loiter about a licensed premises; or

4. Permit any person to open a retail container or consume alcoholic beverages on the premises of a retail package store

Sections 2-12 through 2-19. (Reserved for future use)..

Article 3 - Non-intoxicating beverages

Section 2-20. Definitions.

"Retail Dealers." The term "retail dealer", as used in this Article, means any person, firm, corporation, association or concessionaire who sells, distributes or dispenses, at retail, any nonintoxicating beverage within the corporate limits of the Town of Washington, Oklahoma, without regard as to any place where such beverages may be consumed or used.

Section 2-21. License.

A. There is hereby levied upon each retail dealer of nonintoxicating beverages for consumption on and off the premises, an annual Municipal License fee of twenty dollars, ($20.00); an annual Municipal License fee of ten dollars ($10.00) is hereby levied for sale of nonintoxicating beverages or consumption either on or off the premises only.

B. It shall be unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any nonintoxicating beverages without having first received a Municipal License, as herein required.

C. No Municipal License shall be issued to any retail dealer by the Town Clerk-Treasurer, until the applicant has obtained all required State and County; permits, and has, in all other respects, complied with the Oklahoma Alcoholic Beverage Control Act. All such Licenses shall expire on June 30th of the year following re-issuance. License fees shall be paid to the Town Clerk-Treasurer and no License shall be transferable.

D. The Town Board of Trustees shall have the power, after public hearing, to revoke any License granted hereunder, for violation of Law or Ordinance by the License holder.

Section 2-22. Retail dealers in non-intoxicating beverages.

It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where nonintoxicating beverages are sold for consumption on the premises, or for any person in charge thereof, to:

A. Sell, offer for sale, give away, procure for, or otherwise dispense to, any person under twenty-one (21) years of age, any nonintoxicating beverage;

B. Permit any person under twenty-one (21) years of age, to loiter or remain in or around such place of business, except where such business is an eating place where the service of such beverages is incidental to the main business of serving food;

C. Employ any person under twenty-one (21) years of age to work in such a place, except where said place is an eating place where the service of such beverages is incidental to the main business of serving food;

D. Sell, deliver or knowingly furnish nonintoxicating beverages to an intoxicated person or to any person who has been legally adjudged insane or mentally deficient;

E. Permit therein gambling, betting or operation of a lottery;

F. Permit the sale, furnishing or drinking of intoxicating liquor;

G. Permit disorderly conduct, loud or disturbing language or any other violation of State Law or of the Code of Ordinances of the Town of Washington, Oklahoma; or

H. Permit an intoxicated person to remain in or around a place of business where nonintoxicating beverages are dispensed.

Section 2-23. Hours of sale.

A. It shall be unlawful and an offense for nonintoxicating beverages (as herein defined) to be sold, given away or otherwise dispensed for consumption on the premises, between the hours of 2:00 o'clock a.m. Sunday and 7:00 o'clock a.m. on the following Monday.

B. It shall be unlawful and an offense for nonintoxicating beverages (as herein defined) to be sold, given away or otherwise dispenses for consumption on the premises between the hours of 2:00 o'clock a.m. and 7:00 o'clock a.m. on any other day.

C. It shall be unlawful for any person, other than the legal owner or primarily-responsible, salaries employee (s) to remain on the premises of a place of business where nonintoxicating beverages are dispensed for consumption on the premises, between the hours of 2:00 o'clock a.m. and 7:00 o'clock a.m. on any day or when the premises are legally closed.

Sections 2-24 through 2-29. (Reserved for future use)

Article 4 - Miscellaneous provisions

Section 2-30. Clubs; applications for certificates of compliance.

A. Every applicant for Certificates of Compliance with the Zoning, Fire, Health and Safety Codes of the Town of Washington, Oklahoma, required by Title 37 of Oklahoma Statues, shall apply at the Office of the Town Clerk-Treasurer by:

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

2. Paying a verification and certification fee in the amount of fifty dollars ($50.00) at the time of filing.

B. Upon receipt of completed applications for Certificates of Compliance, the Town Clerk-Treasurer shall cause an investigation to be made to determine whether the premises proposed for Club operations comply with the provisions of the Zoning Ordinance, other applicable development regulations and any Health, Fire, Building and other Safety Codes applicable to it.

C. The above Certificates of Zoning and Code Compliance shall be signed by the Town Clerk-Treasurer or a designated representative of the Town Clerk-Treasurer.

Section 2-31. Minors.

It shall be an offense for any person to sell, barter, trade, give or otherwise transfer possession of any nonintoxicating or alcoholic beverage to any person under the legal age permitted to possess or consume such beverages.

Sections 2-32 through 2-49. (Reserved for future use).

Article 5 - Penalty

Section 2-50. Penalty.

Any person, firm or corporation violating any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinance. Each day upon which a violation continues shall constitute a separate offense.

Article 6 - Oklahoma Alcoholic Beverage Control Act

Section 2-51. Oklahoma alcoholic beverage control act adopted.

The Oklahoma alcoholic beverage control act (37 O.S. 1991, Section 501-566, as amended) is hereby adopted and incorporated by reference in this Code of Ordinances for the Town of Washington, Oklahoma; applicable provisions of the Act are hereby declared to be in full force, as if included herein in complete detail.

Section 2-52. Definitions and interpretations.

A. All words, phrases and terms used in this and other Chapters relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same as set forth in the Oklahoma Alcoholic Beverage Control Act (37 O.S. 1991, Section 506, as amended)

1. Beverages containing more than three and two-tenths percent (3.2%) alcohol by weight are hereby declared to be "intoxicating beverages".

2. Beverages containing more than one-half (□) of one percent (1%) alcohol by volume and not more than three and two-tenths (3.2%) alcohol by weight, are hereby declared to be "nonintoxicating beverages.

CHAPTER 3 - ANIMALS

Article 1 - General Provisions

Section 3-1. 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, or specifically provides for, a different meaning;

A. Animal: The word “animal” shall mean all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, fish, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.

B. Animal control officers and rabies control officers: The term “Animal Control Officer” or “Rabies Control Officer” shall mean the person (s) responsible for enforcement of the Town of Washington, Oklahoma’s, Ordinances and regulations pertaining to animal control in said Community.

C. Animal shelter or municipal pound: The term “Animal Shelter” or “Municipal Pound” shall mean any premises formally designated by the Town Board of Trustees for the purpose of impounding and caring for animals held under the authority of this Chapter, regardless of whether or not said premises are within or without the Municipality’s corporate boundaries, and regardless of whether or not said premises are under actual Municipal ownership or provided for under a contractual arrangement between the Town of Washington, Oklahoma, and private sector owner (s).

D. At large: The term “at large” shall mean not securely confined by a fence or other means, on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of the immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner’s premises or not.

E. Harboring: The word “harboring” shall mean allowing any animal to habitually remain, or be fed, on premises under an owner’s control.

F. Kennel: The word “kennel” shall mean any structure or place where more than three (3) dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of more than three (3) dogs over six (6) months of age.

G. Livestock: The word “livestock” shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

H. Neuter: The word “neuter” shall mean to render a male dog or cat unable to reproduce.

I. New Owner: The tern “new owner” shall mean a person legally competent to enter into a contract acquiring a dog or cat from the releasing agency.

J. Owner: The word “owner” shall mean any person, firm or corporation owning, harboring or keeping an animal; occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal, and thereby considered to be an “owner” of said animal.

K. Pet: The word “pet” shall mean any animal kept primarily for pleasure, rather than for sale or other commercial purpose.

L. Releasing agency: The term “releasing agency” shall mean and Pound (Municipal or otherwise), shelter or Humane Society organization, whether public or private.

M. Restraint: An animal shall be deemed to be under “restraint” if confined on the premises of its owner, if on a leash and accompanied by a responsible person, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.

N. Spay: The word “spay” shall mean to remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.

O. Sterilization: The word “sterilization” shall mean to spay or neuter a dog or cat.

P. Vicious dog or animal: The term “vicious dog or animal” shall refer to any dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks or growls at and acts as if it intends to attach or bite, any person or persons when not unduly provoked.

Q. Wild animal: The term “wild animal” shall mean any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; the term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition.

Section 3-2. Animals Not to Be At Large.

A. It shall be unlawful and an offense for the owner or any animal, domestic or wild, (including dogs), to permit the same to be, run at large or trespass upon the premises of another person, or be unlawfully at large at any time within the corporate limits of the Town of Washington, Oklahoma.

B. It shall be unlawful and an offense for any person to:

1. Keep, own, harbor or possess any dog within the corporate limits of the Town of Washington, Oklahoma, without providing a substantial and secure pen in which said dog shall be confined (which pen shall be sufficient in size that no sanitation or health problems shall be involved); or to

2. Allow a dog to be under the control of any person, and placed on an inadequately-sized leash so that it can reach or bite any person who may be using the public thoroughfares of the Town, so the dog can reach beyond the limits of the lot or premises upon which said dog is kept and confined, or so the dog may reach any person

who may be rendering necessary services to the house of such owner, upon the premises where said dog may be kept, harbored or possessed.

Section 3-3. Disturbances by animals; public nuisance abatement.

A. It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.

B. It shall be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.

C. Abatement of such public nuisances shall be handled in accordance with the provisions of the "Nuisances" Chapter in this Code of Ordinances.

Section 3-4. Keeping animals.

A. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the Town of Washington, Oklahoma, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

B. If no specific provisions are listed in this Code of Ordinances for keeping of a particular type of animal, said animal type shall not be kept at all within the corporate limits of the Town of Washington, Oklahoma.

C. No swine shall be kept within the corporate limits of the Town of Washington, Oklahoma, with the exception of FFA and/or 4-H projects kept on public school property, or in appropriately-Zoned areas.

D. Every structure wherein any authorized animal is kept within the corporate limits of the Town of Washington, Oklahoma, shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, 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 provide a watertight and flytight receptacle for manure, or sufficient size to hold all accumulations of manure. Such receptable 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.

E. Consistent with provisions of the Town's existing or future Zoning Ordinance, the keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall be permitted throughout the Town of Washington, Oklahoma, as long as the premises are maintained in accordance with the provisions of Subsection 4 (above) and State and County Health Department requirements and standards. Additional restrictions on the raising and/or keeping of animals may be imposed by the Zoning Ordinance without conflicting with this Subsection.

F. The raising or keeping of rabbits shall be permitted, in accordance with the provisions of Section 4 (above), as well as any applicable provisions of any adopted Zoning Ordinance.

G. The keeping or raising of any wild animals shall be prohibited within the Town of Washington, Oklahoma, except for those wild animals which may be under the care of travelling shows or circuses, and for which the License requirements of Article 2 of this Chapter are met and a Permit obtained.

H. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the Town of Washington, Oklahoma, except under the conditions and provisions of any License required for such snakes in Article 2 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said Town, without having met Permit requirements and obtained a Permit.

I. Consistent with provisions of the Town's current or future Zoning Ordinance, persons living withing the Town's corporate limits who are conducting farming and/or ranching operations on tracts of land of five (5) acres or larger, may keep and maintain such animals as may be required or useful in their operations; provided, that, such sanitary requirements as may be detailed in this Section and Chapter shall be complied with at all times, regardless of the size of the tract of land involved.

Section 3-5. Responsibilities of owners.

In addition to any duties previously outlined, the owner of any animal shall have the following additional responsibilities:

A. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.

B. Owners shall provide proper care and treatment of their animals.

C. Owners shall not abandon their animals.

D. It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the Town of Washington, Oklahoma, except in private, enclosed locations, entirely out of the public view, or to permit any such animal to have sexual intercourse in any place except a private, enclosed place. (This shall not be constructed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this Code of Ordinance.)

Section 3-6. Cruelty to animals.

A. It shall be unlawful for any person knowingly, wilfully or maliciously to:

1. Deposit any animal with the intention of abandoning the same;

2. Pour on or apply to an animal, any drug or other thing which inflicts pain;

3. Improperly use any collar, leash, harness, etc., resulting in pain or damage to an animal;

4. Treat an animal in a cruel or inhumane manner;

5. Neglect an animal belonging to, or in the custody of an owner, in a cruel or inhumane manner;

6. Kill, or attempt to kill, any animal in an inhumane manner; or

7. Poison, or expose to poison, any dog or other animal, except a noxious, non-domesticated animal.

B. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.

Section 3-7. Turning confined animals at large unlawful.

It shall be unlawful for any person to open any enclosure in which an animal is confined (as required by Ordinance), so as to turn such animal at large, or to in any other manner turn such animal at large.

Section 3-8. Pasturing in public areas unlawful.

It shall be unlawful for any person to stake, confine or pasture any animal on any public property (Federal, State, Municipal or other), or on any railroad right-of-way, without the consent of the person owning or controlling such property.

Section 3-9. Rabies control, vaccination requirements.

A. Any warm-blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the Town of Washington, Oklahoma, shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a Vaccination Certificate (which shall be retained by said owner until it expires and is renewed). The failure to procure such Certificate when so requested by the Animal Control Officer shall be prima facie evidence that such animal has not been vaccinated.

B. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and County Health Department. The Animal Control Officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the Municipal Pound or Animal Shelter. In case of animals whose ownership is unknow, such quarantine shall be at the Municipal Pound or Animal Shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement.

C. When an animal under quarantine has been diagnosed as being rabid, or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the Animal Control Officer, veterinarian, or other designated person, shall immediately send the necessary part of such animal to the State Department of Health for pathological examination and shall notify the proper Health Officer of any reports of human contact.

D. When a report gives a positive diagnosis of rabies and the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the Town Board of Trustees a Community-wide quarantine; upon the invoking of such quarantine by the Town Board of Trustees, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the Town of Washington, Oklahoma, without written permission of the Animal Control Officer.

E. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended.

F. No person shall remove from the Town of Washington, Oklahoma, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer upon demand; the Animal Control Officer shall direct disposition and said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

G. It shall be the duty of every person within the corporate limits of the Town of Washington, Oklahoma, owning or harboring any dog or cat which is six (6) months old or older, to procure a Rabies Vaccination Certificate from a licensed veterinarian, or agent authorized by the Town Board of Trustees, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

H. It shall be unlawful to not comply with all the Municipal vaccination requirements after fifteen (15) days of residency.

Section 3-10. Confining female dogs and cats.

Every female dog or cat in heat shall be confined, in a building or secure enclosure, in such a manner that such animal cannot come into contact with another animal, except for planned breeding.

Section 3-11. Certain dogs running loose to be killed.

The Animal Control Officer, designated representative or any Police Officer of the Town of Washington, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the Town of Washington, Oklahoma, which is determined by the Animal Control Officer or Police Officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash (as provided by this Chapter), without keeping said dog in the Municipal Pound for any period of time.

Section 3-12. Inspections to enforce chapter.

A. The Local or County Health Official, the Animal Control Officer, or any member of the Town Board of Trustees, upon complaint of any person or on a self-initiated bases, shall inspect any structure or place wherein an animal is kept.

B. The Local or County Health Official, or the Animal Control Officer, may issue any such reasonable order as may be deemed necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.

C. The Local or County Health Official, or the Animal Control Officer, may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints.

Section 3-13. Zoning ordinance to prevail.

A. In case of conflict between this Chapter and the present or any future Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail and supersede the provisions of this Chapter.

B. No animal shall be kept in violation of the Zoning Ordinance.

Section 3-14. Dog and cat sterilization.

A. No dog or cat may be released for adoption for a releasing agent in the Town of Washington, Oklahoma, unless said animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized, and deposited funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit required shall be ten dollars ($10.00).

B. The funds deposited with the releasing agency shall be refunded to the adopting party upon the adopting party's presentation of a written statement signed by a licensed veterinarian that the adopted animal has been spayed or neutered. However, no refunds shall be made unless said animal was spayed or neutered withing sixty (60) days of adoption in the case of adult animals, or, in the case of infant animals, within thirty (30) days of the date a female animal attained the age of six (6) months, or a male animal attained the age of eight (8) months.

C. Releasing agencies may adopt any additional rules to implement the State Dog and Cat Sterilization Act; provided, that, said rules do not conflict with the provisions or purpose of the State Dog and Cat Sterilization Act to require the spaying and neutering of all dogs and cats adopted from releasing agencies.

D. Upon presentation of a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the releasing agency shall grant a thirty (30) day extension of the period within which the pay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

E. If requested to do so, releasing agencies shall refund deposited funds to the adopting party, upon reasonable proof being presented in the releasing agency by the adopting party that the adopted animal died before the expiration of the period during which the spaying or neutering was required to be completed.

F. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be an interest-bearing account whenever feasible, and releasing agencies shall allocate funds from said account to programs which directly promote, subsidize or otherwise reduce the cost of spaying or neutering animals of the releasing agency. The releasing agency shall maintain accurate records of accounts which fund spay/neuter programs.

G. Subject to the provisions and purposes of the State Dog and Cat Sterilization Act and other Laws of the State of Oklahoma, releasing agencies may establish adoption standards for pets in their care; provided, that, in the case of public facilities, said standards must be reasonably related to the prevention of cruelty to animals, or the responsible management of dogs and cats in the interest of preserving the public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

H. The provisions of the State Dog and Cat Sterilization Act shall not be construed to require the sterilization of dogs and cats held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs or cats held pursuant to the provisions of Section 391-402 of Title 4 of Oklahoma Statutes, 1991. Further, the State Dog and Cat Sterilization Act shall not be construed to interfere with Municipal Ordinances that meet or exceed the sterilization requirements set forth in the State Dog and Cat Sterilization Act.

Section 3-15 through 3-19. (Reserved for future use).

Article 2 - License and permit requirements

Section 3-20. Licenses and tags for dogs.

A. No person, without first obtaining a written Dog License from the office of the Town Clerk-Treasurer, shall own, kept, harbor or have custody of any dog over six (6) months of age; provided, that, the Town shall first have implemented such a License system.

B. No License shall be required for animals temporarily (seven days or less) brought and kept within the Town of Washington, Oklahoma, or for "seeing-eye" dogs, when such dogs are actually used to aid blind persons.

C. Licenses shall be issued only upon presentation of proof of current vaccination for rabies, as required by this Chapter.

D. The owner of the dog shall, at the time of paying the License fee, register the dog by giving the Town Clerk-Treasurer the name and address of the owner, the name, breed, color and sex of the dog and such other reasonable information as said Town Clerk-Treasurer may request.

E. The Town Clerk-Treasurer shall deliver an appropriate tag for the dog, in addition to the written receipt; the tag shall constitute the License.

F. The owner shall cause the tag received from the Town Clerk-Treasurer to be affixed to the collar or harness of the dog upon which the License fee has been paid so that the tag can be seen by Police Officers, and the owner shall see that the tag is so worn at all times.

G. Dog License tags shall not be transferable, from one (1) dog to another, and no refunds shall be made for any Dog License fee because of the death of the dog or the owner's departure from the Community.

H. No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog, as provided in this Chapter.

I. An annual License fee of three dollars ($3.00) for every dog more than six (6) months of age, is hereby levied upon the owner of any such dog kept or harbored within the Town of Washington, Oklahoma.

J. All License fees shall be paid to the Town Clerk-Treasurer, and shall be due not later than the 1st day of July of each year, or within one (1) week after bringing such an animal into the Town after such date.

K. In the event of the loss of the tag before the end of the year for which it was issued, the owner may secure another for the dog by presenting the original receipt and the sum of fifty cents ($.50) to the Town Clerk-Treasurer.

L. Licensed veterinarians or approved Animal Shelters may serve as agents for the Town of Washington, Oklahoma, to sell Dog Licenses, subject to a written agreement being executed between said parties, delineating responsibilities, fees and charges for said service; written proof of vaccination shall be provided from a veterinarian.

Section 3-21. Licenses for poisonous snakes.

A. No person shall keep, buy or otherwise acquire from another, any poisonous snake within the Town of Washington, Oklahoma, without first having obtained from the Town Clerk-Treasurer a License to keep, purchase or otherwise acquire such poisonous snake.

B. Said License shall not be issued by the Town Clerk-Treasurer until the applicant therefor has made satisfactory showing to the Town Clerk-Treasurer that there is ample and sufficient equipment to safely keep and confine any poisonous snake to be kept or acquired in the Community.

C. To cover the costs of issuing such license, the necessary investigations preliminary to issuing and policing such License (by seeing that any poisonous snake so acquired by the licensee are safely kept and confined), the applicant shall pay to the Town Clerk-Treasurer upon issuance of such License, an annual License fee of fifty dollars ($50.00).

Section 3-22. Licenses for wild circus animals.

A. All wild animals owned by a circus or traveling animal show, shall not be permitted within the corporate limits of the Town of Washington, Oklahoma, unless the owner or person in charge of said circus or show, or a designated representative, has first obtained a License for said animals from the Town Clerk-Treasurer.

B. Said License shall be issued by the Town Clerk-Treasurer upon submission of a written, signed statement by the applicant that ample safeguards have been provided to protect the public health, safety and welfare.

C. To cover issuance and enforcement costs, the applicant shall pay a fee of twenty dollars ($20.00) to the Town Clerk-Treasurer; the written receipt may constitute the License.

D. Said License, so issued, shall be valid for a term of one (1) month.

Section 3-23. License requirements for catteries, kennels and pet shops.

A. No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the Tow of Washington, Oklahoma, unless such kennel is licensed as hereinafter provided. (See the definition of "kennel" in Section 3-1, this Code of Ordinances.)

B. Application for such License shall be made to the Town Clerk-Treasurer and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located; said kennel must be in compliance with any applicable portions of any present or future Zoning Ordinance adopted by the Town of Washington, Oklahoma.

C. The annual Kennel License fee shall be ten dollars ($10.00) and such License shall be exhibited in a conspicuous place on the premises; each animal kept in a kennel shall also be required to have all applicable Licenses, tags, etc.

D. Licenses shall be issued for a period of one (1) year beginning on the 1st day of July of each year. Licenses may be issued starting thirty (30) days before July 1, and for thirty (30) days thereafter, or at such time as a new kennel seeks to become operational.

E. A kennel owner must show proof of rabies vaccination on all animals over six (6) months of age when applying for a License.

F. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this Code of Ordinances and any present or future Zoning Ordinances. Non-conforming kennels shall be deemed a public nuisance.

G. No kennel or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence, other than that occupied by the owner or occupant of the premises upon which such animal is kept.

H. All pet shops, catteries and kennels shall:

1. Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex, age, date and source of the animal, period for which the animal is maintained, date and disposition of the animal (including name and address of the new owner), and disease prevention and/or treatment and by whom.

2. Provide general environmental conditions to assure adequate physical space for each animal, control of parasites, clean food and water, weather protection and clean and sanitary facilities; and

3. Provide cages and pens of easily cleanable materials, if used for confinement, and kept such cages and pens clean and sanitary.

I. Pet shops shall be subject to the same requirements for licensing as kennels; in addition, any other requirements of this Code of Ordinances or of the adopted Zoning Ordinance which may involve specific animals sold in a pet store, shall also be included in those regulations applicable to pet shops.

Sections 3-24 through 3-29. (Reserved for future use).

Article 3 - Municipal Pound

Section 3-30. Municipal Pound Authorized.

A. The Town Board of Trustees is hereby authorized to establish a Municipal Pound, under the jurisdiction of the Chief of Police or the Animal Control Officer, who shall provide proper sustenance for all animals impounded and treat them in a humane manner.

B. The Municipal Pound may be established on a shared or contractual basis with other units of government or with a private individual or firm, and need not be physically located within the Town of Washington, Oklahoma.

Section 3-31. Impoundment of Animals.

A. It shall be the duty of the Animal Control Officer (or any other designated officer or employee of the Town), to take into custody, and impound, any animal running at large in violation of the provisions of this Chapter.

B. The Animal Control Officer shall also proceed to impound any dog that is running at large within the corporate limits of the Town of Washington, Oklahoma, or that is not confined with a secure and suitably-sized leash (as provided in this Chapter), regardless of whether or not the owner may have a Permit, the dog has been vaccinated or the dog bear a tag.

C. The Animal Control Officer shall immediately pick up and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions on this Code of Ordinances.

D. Any person appearing at the Municipal Pound who shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog therein impounded, shall have such dog returned, upon the payment of the charges due, as authorized by the provisions of this Chapter.

E. Animals which are of no apparent value, taken into custody as provided in this Chapter, shall be destroyed in an humane manner by the Animal Control Officer; provided, that, no animal taken into custody shall be destroyed until such animal shall have been impounded at least seventy-two (72) hours. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable License fees and expenses incurred in the animal's detention.

F. Should any licensed institution request of the Animal Control Officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution; provided, that, no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least five (5) days and remain unclaimed and unredeemed by their owner or any other person (s) desiring such animal as a pet.

G. It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the Municipal official or employee responsible for impounding animals.

Section 3-32. Fees for Impounding and Keeping.

A. The fee for impounding and keeping an animal, to be paid upon redemption shall be as determined by motion of the Town Board of Trustees.

B. All fees shall be paid to the Town Clerk-Treasurer. Receipt for payment of fees on an impounded animal shall be presented to the Animal Control Officer or the person in charge of the Municipal Pound, before the animal shall be released.

Section 3-33. Claiming of Impounded Animals.

A. An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale, destruction or delivery to an institution, by paying the required fees against the animal and meeting any other requirements prescribed by this Chapter.

B. Any person claiming an unlicensed dog shall pay the required License fee to the Town Clerk-Treasurer, secure a tag and present the receipt therefor and a tag to the Animal Control Officer before the latter releases the dog. If a dog is licensed, but not wearing the tag, the Animal Control Officer shall require adequate evidence of proper licensing before the animal's release.

Section 3-34. Sale of Impounded Animals of Value.

A. As soon as a practicable after any animal of apparent value has been impounded, the Animal Control Officer or the Chief of Police shall thereupon post a conspicuously-visible notice thereof at the Town Hall. Such notice shall describe the animal, notify the owner to pay charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that, unless that animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the 3rd day after posting of the notice and the time of holding such sale for all other animals shall not be before the 10th day after the posting of the notice.

B. Sales provided herein shall be for cash to the highest bidder, the minimum bid shall cover fees for impounding and keeping the animal until the date of sale, plus a five dollar ($5.00) fee to reimburse the Town of Washington, Oklahoma, for the sale expense, and shall be conducted by, or under the direction of, the Chief of Police. If there is no bid, the Chief of Police shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the Town Hall, if there is reason to believe that a bid would be made at a later time; otherwise, after an offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the Animal Control Officer as provided in this Chapter.

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

D. The Chief of Police shall pay to the Town Clerk-Treasure all money received for the sale of impounded animals on the day it is received or on the next day upon which the office of said Town Clerk-Treasurer is open for business.

E. The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee of five dollars (5.00) to reimburse the Town of Washington, Oklahoma, for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim is so made and approved by the Town Board of Trustees, the Town Clerk-Treasurer shall pay the claimant the excess; if a claim is not so made, the excess shall belong to the Town.

Section 3-35. Breaking Pound.

No unauthorized person shall break open, or attempt to break open, the Municipal Pound, or take or let out any animal therefrom, or take or attempt to take, from any officer or employee of the Town of Washington, Oklahoma, any animal taken into custody as provided by this Code of Ordinances, or in any manner interfere with or hinder such officer or employee in the discharge of duties relating to the taking into custody and impounding of animals, as provided in this Code of Ordinances.

Sections 3-36 through 3-39. (Reserved for future use).

Article 4 - Penalty

Section 3-40. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter, or who violates or neglects to carry out any reasonable order made by any Health Officer, the Chief of Police or the Animal Control Officer, pursuant to this Chapter, shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances, and shall be subject to revocation of any License or operating Permit issued pursuant to the provisions of this Chapter. Every day's violation of any provision of this Chapter or of such order of the Health Officer, Animal Control Officer or Chief of Police, shall constitute a separate offense.

CHAPTER 4 – BUILDING PERMITS

Article 1 - Adoption of International Building Codes

Section 4-1. Model Construction Codes Adopted.

The Town of Washington Board of Trustees has determined it in the best interests of the Town and all residence thereof for the adoption of the current editions of the International Building Code, the International Existing Building Code, the International Residential Code, the International Fire Code, the International Fuel Gas Code, the International Plumbing Code, the International Mechanical Code, and the International Property Maintenance Code, created by the International Code Council which are modified from time to time.

That unless specifically excluded by the Town of Washington, all editions of the following enumerated Codes, published and adopted by the International Code Council, be and are hereby adopted, with the latest version published by the International Code Council being maintained by the Town Clerk and adopted for purposes of regulation, governance, and enforcement of the Building Code of the Town of Washington, in the State of Oklahoma:

The International Building Code,

The International Existing Building Codem

The International Residential Code,

The International Fire Code,

The International Fuel Gas Code,

The International Plumbing Code

The International Mechanical Code, and

The International Property Maintenance Code,

That three (3) true and correct copies of all Codes adopted hereby shall at all times be kept and maintained on file in the office of the Town Clerk of the Town of Washington, Oklahoma, marked and designated by title.

Sections 4-2 through 4-9. Reserved for Future Use.

Article 2 - Fees

Section 4-10. Building Permit Fee Schedule.

A. New Home Construction - $175.00

B. Remodel (with plumbing & electric) - $175.00

C. Outside Buildings (without electric & plumbing) - $20.00

D. Building Construction

1. Footing - $35.00
2. Frame - $35.00
3. Residential Final - $35.00

E. Electrical – Residential

Determined by size of construction
Maximum three inspections (Construction electric, rough and final)

1. 0-2000 sq ft - $200.00
2. 2,001 – 4,000 sq ft - $250.00
3. 4,000 – 6,000 sq ft - $300.00
4. Each 1,000 sq ft, or portion thereof over 6,000 sq ft - $50.00
5. Remodels (less that 50% of area of structure) - $50.00
6. Miscellaneous work (i.e. fire and/or security alarm systems, panel boards, safety switches, etc) - $35.00
7. All electrical re-inspections - $35.00 per inspection

F. Electrical – Commercial

Determined by size of construction
Maximum inspections as follows:

1. 2-2,500 sq ft - 3 inspections - $150.00
2. 2,500 – 10,000 sq ft - 6 inspections - $225.00
3. 10,000 – 25,000 sq ft - 7 inspections - $300.00
4. 25,000 – 50,000 sq ft - 10 inspections - $375.00
5. 50,000 sq ft – additional two (2) inspections for each additional sq ft - $75.00
6. Remodels (less than 50% of Area and Upgrades) - $50.00
7. All electrical re-inspections - $35.00 per inspection

G. Plumbing

All plumbing permits will be issued at the rate of $105.00. This fee includes a maximum of three (3) inspections (ground, rough and final).

1. Minor plumbing requiring only one (1) inspection - $35.00
2. All plumbing re-inspections - $35.00 per inspection
3. Sewer Connection Inspections (if required) - $35.00 per inspection

H. Mechanical

All mechanical permits will be issued at a rate of $70.00. This fee includes a maximum of tow (2) inspections.

1. Minor mechanical requiring only one (1) inspection - $35.00
2. All mechanical re-inspections - $35.00 per inspection

I. Mobile Homes

All mobile homes shall be inspected for tie downs and electrical at a rate of $70.00. This fee includes two (2) inspections. One for tie downs and one for electrical (gas if required).

1. All mobile home re-inspections shall be billed at $35.00 per inspection.

J. Certificate of occupancy (commercial only)

1. Final inspection (in addition to all other inspections) - $75.00

(If required inspections are not completed, passed, a certificate of occupancy will not be issued)

K. Final Residential Inspection

1. Final Inspection - $35.00

(Required for all new residential structures)

L. Miscellaneous Inspections - $35.00 per inspection

Section 4-15. Building Permit Fees

Building Permit Fees shall be based primarily upon the Municipal costs incurred in the administration of the municipal Building Permit system, and are hereby set, adopted and established as follows:

A. Demolition Permit - $25.00

B. Storm Shelters, Swimming Pools - $25.00

C. One and two family dwellings

1. For remodeling, alterations, carports, parking structures, additions, or accessory buildings over 100 square feet or with utility hook up - $00.62 per $1000.00 of valuation, $25.00 minimum fee

2. For new construction - $00.15 per square foot; $25.00 minimum fee

D. Mobile Home (all improvements to be installed or constructed on the property including water well, septic system, carports, and driveway are to be included in the improvement value when calculating the fee -) $1.00 per $1000.00 improve-ment value; $25.00 minimim

E. Commercial, multi-family, office, retail, industrial and other non-residential structures whether for additions, alterations, or new construction - $00.15 per square foot; $75.00 minimum fee

CHAPTER 5 - BUSINESS AND OCCUPATIONS

Article 1 - Peddlers and Itinerant Occupations

Section 5-1. Definitions.

A. Itinerant Occupation: The term "itinerant occupation" shall mean those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the Town of Washington, Oklahoma, at which a permanent business is carried on throughout the year or usual production season in good faith (and not for the purpose of evading the provisions of this Chapter), and shall include occupations, trades, businesses and solicitations housed in temporary stands or quarters (including permanent quarters occupied pursuant to any temporary arrangement), or carried on by means of house-to-house solicitation or upon the streets and sidewalks of the Town of Washington, Oklahoma; provided, however, that, no occupation, trade or business engaged in by a charitable, educational or religious organization, association or club, having a membership duly enrolled in accordance with the rules, regulations and by-laws of said organization, association or club and the majority of said members being residents of the Town of Washington, or of McClain County, Oklahoma, shall be considered at "itinerant occupation, trade, business or solicitation".

B. Peddler: The word "peddler" shall include the words "hawker" and "huckster" and shall mean any person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise of whatsoever nature, offering and exposing the same for sale, or who does not travel from place to place, and shall sell or offer the same for sale from any vehicle or conveyance or on any public street or thoroughfare.

C. Person: The word "person" shall mean any individual, and shall not extend and be applied to firms, corporations or any other organizations.

D. Solicitor and Canvasser: The words "solicitor" or "canvasser" shall mean a person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders from the same of goods, wares, merchandise or personal property of whatsoever nature for future delivery, or for services to be furnished or performed in the future.

Section 5-2. License Required; Exclusions.

A. It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser or any other itinerant occupation within the corporate limits of the Town of Washington, Oklahoma, without first obtaining a License therefore, as provided in this Article, and paying the prescribed fees to cover the reasonable costs of investigation and processing of the application. The fee shall be paid to the Town Clerk-Treasurer when the application is filed and shall not be returnable under any circumstances. The Town Board of Trustees, from time to time, may change such fee by Ordinance, to an amount not to exceed the reasonable costs of Licensing and enforcement under this Article.

B. The following persons are hereby specifically excluded from the application of the provisions of this Article:

1. Persons engaged in selling personal property at wholesale to dealers in such property; and

2. Merchants growing their own local produce, and having regular places of business in the Town of Washington, Oklahoma, and their employees in taking orders at the houses of their customers for goods held in stock at said places of business, and in delivering the goods so ordered; such exclusion shall not apply to a person who, personally or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shot or any other place within said Town, for the purpose of exhibiting samples and taking orders for future delivery.

Section 5-3. Application for License.

A. Applicants for a License hereunder shall file with the Town Clerk-Treasurer, in duplicate, a sworn application in writing, on a form to be furnished by the Town Clerk-Treasurer.

B. The application shall give the following information:

1. Full name, birthdate and Social Security number of each individual applicant;

2. Address, both legal and local;

3. Nature of business and kinds of goods to be sold, and if the applicant is a farmer or truck gardener, whether said goods are produced or personally-owned, cultivated and controlled;

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

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

6. Description and License number of any vehicle to be used; and

7. A statement as to whether or not the applicant has been convicted of a felony, the nature of the offense and the punishment or penalty assessed therefor.

C. Each individual applicant for a License shall provide written proof that the applicant will collect and remit State and Local Sales Taxes to the Town of Washington, Oklahoma, if required by State Law and Municipal Ordinance.

D. Each individual applicant for a License shall submit with the application a surety bond or cash in the amount of one thousand dollars ($1,000.00), executed by the applicant and by a surety company qualified to do business within the State of Oklahoma. The bond shall run in favor of the Town of

Washington, Oklahoma, but action may be taken on the bond by any citizen who has been damaged by the applicant. If more than one (1) applicant shall be employed by the same employer, the employer may furnish the surety bond in lieu of the applicant, and the amount of such bond shall be the total number of employees multiplied by one thousand dollars ($1,000.00). The employer shall have the privilege of changing employees, but the number of employees shall never exceed the amount listed in the original bond filed. Any increase in the number of employees shall require either individual surety bonds for the additional employees, or an increase in the amount of the original surety bond in the amount of one thousand dollars ($1,000.00) for each additional employee. Any employer furnishing such a bond shall furnish to the Town Clerk-Treasurer a current list of employees covered by the bond.

Section 5-4. Investigation of Applicant and Issuance of License; Fees.

A. Upon receipt of an application for a License, the Town Clerk-Treasurer shall refer one (1) copy to the Chief of Police who shall note thereon any record concerning the applicant which may appear from the official records and return the same promptly to the Town Clerk-Treasurer.

B. The Town Clerk-Treasurer shall cause such other investigation or inquiry to be made concerning the applicant as may be deemed necessary to determine the character and business responsibility of the applicant and whether the application is in compliance with the terms and conditions of this Article.

C. If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this Article, the Town Clerk-Treasurer, upon payment of the prescribed License fee, shall issue the License, together with any badge, tag or other materials properly an accompaniment thereto.

D. If, as a result of the investigation provided for in this Article, the applicant's character or business responsibility are found to be unsatisfactory, the Chief of Police or the Town Clerk-Treasurer shall endorse on such application disapproval thereof and the reasons for the same, and the Town Clerk-Treasurer shall then notify the applicant that the application has been disapproved and that no License will be issued.

E. Any applicant aggrieved by the action of the Chief of Police or the Town Clerk-Treasurer in the denial of a License as provided in Subsection (4) of this Section, shall have the right to appeal therefrom to the Town Board of Trustees. Such appeal shall be filed, in writing with the Town Board of Trustees, within fourteen (14) days after notice of the action complained of has been given to the applicant personally or mailed, postage paid, to the last known address thereof. The Town Board of Trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant at least five (5) days prior to the date set for hearing. The decision and order of the Town Board of Trustees on such appeal shall be final and conclusive.

F. A fee of thirty dollars ($30.00) per day, seventy-five dollars ($75.00) for three (3) days or one hundred dollars ($100.00) for seven (7) days, shall be paid to the Town Clerk-Treasurer at the time of application; revocation of a License shall not be grounds for returning the License fee to the applicant.

Section 5-5. Revocation of License; Terms of License; Renewal.

A. Licenses issued under the provisions of this Article may be revoked by the Town Clerk-Treasurer of the Town of Washington, Oklahoma, after notice has been served on the applicant for any of the following causes:

1. Fraud, misrepresentation or false statements contained in the application;

2. Fraud, misrepresentation or false statements made in the course of carrying on business as a solicitor or canvasser;

3. Any violation of this Article;

4. Conviction of any felony involving moral turpitude; or

5. Conducting the business of soliciting or canvassing in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of revocation of a License shall be in writing, setting forth specifically the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the Town Board of Trustees. Such notice shall be given to the appellant in the same manner as provided in Subsection 5 of Section 5-3 of this Article, for notice of hearing on approval of an application for a License.

Section 5-6. Hours of Solicitation; Transfer and Exhibition of License.

A. No solicitation shall be conducted between the hours of 6:00 o'clock p.m. and 6:00 o'clock a.m. each day, because of the need for public security and protection, provided, however, that, solicitations may be made where the person solicited has agreed by previously-arranged appointment for a time other than during the prescribed hours.

B. No License or badge issued under the provisions of this Article shall be used or worn at any time by any person other than the person to whom it was issued.

C. Peddlers, solicitors, canvassers and other itinerant occupations are required to exhibit and display their Licenses or authorized evidence thereof at all times, whenever they are engaged in peddling, canvassing or soliciting.

Section 5-7 through 5-9. (Reserved for future use).

Article 2 - Fair Housing

Section 5-10. Certain Acts Prohibited.

It shall be unlawful for any person, firm or corporation, or the authorized agent or representative of said person, firm or corporation to:

A. Refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed, to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, handicap, familiar status, religion or national origin;

B. Refuse to negotiate with any person for the sale, rental or lease of any residential property, or to represent that such property is not available for inspection, sale, rental or lease, when in fact it is so available, because of such person's race, color, handicap, familial status, religion, age or national origin;

C. Solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, handicap, religion, age or national origin, either by direct solicitation or inducement, or to distribute, or cause to be distributed, material or statements designed to induce a residential property owner to sell or lease such property, due to such change in a neighborhood; or to

D. File a complaint alleging a violation of this Article, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

Section 5-11. Certain Acts Exempted.

Nothing herein shall apply to:

A. Prohibit persons from giving preference to prospective buyers or tenants for any reason other than race, color, handicap, familial status, religion, age or national origin;

B. The sale of a dwelling which is, or was at the time when first offered for sale, the resident of its owner;

C. The rental of rooms in an owner-occupied residence or in a dwelling used exclusively as a rooming house;

D. The rental or leasing of a housing unit in a building containing not more than eight (8) housing units; or

E. The rental or leasing of a dwelling or housing unit owned by any religious or fraternal organization, or private club used and occupied for such organizational purposes.

Section 5-12. Fair Housing Board Created.

(See Chapter 1, Section 1-46, this Code of Ordinances.)

Section 5-13. Grievance Procedures.

A. Any person aggrieved by a discriminatory housing practice prohibited by Municipal Ordinance, may file a written, signed complaint with the Fair Housing Board.

B. Said complaint shall state the name and address of the person alleged to have violated the provisions of this Article, or any other Municipal Ordinance, and shall set forth the particulars of said violation.

C. The Fair Housing Board shall receive such complaint, investigate its allegations and set a date for a hearing to be held on the complaint; said hearing shall be held within sixty (60) days of the date of receipt of the complaint.

D. At least ten (10) days prior to the hearing, the person named in the complaint and the complainant shall be notified, in writing, of the time and place of such hearing.

E. The Fair Housing Board shall take, and may allow, such actions at the hearing, as may be necessary to ensure that all parties are afforded the opportunity to fairly present their cases.

F. If the Fair Housing Board, by majority vote at the conclusion of the hearing, finds that the person has not engaged in any discriminatory housing practice, it shall state its findings and dismiss the case.

G. If the Fair Housing Board, by majority vote at said hearing, finds that the person engaged in discriminatory housing practices, it shall state its findings in writing and submit them to the respondent and the Town Attorney for consideration. Unless the complaint is withdrawn or the Town Attorney finds that there is insufficient information upon which to base a charge, the charge shall be filed in the Washington, Oklahoma, Municipal Court, within twenty (20) days of said hearing.

Section 5-14 through 5-19. (Reserved for future use).

Article 3 - Miscellaneous Provisions

Section 5-20. Sale of Merchandise on Vacant Property.

It shall be unlawful for any such person, firm or corporation to sell, trade or transfer any merchandise of any kind on or in any vacant property, without the consent of the owner or person in control of said property.

Section 5-21. Shooting Galleries.

Every shooting gallery constructed, established, set up or operated hereafter, either permanently or temporarily, within the corporate limits of the Town of Washington, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of Title 63, Oklahoma Statutes, 1991, Sections 701-708, as amended, and shall comply with all the requirements thereof. No shooting gallery shall be operated until any Licenses required by this Code of Ordinances have been secured therefor.

Section 5-22. Short Weights and Measures Prohibited.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, any food, fuel, clothing or any other commodity which does not weigh or measure fully as much, according to standard weights and measures of the State of Oklahoma, as the weight or measure for which it is sold or offered for sale.

Section 5-23. Pool, Billiard and Other Recreational Halls; Amusement Devices.

A. It shall be unlawful for any owner, manager or operator to employ or permit any minor (as defined by current State Law) to work in a pool, billiard, domino or card hall or parlor; it shall be unlawful for any minor (as defined by current State Law) to work in such a hall or parlor.

B. It shall be unlawful for any person in charge of any hall or parlor mentioned in Subsection 1 (above) to permit any minor (as defined by current State Law) to loiter in such a hall or parlor, or to play games therein, unless he is accompanied by a parent or guardian; it shall be unlawful for such person to loiter in such a hall or parlor, or to play games therein unless he is accompanied by a parent or guardian.

C. It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or bowling alley to permit therein gambling, betting, operation of a lottery, sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise, loud music, profane language or any other violation of State Law or this Code of Ordinances.

D. Subsections 1 through 3 (above) shall not, however, apply to establishments created as family entertainment and recreation centers for the use and enjoyment of the entire family (regardless of age). It shall be unlawful for the owner, manager or operator of such a family center to permit the sale, furnishing or drinking of alcoholic beverages of any type.

E. No person, firm or corporation, either as principal or agent, shall own, operate, lease or permit to be operated on the business premises of such person, firm or corporation, 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 or entertainment, including but not limited to bowling machines, shuffleboards, pinball and associated similar machines, and music playing machines commonly called juke boxes, without first paying to the Town Clerk-Treasurer the License fee hereinafter prescribed and procuring a License therefore.

1. The License fee prescribed above shall be, unless otherwise specified on the face of the License, an annual License fee and shall expire on the last day of May of the year for which it is issued. No License shall be issued until the amount prescribed therefor has been paid in full to the Town Clerk-Treasurer. All Licenses procured under the provisions of this Chapter shall be prominently displayed on, or in the immediate vicinity and in clear view of, the machine for which it was purchased. Licenses shall be signed by the Town Clerk-Treasurer, who shall affix the corporate seal of the Town thereto.

2. The License fee imposed above shall be five dollars ($5.00) per year, per machine or shuffleboard. Licenses issued for a period of six (6) months or less shall cost two dollars and fifty cents ($2.50) per machine or shuffleboard.

Section 5-24. Junkyard and Salvage Yard Regulations.

A. For the purpose of this Section, the terms “junkyard” or salvage yard” shall mean any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard; the terms (above) shall also include garbage dumps and sanitary landfills.

B. No junkyard or salvage yard shall be located nearer than fifty (50) feet from the right-of-way.

C. All junkyards or salvage yards shall be screened from view of any road or highway running adjacent thereto, by the construction of a sight-proof fence (with a minimum height of at least eight feet), or such material as may be approved by the Town Board of Trustees, or by the planting of appropriately-sized shrubbery.

D. No junkyard or salvage yard shall be operated in such a manner as to cause the creation of a public nuisance to the health, safety and welfare of the residents of the surrounding areas.

Section 5-25 through 5-49. (Reserved for future use).

Article 4 - Penalty

Section 5-50. Penalty.

Any person who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances, and is subject to revocation of any License. Each day upon which a violation continues shall constitute a separate offense. Conviction shall also void any and all Licenses and Permits issued under the provisions of this Chapter, to the person, firm or corporation in violation of said provisions.

CHAPTER 6 - CIVIL DEFENSE

Article 1 - Department of Civil Defense

Section 6-1. Department of Civil Defense.

(See Chapter 1, Section 1-42.)

Section 6-2. Civil Defense Director.

(See Chapter 1, Section 1-41.)

Section 6-3. Civil Defense Advisory Committed.

(See Chapter 1, Section 1-43.)

Section 6-4 through 6-9. (Reserved for future use).

Article 2 - Miscellaneous Provisions

Section 6-10. Definitions.

A. Civil Defense: The term "Civil Defense" shall mean the preparation for, and carrying out of, all emergency functions, other than functions for which primary responsibility is assigned elsewhere by Federal, State or Local Law or Ordinance, to protect the public peace, health and safety and to preserve lives and property in the Town of Washington, Oklahoma, during an emergency resulting from enemy attack, sabotage or other hostile action, or from any flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near said Community, and involving imminent or actual peril to life and property. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, street service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation and all other functions necessary or incidental to the preparation for any carrying out of the foregoing functions.

B. Enemy-Caused Emergency: The term "enemy-caused emergency" shall mean any state of emergency caused by actual or impending attack, sabotage or other hostile action, anywhere within the United States and involving imminent peril to lives and property in the Town of Washington, Oklahoma. Such emergency shall be deemed to exist only when the Mayor shall so declare by public proclamation and such emergency shall be deemed to exist until the aforesaid Mayor shall declare its termination by public proclamation, or until the Town Board of Trustees shall declare its termination by Resolution.

C. Natural Emergency: The term "natural emergency" shall mean any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near the Town of Washington, Oklahoma, and involving imminent peril to lives and property. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an "enemy-caused emergency".

Section 6-11. Liability.

A. Neither the Town of Washington, Oklahoma, nor any officer or member of the Civil Defense Organization provided for in this Code of Ordinances, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer Civil Defense worker or member of any agency engaged in Civil Defense activity prior to, or during, either an enemy-caused or a natural emergency.

B. Nor shall the Town or any such officer or member be liable for the death or injury of any persons, or damage to property, resulting from such Civil Defense activity prior to, or during, either an enemy-caused or natural emergency.

Section 6-12. Federal, State or Private Aid May Be Accepted.

Whenever the Federal Government, the State of Oklahoma, or any person, firm or corporation shall offer to the Town of Washington, Oklahoma, any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of Civil Defense, the Mayor may accept such offer and may authorize the Civil Defense Director to receive the same, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Section 6-13 through 6-19. (Reserved for future use).

Article 3 - Penalty

Section 6-20. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 7 - FIRE PREVENTIONS

Article 1 - Fire Prevention

Section 7-1. Volunteer Fire Department.

A. There is hereby established for the Town of Washington, Oklahoma, a Volunteer Fire Department under the provisions of the Oklahoma Volunteer Fireman's Act. (See Chapter 1, Section 1-13 and 1-40, this Code of Ordinances.)

B. The Washington, Oklahoma Volunteer Fire Department shall consist of not less than six (6) and not more than twenty (20) members. The Department shall not employ more than two (2) full-time, salaried firemen. Members of the Washington, Oklahoma, Fire Department may continue as members of the Volunteer Fire Department established under this Code of Ordinances without probation, but shall be subject to the by-laws authorized under this Code of Ordinances.

C. All new members shall be on probation for one (1) year after their appointment to the Department and shall not become regular members of the Department upon completion of their probation period, until approved by a majority of the regular members of the Washington, Oklahoma Volunteer Fire Department, subject to the ratification of the Washington, Oklahoma, Town Board of Trustees.

D. The Washington, Oklahoma, Volunteer Fire Department shall adopt by-laws (a copy of which shall be deposited with the Town Clerk-Treasurer), which shall include the following:

1. All volunteer fire fighters are required, when notified, to respond to alarms of fire and other emergencies;

2. All volunteer fire fighters are required to be present at all regular meetings, call meetings and schools presented for the benefit of the fire fighters;

3. There shall be at least one (1) regular business meeting each month;

4. Any volunteer fire fighter having two (2) unexcused absences in a period of three (3) months, will be dropped from the Department rolls;

5. Volunteer fire fighters leaving Town for an extended period of time shall notify the Fire Chief in advance;

6. Any volunteer fire fighter refusing to attend training classes will be dropped; and

7. Any volunteer of the Fire Department shall be dropped from the rolls by the Town Board of Trustees, upon the recommendation of the Fire Chief, for any of the following offenses: (1) conduct unbecoming a fire fighter, (2) insubordination, (3) neglect of duty, (4) violation of rules and regulations governing the Department, or (5) conviction of a felony.

E. Copies of this Code of Ordinances and any amendments relating to the Volunteer Fire Department of the Town of Washington, Oklahoma, shall be submitted to the State Insurance Commissioner.

Section 7-2. Fire Prevention Code: Enforcement; Variances.

A. The Fire Prevention Code adopted by the Town Board of Trustees shall be enforced by the Washington, Oklahoma Volunteer Fire Department, under the supervision of the Fire Chief; members of said Department may be detailed as inspectors by the Fire Chief, if it is deemed necessary. (See also Chapter 4, this Code of Ordinances.)

B. The Chief of Washington, Oklahoma Volunteer Fire Department, with the approval of the Town Board of Trustees, shall have the power to grant a Variance to any of the provisions of the Fire Prevention Code, upon application in writing by the owner or lessee (or a duly authorized agent), when there are practical difficulties in carrying our the strict letter of said Code; provided, that, the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief thereon, shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

Sections 7-3 through 7-9. (Reserved for future use).

Article 2 - Rural Fire Protection

Section 7-10. Authorization for Rural Fire Services; Right-of-Way.

A. The Town of Washington, Oklahoma, is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the State of Oklahoma for fire protection outside the corporate limits of said Town, and to contract to provide fire protection jointly with other organizations and Municipal sub-divisions of the State.

B. Any contract entered into by the Town of Washington, Oklahoma, with any individual, owner, firm, private corporation or private or non-profit association, for outside aid or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, private or non-profit association, or political sub-division to the Town of Washington, Oklahoma, for such fire apparatus and personnel. All monies received from said calls shall go into the Fund designated by motion of the Town Board of Trustees.

C. The Fire Department of the Town of Washington, Oklahoma, 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. All other responses shall be at the direction of the Fire Chief, Assistant Fire Chief or Mayor.

D. All firemen of the Fire Department of the Town of Washington, Oklahoma, attending or serving at fires, or doing fire prevention work outside the corporate limits of said Town, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the Town of Washington, Oklahoma, and said firemen shall be entitled to all the benefits of any Firemen's Pension and Relief Fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the Town of Washington, Oklahoma.

E. The Fire Department of the Town of Washington, Oklahoma, answering any fire alarm or call, or performing any fire prevention services outside the corporate limits of said Town, shall be considered as an agent of the State of Oklahoma, and acting solely and alone in a governmental capacity, and said Municipality shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire or reported fire, or doing any fire prevention work under and by virtue of Subsections 1, 2, 3 or 4 hereof.

F. All motorized equipment of the Fire Department of the Town of Washington, Oklahoma, shall have the right-of-way over all other commercial and pleasure vehicles.

Section 7-11. Charges for Fire Calls.

A. The Town Board of Trustees shall charge the following fees to persons or property owners involved, for fire calls outside the corporate boundaries of the Town of Washington, Oklahoma.

1. Fire calls made within five (5) miles of the corporate limits of the Town of Washington, Oklahoma, shall cost a minimum of fifty dollars ($50.00) for the 1st hour, or portion thereof, with an additional charge of fifty dollars ($50.00) for each additional hour or portion thereof.

2. Fire calls made outside of five (5) miles from the corporate limits of the Town of Washington, Oklahoma, shall cost a minimum of one hundred dollars ($100.00) for the 1st hour, with an additional charge of fifty dollars ($50.00) for each additional hour or portion thereof.

3. Oil lease fires, including tank battery, wells and pipelines, and grass fires shall cost a minimum of one hundred dollars ($100.00) for the 1st hour, with an additional charge of one hundred dollars ($100.00) for each additional hour or portion thereof.

B. Mileage and distances shall be based on actual miles traveled. The Town of Washington, Oklahoma, shall also have the capacity to prepare supplemental billing costs for use of special equipment or materials.

Section 7-12 through 7-19. (Reserved for future use).

Article 3 - Miscellaneous Provisions

Section 7-20. Sale, Possession or Discharge of Fireworks.

A. It shall be unlawful and an offense for any person, firm or corporation to possess, sell or to discharge, ignite, or in any manner aid, assist or abet in the discharging or igniting of any firecrackers of any size, type or description, sky-rockets, pistols, torpedoes, roman candles, flash salutes, flash crackers, balloons or other fireworks or substances designed and intended for pyrotechnic display, or small display ground pieces, canes, cap pistols, cannons or other appliances using caps containing chlorate or potash mixture within the corporate limits of the Town of Washington, Oklahoma;

B. The firing and discharging of such fireworks may, however, be permitted on the 3rd and 4th day of July, within any Municipal Park or the Downtown area, when the same is supervised by a Municipal official; provided, further that, the Mayor may order or permit public display of fireworks by properly qualified individuals, under the direction of experts in the handling of such fireworks.

Section 7-21. Explosives.

A. It shall be unlawful for any person or persons to store, keep or have on their premises or in their possession, any explosive materials of any kind or nature without first having complied with the Laws of the State of Oklahoma for the purpose of selling, storing or keeping such articles.

B. It shall be unlawful for any person to keep or store any explosive on any premises which are occupied as a dwelling or school. Any person storing explosives for sale to the general public must comply with the Laws of the State of Oklahoma concerning the sale and storage of said explosives.

Section 7-22. Inter-Governmental Cooperation Authorized.

A. The Town of Washington, Oklahoma, in an effort to improve the quality of fire protection within said Community, and to protect the health, welfare and safety of its citizens, does hereby determine that any or all members of the Fire Department of the Town of Washington, Oklahoma, are authorized to assist the Fire Departments of Goldsby, Purcell, Blanchard or any McClain or Cleveland County Rural Fire Departments in protecting said areas, upon receipt of a valid request for assistance. For purposes of this Section, "request for assistance" shall mean a request for help in an emergency situation by the Mayor, Police Chief, Fire Chief, Dispatcher or County representative of the above entities. Upon receipt of this request for aid, any member of the Washington Fire Department shall respond to said request for assistance.

B. In an attempt to increase the effectiveness of fire protection within the corporate limits of the Town of Washington, Oklahoma, and to provide for the health, welfare and safety of the citizens of said Community, the Town of Washington, Oklahoma, does hereby

authorize any and all fire Department personnel of the Towns of Goldsby, Purcell, Blanchard or of McClain or Cleveland County, to respond to a request for assistance by the Town of Washington, Oklahoma, and the Fire Department Officers extending said aid shall have full powers to act within the corporate limits of the Town of Washington, Oklahoma, while under a request for assistance.

Section 7-23. Fire Extinguishers in Businesses.

A. Every person, firm or corporation, owning or operating a place of business within the Town of Washington, Oklahoma, is hereby required to own, keep and maintain therein, such fire-fighting equipment (i.e., fire extinguishers) as the Fire Department requires. The equipment shall be inspected regularly by the Fire Department.

B. Maintenance or re-charging of such equipment may be done by the Fire Department; provided, that, a fee sufficient to cover the cost of said service, shall be paid by the owner to the Town.

Sections 7-24 through 7-49. (Reserved for future use).

Article 4 - Penalty

Section 7-50. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter, including the provisions of any Code adopted by the Town of Washington, Oklahoma, shall be guilty of an offense, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 8 - GENERAL AND MISCELLANEOUS PROVISIONS

Article 1- Rules of Construction

Section 8-1. Rules of Construction.

In the construction of this Code of Ordinances and of all subsequent Ordinances and Resolutions passed by the Board of Trustees of the Town of Washington, Oklahoma, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of said Town Board.

A. Chief of Police or Police Chief. Reference to the "Chief of Police" or the "Police Chief" shall mean the Chief of Police or the Police Officer in charge of the Police Force of the Town of Washington, Oklahoma.

B. City, Town, Municipality. The words the "City", the "Town" or the "Municipality" shall mean the Town of Washington, in McClain County, Oklahoma.

C. City Attorney, Town Attorney or Municipal Attorney. Reference to the "City Attorney", the "Town Attorney" or the "Municipal Attorney" shall mean the Town Attorney of the Town of Washington, Oklahoma.

D. City Clerk, Town Clerk-Treasurer, Treasurer or Clerk of the Municipality. Reference to the "City Clerk", the "Town Clerk-Treasurer, Treasurer" or the "Clerk of the Municipality" shall mean the Town Clerk-Treasurer of the Town of Washington, Oklahoma.

E. City Council, Council, Town Board of Trustees or Town Board. The words "City Council", "Council", "Town Board of Trustees" or "Town Board" shall mean the Governing Body of the Town of Washington, Oklahoma.

F. City Treasurer, Town Treasurer or Treasurer. Whenever reference is made to the "City Treasurer", the "Town Treasurer" or the "Treasurer", it shall mean the Town Clerk-Treasurer of the Town of Washington, Oklahoma.

G. Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances of the Town of Washington, Oklahoma.

H. Computation of Time. Whenever 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 such notice is given (or such act is done) shall be excluded in computing the time, but the day on which such proceeding is to be held, shall be included.

County. Reference to the terms "County", "the County" or "this County" shall mean McClain County, Oklahoma.

I. Court or Municipal Court. The words "Court" or "Municipal Court" shall mean the Municipal Court of the Town of Washington, Oklahoma.

J. Gender. A word importing the masculine gender only shall extend, and be applied to, females, firms, partnerships and corporations, as well as to males.

K. Health Officer or Health Department. Wherever reference is made to the "Health Officer" or the "Health Department", it shall be construed as meaning the County Sanitarian or County Health Department, unless specific reference is made to the appointed Health Officer of the Town of Washington, Oklahoma.

L. Highway. The term "highway" shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the Town of Washington, Oklahoma, dedicated or devoted to public use.

M. Joint Authority. Words purporting to give joint authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

N. Judge. The word "Judge" shall mean the Judge of the Municipal Court of the Town of Washington, Oklahoma, including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of Ordinances.

O. Judicial District. The term "Judicial District" shall mean the District Court Judicial District of the State of Oklahoma, wherein the situs of government of the Town of Washington, Oklahoma, is situated.

P. May. The word "may" is permissive; the word "shall is mandatory".

Q. Mayor. Whenever referenced is made to the "Mayor", it shall mean the Chief Executive Officer of the Town of Washington, Oklahoma.

Month. The word "month" shall mean a calendar month.

R. Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular, except where a contrary intention plainly appears.

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

T. Officer, Departments, Etc. Whenever any officer, Department, Board, Commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the Town of Washington, Oklahoma".

U. Or, And. "Or" may be read "and", and "and" may be read "or", if the sense requires it.

V. Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

W. Person. The word "person" shall extend, and be applied to, associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals. Whenever used with respect to any penalty, the word "person", applied to partnerships or associations, shall mean the partners and members thereof, and as applied to corporations, the officers thereof.

X. Policeman. Reference to a "policeman" shall mean the Chief of Police or any Police Officer of the Town of Washington, Oklahoma.

Y. Preceding or Following. The words "preceding" or "following" shall mean next before and next after, respectively.

Z. Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

AA. Sidewalk. The word "sidewalk" shall mean any portion of the street right-of-way between the curb (or lateral line of the roadway) and the adjacent property line, intended for the use of pedestrians.

BB. Signature of Subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.

CC. Statutory Reference. Reference to the Statues of the State of Oklahoma means the Statutes as they now are or as they may be amended to be; a reference to the 1991 Statutes also means the comparable provision when included in future codifications or supplementations of said Statues.

DD. Street. The term "street" shall include any highway, alley, street, avenue, public place, underpass or overpass in the Town, dedicated or devoted to public use.

EE. Tense. Words used in the past or present tense shall include the future, as well as the past and present.

FF. Written or In Writing. The terms "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

GG. Year. Unless otherwise designated, the word "year" shall mean a calendar year.

Section 8-2 through 8-9. (Reserved for future use).

Article 2 - Miscellaneous Provisions

Section 8-10. Certain Ordinances Not Affected by Code.

Nothing in this Code of Ordinances or the Ordinance adopting this Code shall be construed to repeal, or otherwise affect the validity of, any of the following, and all such Ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein:

A. Ordinances promising, obligating or guaranteeing the payment of money for or to the Town of Washington, Oklahoma, authorizing the issuance of any Municipal Bonds or any evidence of the Municipality's indebtedness;

B. Appropriation Ordinances, or Ordinances providing for (a) the levy of taxes, (b) an annual budget, (c) a Special Election or (d) prescribing salaries for Municipal officers and employees;

Ordinances which provide for the annexation or de-annexation of territory to or from the Town of Washington, Oklahoma;

C. Ordinances approving, authorizing or otherwise relating to, any contract, agreement, lease, deed or other instrument, or granting any franchise;

D. Ordinances authorizing or relating to specific public improvements;

E. Ordinances vacating, opening or dedicating specific streets and alleys;

F. Ordinances relating to specific street improvements and assessments;

G. Ordinances relating to the grade or alignment of specific streets;

H. Ordinances naming or re-naming specific streets;

I. Ordinances granting railroads or others the right to use specific streets, alleys or rights-of-ways;

J. Ordinances changing the Zoning District classification of a specific parcel or real property; or

K. Other temporary or special Ordinances.

Section 8-11. Enumeration of Provisions.

A. Provisions of State Law which affect the Town of Washington, Oklahoma, because of its general relationship to the State, may not be enumerated herein, but may be adopted by reference as inseparable parts of this Code of Ordinances.

B. Provisions of State Law which prescribe specific actions of Laws for the Town of Washington, Oklahoma, and its citizens, may be included in this Code of Ordinances for purposes of clarity.

C. Provisions of State Law in matters of wider public concerns which are not enumerated herein, but which affect the Town of Washington, Oklahoma, and its citizens in a general way, may not be enumerated herein, but may nevertheless be made a part of this Code of Ordinances through adoption by reference.

D. All provisions which are of purely local concern may be specifically enumerated in this Code of Ordinances. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concerns, as provided by State Law, and are specifically enumerated herein in detail, shall be enforced by the Town of Washington, Oklahoma, duly authorized officers and agents of said Town shall have all power, duties and responsibilities necessary to enforce the same.

Section 8-12. Code Does Not Affect Prior Offenses or Rights.

Nothing in this Code of Ordinances or the Ordinance adopting this Code shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

Section 8-13. Ordinances Effective on Certain Property Outside of Town.

A. All provisions of this Code of Ordinances and other Ordinances of the Town of Washington, Oklahoma, now if effect or adopted in the future, are hereby extended to all real property belonging to, or under the control of, the Town of Washington, Oklahoma, outside the corporate limits of said Town, and shall be in full force and effect thereon insofar a they are applicable.

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

C. The operation of motor vehicles and other traffic upon roads, streets and highways that form the corporate boundary line of the Town of Washington, McClain County, Oklahoma, shall be subject to all Municipal traffic Ordinances and other Ordinances of the Town of Washington, Oklahoma.

Section 8-14. Designation of Citation of Code.

The Ordinances embraced in this and all other Chapters and Sections shall constitute and be designated as the "Code of Ordinances, Town of Washington, Oklahoma", and may be cited. Such Code may also be cited as the "Washington, Oklahoma, Town Code" or the "Washington, Oklahoma, Municipal Code".

Section 8-15. Catchlines of Sections.

The catchlines of the Sections of this Code of Ordinances which are underlined, are intended as mere catchwords to indicate the contents of the Sections and shall not be deemed, or taken to be, titles of such Sections, nor as any part of the Sections, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or re-enacted.

Section 8-16. Separability of Parts of Code.

A. It is hereby declared to be the intention of the Board of Trustees of the Town of Washington, Oklahoma, that the Sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are separable and if any phrase, clause, sentence, paragraph or Section of said Code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of said Code, since the same would have been enacted by the Town Board of Trustees without the incorporation of this Code of any such valid phrase, clause, sentence, paragraph or Section.

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

Sections 8-17 through 8-29. (Reserved for future use).

Article 3 - Penalty; Judicial Relief

Section 8-30. General Penalty for Violations; Judicial Relief.

A. Whenever, in this code of Ordinances or any Ordinance of the Town of Washington, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said Code of Ordinances, the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provisions of this Code of Ordinances or any other such Ordinance shall be punishable by a fine in any amount not exceeding the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day on which any violation of this Code or of any Ordinance shall continue shall constitute a separate offense and shall be punishable as such.

B. No penalty imposed by, and pursuant to, this Code of Ordinances, shall interfere with the right of the Town of Washington, Oklahoma, also to apply to the proper Courts of the State of Oklahoma for a mandamus, and injunction or other appropriate action against such person, firm or corporation.

CHAPTER 9 - HEALTH AND SAFETY

Article 1 - Introducing Diseases

C. It shall be unlawful for any person affected with, or exposed to, any contagious or infectious disease, to be upon any street or in any public place in the Town of Washington, Oklahoma; the purpose of this requirement is to avoid exposing other people to such a disease.

D. It shall be unlawful for any parent, guardian or person having charge of any child or children to allow, or permit, such child or children to attend any classes, school or any gathering of people, or to appear upon any street or in any public place in the Town of Washington, Oklahoma, while infected with, or exposed to, any contagious or infectious disease, or in any manner to allow other persons to be exposed to such a disease.

E. No person suffering from, or infected with, the communicable form of a venereal disease, shall engage in any occupation involving intimate contact with persons, food or food products.

Section 9-2. Report of Contagious Diseases.

A. Every physician practicing in the Town of Washington, Oklahoma, shall report to the County Health Official, within six (6) hours after the diagnosis of the same, the appearance of any of the following diseases: diphtheria (including membranous croup), scarlet fever, smallpox, yellow fever, typhoid fever, typhus fever, Asiatic cholera, chicken pox, tuberculosis, undulant fever, acute anterior, poliomyelitic (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.

B. Syphilis, gonococcus infection and chancroid are hereby and hereinafter recognized and declared to be contagious, infectious, communicable and dangerous to the public health. The term “venereal disease” as used in this Chapter, shall include all such diseases.

C. The Statues of the State of Oklahoma governing the diseases stated hereinbefore shall apply to all cases of this nature, after said report is made.

Section 9-3. Quarantine.

A. It shall be unlawful for any person to enter, or go upon, any ground or premises under quarantine, without first having obtained permission to do so from the Local or County Health Official.

B. It shall be unlawful for any person whom the Local or Health Official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to wilfully violate any quarantine regulations thereof.

C. It shall be unlawful for any person to tear down, remove, deface, mutilate or destroy any order, notice or flag that may be posted or displayed by the Local or County Health Official.

D. It shall be unlawful for any person to wilfully violate, or refuse to comply with, any lawful order, direction, prohibition, rule or regulation of any officer or official charged with enforcement of such order, direction, prohibition, rule or regulation.

Sections 9-4 through 9-9. (Reserved for future use).

Article 2 - Sanitary Facilities

Section 9-10. Definitions.

A. Human Excrement. The term “human excrement” is used herein to mean the bowel and kidney discharge of human beings.

B. Sanitary Water Closet. The term “sanitary water closet” is used herein to mean 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.

Section 9-11. Owner to Provide Proper Toilet Facilities.

A. Every owner of a residence or other building in which humans reside, are employed or congregate, shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement; this requirement shall include a sanitary water closet or closets, or a water closet or closets connected to an approved septic tank.

B. The closets and toilets required herein shall be of the sanitary water closet type when located within three hundred (300) feet of any Municipal Sanitary Sewer line and accessible thereto. It shall be the duty of every owner of property so located, to connect, or cause to be connected, his toilet (s) with the Municipal Sanitary Sewer System, and to make every proper connection so that each toilet is properly connected with said Municipal Sewer System.

C. When not so located, the closet or toilet shall be of (a) the sanitary water closet type, so connected to a sanitary sewer (notwithstanding the distance from it), or (b) the water closet type, connected to a septic tank approved by the County Health Officer.

Section 9-12. Proper Disposal of Human Excrement Required.

All human excrement shall be disposed of by deposition in closets of the type hereinbefore described. It shall be unlawful for any owner of property to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement in any other manner.

Section 9-13. Unauthorized Facilities Declared Public Nuisances.

All facilities for the disposal of human excrement in a manner different from that required by this Code of Ordinances, 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. (See Chapter 12, this Code of Ordinances.)

Section 9-14. Tobacco Ordinance.

A. Tobacco Use Prohibited

1. The use of any tobacco-related products, including, but not limited to, smoking products, chewing tobacco, dip, snuff, etc., and vapor products is prohibited within all building/structures, Parks and other outdoor areas, vehicles and any other property regardless if owned, leased, or operated by the Town of Washington and and/or the Town of Washington Public Works.

2. The Oklahoma Smoking in Public Places Act (63 O.S. §§1-15521 – 1-1527), as now or hereafter amended, is hereby adopted as stated in the sections following below.

B. Purpose

Tobacco Use and Vapor Products in all forms has been determined to be injurious to human health, to constitute a source of annoyance, and discomfort to non tobacco users and to the public as a whole, and to be a public nuisance due to the following:

1. Reliable studies have shown that breathing side stream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway diseases; and

2. Health hazards induced by breathing side stream or secondhand smoke include lung cancer, respiratory infection, decreasd exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

3. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing side stream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

4. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections and cancer; and

5. Smoking is a potential cause of fires; and

6. The smoking of tobacco, or any other weed or plant, is a danger to health;

7. Likewise, the chewing of tobacco in any form results in unsanitary and unhealthy spit and saliva residue containing body fluids that place the health of any person coming into contact with such body fluids at risk.

C. Definitions:

1. “Health facility” means an entity which provides health services, including but no limited to hospitals, nursing homes, long-term care facilities; kidney disease treatment centers, health maintenance organizations and ambulatory, treatment centers;

2. “Indoor workplace” means 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 of volunteer. An indoor workplace employee cafeterias, hallways, any other spaces used or visited by employees, and all windows, regardless of doors, doorways, open or closed windows, stairways, or the time, whether or not work is being performed.

3. “Meeting” means a meeting as defined in the Oklahoma Open Meeting Act;

4. “Oral use of Tobacco” includes chewing and dipping of tobacco or any tobacco based product.

5. “Outdoor event” includes, but is not limited to, a scheduled outdoor musical, dance, theatrical, dramatic, sporting, or entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

6. “Outdoor venue” includes, but is not limited to, an outdoor theater, arena, stadium, amphitheater, plaza, street or other improvised area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor even that is organized, licensed or permitted by the owner of the venue.

7. “Public body” means a public body as defined in the Oklahoma Open Meeting Act;

8. “Public entrance” means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

9. “Public park” means a public park or recreation area that is open to and used by the general public.

10. “Public place” means any enclosed indoor area where individuals other than employees are invited or permitted;

11. “Restaurant” means any eating establishment regardless of seating capacity;

12. “Smoke” or “Smoking” means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device; and

13. “Stand-alone bar”, “stand-alone tavern”, and “cigar bar” mean an establishment that derives more than sixty (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

paragraph 2 of subsection B of Section 537 of Title 37 of the Oklahoma Statutes and that is located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

14. "Tobacco Use" means any use of tobacco in any form, including, but not limited to chewing, dipping, smoking or burning.

15. "Unenclosed public place", includes, but is not limited to, outdoor arenas, stadiums, amphitheaters, public parks and recreation areas, school grounds, and public sidewalks.

D. Prohibition of Tobacco Use and Vapor Products on any Municipal Property Including Public Places and Indoor Workplaces

1. Except as specifically provided herein, no person shall engage in any form of tobacco use in a public place, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act, or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Act.

2. Except as otherwise provided herein, an educational facility which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the buildings and on the grounds of the facility by all persons including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.

3. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the grounds of the facility.

4. Exceptions:

i. A nursing facility licensed pursuant to the Nursing Home Care Act may designate smoking rooms for residents and their guests. Such rooms when used for smoking 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;

ii. A private residence is not a "public place", except those areas in a private residence that are used as a licensed child care facility during hours of operation are "public places".

iii. An employer not otherwise restricted from doing so may elect to provide tobacco use 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 manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake. If smoking is to be permitted in any space exempted in subsection G of this section or in a smoking room pursuant to enclosed indoor space, or if it shares the enclosed space with any nonsmoking areas, he 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 (15) feet of any entrance, exit or air intake.

5. Tobacco use and Vapor Products shall not be prohibited in the following:

i. Stand-alone bars, stand-alone taverns or cigar bars;

ii. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

iii. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

iv. 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;

v. 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;

vi. Workplaces occupied exclusively by one or more smokers, if 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;

vii. Private offices occupied exclusively by one or more smokers;

viii. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

ix. 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 U.S.C., Section 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;

x. Any outdoor seating area of a restaurant; provided, tobacco use shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant; and

xi. Medical research or treatments centers, if smoking or other tobacco use is integral to the research or treatment.

E. Prohibition of Smoking and Vapor Products in Unclosed Public Places

1. No person shall engage in the use of tobacco or vapor products in any form in the following unenclosed public places:

i. In publicly owned outdoor arenas, stadiums and amphitheaters and on publicly owned property upon which said facilities are located.

ii. Public parks and recreation areas.

iii. School grounds

iv. Public sidewalks within twenty-five (25) feet of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.

v. No person shall engage in any form of tobacco use in or within twenty-five (25) feet of an outdoor venue during the time that an outdoor event is taking place.

2. Exceptions:

vi. The owner or operator of an outdoor venue may, during the time that an outdoor event is taking place, designate tobacco use areas for the use of adults, so long as designated tobacco use area in not within twenty-five (25) feet of said outdoor venue.

F. Posting Smoking Signs or Decals

1. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

2. The person who owns or operates a public place where 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 of the property indicating the place is tobacco free.

3. Responsibility for posting signs or decals shall be as follows:

i. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible; and

ii. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

iii. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

G. Penalty for Tobacco and Vapor Product Use Offenses

1. Any person who knowingly violates this ordinance is guilty of an offense and therefore upon conviction thereof shall be punished by a fine of not less than ten ($10.00) dollars nor more than one hundred dollars ($100.00).

Enforcement of this chapter shall be the responsibility of Washington Police Department

Sections 9-15 through 9-19. (Reserved for future use).

Article 3 - Miscellaneous Provisions

Section 9-20. Abandoned Ice Boxes, Refrigerators and Containers.

It shall be unlawful for any person, firm or corporation to leave, in a place accessible to children, any abandoned or discarded ice box, refrigerator or other containers which as an air-tight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener.

Section 9-21 through 9-49. (Reserved for future use).

Article 4 - Penalty

Section 9-50. Penalty.

Any person who violates any provisions of this Chapter or of any Ordinance, Code or standard adopted by reference by this Chapter, or maintains or permits to continue, any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinance. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 10 - MANUFACTURED, MOBILE AND MODULAR HOUSING (MUST BE ZONED AGRICULTURAL & ON 5 OR MORE ACRES)

Article 1 - General Provisions

Section 10-1. Purpose.

A. The purpose of this Chapter is to provide regulations for areas within the corporate boundaries of the Town of Washington, Oklahoma, wherein the location and development of manufactured housing, mobile homes, mobile home parks, trailer parks, manufactured and mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.

B. The regulations set forth in this Chapter are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of manufactured housing and mobile home parks and subdivisions, trailer parks and modular housing units and additions.

Section 10-2. Definitions.

For the purpose of this Chapter, the following terms, words and phrases shall have the meanings indicated hereinbelow:

A. Buffer Planting Strip. The term “buffer planting strip” shall mean a visual screening facility, consisting of not less than one (1) row of shrubbery spaced not more than eight (8) feet apart, which will grow to a height of not less than twelve (12) feet in less than five (5) years, under normal circumstances; such a strip may, as a alternative, consist of an earthen berm or solid fencing; or any combination of earthen berm, fencing and/or landscaping, all of which shall total at least eight (8) feet in height.

B. Greenbelt Planting Strip. The term “greenbelt planting strip” shall mean a landscaped area, not less than twenty (20) feet in width, used along all subdivision boundaries; such Greenbelt Planing Strip shall be composed of (a) one (1) row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart, (b) not less than three (3) rows of shrubs, spaced not more than thirty (30) feet apart, and (c) not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart, all of which shrubs must eventually be capable of growing to at least four (4) to six (6) feet in height.

C. Health Official. The term “Health Official” shall mean the Municipal Building Inspector or the legally-designated Health Authority of the Town of Washington, Oklahoma (or an authorized representative), or the authorized representative of the McClain County Health Department or the State Department of Health.

D. Manufactured Housing. The term “manufactured housing” shall mean a dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. The three (3) types of manufactured housing are defined as meeting all of the requirements listed below, and are to be considered separate from mobile or modular housing:

1. Type I Manufactured Housing shall:
    i. Have more than one-thousand (1,000) square feet of occupied space in a typically double-section or larger multi-section unit, with a minimum width of twenty (20) feet;
    ii. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the Town’s Foundation Code or other adopted foundation requirements, and the manufacturer’s specifications;
    iii. Utilize a permanent perimeter enclosure, in accordance with Municipally-approved installation standards;
    iv. Have wheels, axles and hitch mechanisms removed;
    v. Have all utilities connected, in accordance with the appropriate Municipal Codes and the manufacturer’s specifications;
    vi. Have siding material of a type customarily used on site-built residences in the Community and neighborhood;
    vii. Have roofing material of a type customarily used on site-built residences in the Community and neighborhood;
    viii. Have a one-hundred (100) square foot (minimum) attached covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;
    ix. Have a legitimate front and rear door; and
    x. Have a minimum eave width of six (6) inches.
2. Type II Manufactured Housing shall:
    i. Have more than seven hundred and twenty (720) square feet of occupied space in a single, double, expand or multi-section unit (including those with add-a-room units);
    ii. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the Town’s Foundation Code or other adopted foundation standards, and the manufacturer’s specifications;

iii. Utilize a permanent perimeter enclosure, in accordance with Municipally-approved installation standards;

iv. Have wheels, axles and hitch mechanisms removed;

v. Have utilities connected in accordance with appropriate

vi. Municipal Codes and the manufacturer's specifications;

vii. Have siding material of a type customarily used on site-built residences in the Community and neighborhood;

viii. Have roofing material of a type customarily used on site-built residences in the Community and neighborhood;

ix. Have a one-hundred (100) square foot (minimum) attached, covered and/or enclosed parking garage, which is compatible with other housing in the immediate area; all parking and driveway areas shall be hard-surfaced;

x. Have legitimate front and rear doors, and;

xi. Have a minimum eave width of six (6) inches.

3. Type III Manufactured Housing shall:

i. Have more than four hundred (400) square feet of occupied space, in a single, double expand or multi-section unit (including those with add-a-room units);

ii. Be placed onto a support system, in accordance with Municipally-approved installation standards;

iii. Be enclosed with foundation siding or skirting, in accordance with Municipally-approved installation standards;

iv. Be anchored to the ground, in accordance with the manufacturer's specifications and the Town's appropriate, adopted Code; and

v. Have utilities connected, in accordance with appropriate Municipal requirements and the manufacturer's specifications.

E. Mobile Home. The term "mobile home" shall mean any single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers (both highway and rail) and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and similar operations.

F. Mobile Home, Dependent. The term "dependent mobile home" shall mean any mobile home which does not have a flush toilet and a bath or shower. For purposes of this Chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.

G. Mobile Home, Free-Standing. The term "free-standing mobile home or travel trailer" shall mean any mobile home or travel trailer not located in a mobile home park or travel trailer park respectively, licensed by the town of Washington, Oklahoma, or in an approved mobile home subdivision.

H. Mobile Home Park. The term "mobile home park" shall mean any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

I. Mobile Home Space. The term "mobile home space" shall mean any plot of ground within a mobile home park or subdivision designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.

J. Mobile Home Subdivision. The term "mobile home subdivision" shall mean any subdivision designed and intended for residential use, where residence is in mobile homes or manufactured housing exclusively, and lots are sold for occupancy.

K. Modular Home. The term "modular home" shall mean any factory-fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation; the term is intended to apply to major assemblies and does not included prefabricated sub-elements incorporated into a structure at the site, nor does it include any type of "manufactured housing," as defined herein; any "modular home" must meet United States Government "modular home" certification standards (See Article 4, this Chapter).

L. Municipal Building Inspector. The term "Municipal Building Inspector" shall mean the Municipal Building Inspector of the Town of Washington, Oklahoma, or an authorized agent.

M. Non-Residential Mobile Trailer. The term "non-residential mobile trailer" shall mean any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by a clearly displayed sign on or near the trailer).

N. Park. The word "park" shall mean a mobile home and/or travel trailer park.

O. Public Water or Sewer System. The term "public water system" or "public sewer system" shall mean any such system built and owned by, or dedicated to and accepted by, or operated in cooperation with the

Town of Washington, Oklahoma; all other such systems shall be deemed private systems.

Service Building. The term "service building" shall mean any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities.

P. Subdivision. The word "subdivision" shall mean a manufactured housing or mobile home subdivision, unless otherwise indicated.

Q. Travel Trailer. The term "travel trailer" shall mean al vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use. For purposes of this Chapter, a "dependent mobile home" shall be considered to be the same as a travel trailer, unless otherwise specified.

R. Travel Trailer Park. The term "travel trailer park" shall mean any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

S. Travel Trailer Space. The term "travel trailer space" shall mean a plot of ground within a travel trailer park designed for accommodation of one (1) travel trailer.

Section 10-3. Free-Standing Mobile Homes.

A. No free-standing mobile homes or travel trailers shall be permitted within the corporate limits of the Town of Washington, Oklahoma, unless it is being offered for sale or parked for storage, or located within an appropriate Zoning District which permits such free-standing location.

B. Except for mobile homes or travel trailers within regular commercial mobile home or travel trailer sales lots, each such free-standing mobile home or travel trailer offered for sale, must be clearly marked as such, and shall not be occupied for either living or sleeping purpose.

C. A property owner shall not store, not permit to be stored, more than one (1) travel trailer on a residential lot; such travel trailer shall not be stored in any required front or side yard or public utility easement, nor shall such travel trailer project beyond the front of any building.

Section 10-4. Non-Residential Mobile Home or Trailers.

A. Non-residential mobile homes or trailers shall not be permitted in the Town of Washington, Oklahoma, unless a Temporary Permit for operation, valid for a period of twelve (12) months, is issued by the Municipal Building Inspector; such Permit shall specify the permitted use of the non-residential mobile home or trailer, the location of such operation and the termination date of the Permit, and shall only be issued under terms of this Code of Ordinances and the adopted Zoning Ordinance of the Town of Washington, Oklahoma.

B. No Permit shall be issued for a use which would violate any local, State or Federal Ordinance, Law or regulation.

C. An annual fee of twenty dollars ($20.00) shall be charged for each non-residential mobile home or trailer Permit.

D. Operations of non-residential mobile homes or trailers by contractors or construction projects for which Building Permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project.

E. This Section shall not be construed as permitting or authorizing the permanent location of any non-residential mobile home or trailer within the corporate limits of the Town of Washington, Oklahoma, in conflict with any adopted Zoning Ordinance of said Town.

Section 10-5. Minimum Housing Regulations for Mobile and Manufactured Homes.

A. Every manufactured house or mobile home located in either a mobile home park, a mobile home subdivision or as a free-standing home, shall meet the provisions of the adopted Housing Code of the Town of Washington, Oklahoma, except as otherwise provided in this Section, or as may be otherwise provided in other provisions of this Code of Ordinances.

B. Every manufactured or mobile home shall contain the following minimum gross floor area of habitable space:

1. One hundred and fifty (150) square feet of one (1) or two (2) occupants;

2. One hundred (100) additional square feet for the 3rd occupant; and

3. Seventy-five (75) square feet additional for each additional occupant thereafter.

C. Habitable space in a mobile or manufactured home shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area; the floor area where the ceiling height is less than give (5) feet shall not be considered in computing minimum gross floor area.

D. A mobile or manufactured home shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.

E. Rooms occupied for sleeping purposes must contain at least sixty (60) square feet of floor space, if used by more than one (1) person, and at least forty (40) square feet if used by one (1) person.

F. Dependent manufactured or mobile homes shall not be required to have a flush toilet, bath or shower.

G. The Housing Code shall not apply to travel trailers insofar as floor area, flush toilet, bath or shower ceiling height is concerned.

Sections 10-6. (Reserved for future use).

Section 10-7. Exceptions to Regulations for Subdivisions; Lot Splits.

Lot Splits. Wherever there is a tract or previously subdivided parcel of land, under single ownership, which is to be re-subdivided into three (3) or fewer lots, the proposed subdivision may be excepted from the procedural requirements of these regulations (i.e. Preliminary and Final Plats are not required); however, this shall not constitute an exception from the design and improvement requirements herein contained. These exceptions, or "lot splits," shall be permitted under the following provisions:

A. An accurate survey of the proposed tract, and the re-subdivision thereof, prepared by a land surveyor registered in the State of Oklahoma, shall be submitted to the Trustees of the Town of Washington.

B. The Trustees of the Town of Washington shall review the proposed "lot split" to insure compliance with all design and improvement requirements of these regulations.

C. Upon approval, the Trustees of the Town of Washington shall certify the plat by signing said document.

D. Upon denial, the Trustees of the Town of Washington shall submit the reasons for denial, in writing, to the application.

E. Whenever a deviations is required from improvement standards, or a street or other element is to be dedication, the Town Board of Trustees shall have final approval and acceptance rights; for all other "lot splits," the action of the Trustees of the Town of Washington shall be final.

F. A tract of land which has been subject to more than three (3) "lot splits," over any period of time shall not be allowed further use of the "lot split" exception, said tract shall be subject to the procedure containing herein for the platting of land.

Section 10-8 through 10-9. (Reserved for future use).

Article 2 - Mobile Home, Manufactured Housing and Trailer Parks

Section 10-10. Permits; Requirements; Procedures; Fees.

A. It shall be unlawful for any person to construct, maintain or operate any mobile home, manufactured housing or travel trailer park within the corporate limits of the Town of Washington, Oklahoma, unless he holds a valid Permit issued annually by the Municipal Building Inspector and the Health Official of the Town of Washington, Oklahoma, in the name of such person for the specific park, except that the maintenance or operation of an existing park on the effective date of this Chapter may be continued under a Temporary Permit for such period of time and under such conditions as are hereinafter described.

B. Application shall be made to the Municipal Building Inspector acting jointly with the Health Official, in writing, within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.

C. Application for original Permits shall be in writing, signed by the applicant, and shall contain the following:

1. Name and address of the applicant;

2. The interest of the applicant in, and the location and legal description of, the park;

3. A complete site Plan of the park, showing compliance with all applicable provisions of this Chapter and regulations promulgated thereunder; and

4. Such further information as may be requested by the Health Official and/or Municipal Building Inspector.

D. Applications for renewals of Permits shall be made, in writing, by the holder of the License and shall contain the following:

1. Any change in the information submitted since the time the original License was issued, or the latest renewal granted; and

2. Other information requested by the Health Official and/or Municipal Building Inspector.

E. A complete Site Plan, for the purpose of obtaining a Permit, shall show:

1. The area and dimensions of the tract of land;

2. The number, locations and size of all mobile homes, manufactured home or travel trailer spaces;

3. The location and width of roadways, walkways, buffer strips and recreational areas;

4. The location of service buildings and other proposed structures;

5. The location and size of utility lines and treatment facilities; and

6. Plans and specifications of all buildings and other improvements constructed, or to be constructed within the park.

F. Whenever the Health Official and/or Municipal Building Inspector finds conditions existing in violation of this Chapter, or of any regulation adopted pursuant thereto, notice shall be given, in writing, to the person to whom the Permit was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice), the Permit will be suspended. At the end of such period, not to exceed ninety (90) days, the Health Official and/or Municipal Building Inspector shall re-inspect such park, and, if such conditions or practices have not been corrected, the Permit shall be suspended and notice given, in writing, of such suspension to the person to whom the Permit was issued and/or the

person managing, or in charge of, the park. Upon receipt of notice of suspension, such person shall cease operation of such park, except as may be provided hereinafter.

G. Any person whose Permit has been denied or suspended, or who has received notice from the Health Official and/or Municipal Building Inspector that a Permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the Town Board of Trustees or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance); provided, that, when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such Permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

H. Mobile home and travel trailer parks in existence upon the effective date of this Chapter, which have concrete pads indicating the location of mobile home, manufactured home or travel trailer spaces, need not comply with those Sections of this Chapter which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this Chapter.

I. The Town Clerk-Treasurer shall charge and collect for each mobile home, manufactured home and/or travel trailer park a Permit or Temporary Permit fee of two dollars and fifty cents ($2.50) per space. The initial Permit or Temporary Permit shall expire no later than one (1) year from the date of issue, unless renewed upon such conditions as the Town Board of Trustees may, by Ordinance, direct.

Section 10-11. Inspection of Parks.

A. The Health Official and the Municipal Building Inspector are hereby authorized and directed to make inspections to determine the condition of mobile home, manufactured home and travel trailer parks within the Town of Washington, Oklahoma, in order to perform their duty of safeguarding the health and safety of occupants of such parks and of the general public.

B. The Health Official and Municipal Building Inspector shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this Chapter or the regulations promulgated thereunder.

C. The Health Official and Municipal Building Inspector shall have the power to inspect the register containing a record of all homes and occupants using the park.

D. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such mobile home, manufactured home or travel trailer, or their premises, at reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to effect compliance with this Chapter, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Chapter.

Section 10-12. Notices, Hearings, and Orders.

A. Whenever the Health Official or Municipal Building Inspector determines violations of pertinent regulations are found to exist, the licensee, permittee or the person (s) managing, or in charge of, the park shall be notified of such alleged violations. Such notice shall:

1. Be in writing;

2. Include a statement of the reasons for its issuance;

3. Contain an outline or remedial action, which, if taken, will effect compliance with provisions of this Chapter and other pertinent regulations;

4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and

5. Be served upon the owner, an agent, operator or the person in charge of the park, as the case may require; provided, that, such notice or order shall be deemed as properly served upon said owner or agent when a copy thereof has been sent by certified mail to the last known address.

B. Any person affected by any notice issued under this Chapter or resulting regulations, may request and shall be granted a hearing on the matter before the Town Board of Trustees, acting as a Board of Appeals, or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance); provided, that, such person shall file with the Municipal Building Inspector a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day notice as served. The filing of such request shall stay the notice of suspension or Permits, except in cases of orders issued under Subsection 5, below. The hearing shall be held at the next meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the Municipal Building Inspector determine that sufficient cause for such delay exists.

C. After such hearing, the Health Official or Municipal Building Inspector shall compile the findings of the Town Board or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance) as to compliance with sustaining, modifying or withdrawing the prior notice which shall be served as provided in Subsection 9 (below). Upon failure to comply with such order, the Permit of the park shall be revoked.

D. Any person aggrieved by the decision of the Town of Trustees or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance) may seek relief in District Court.

E. Whenever the Health Official or Municipal Building Inspector finds that an emergency exists which requires immediate action to protect health, without notice or hearing, an order may be issued reciting the existence of such an emergency and requiring that such action be taken as may be deemed necessary to

meet the emergency, including the suspension of the Permit. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately, but upon petition to the Town Board of Trustees or the Zoning Board of Adjustment (if the Town has adopted a Zoning Ordinance), shall be afforded at the next Regular Meeting, even if the agenda has been completed. The provisions of Subsection 3 and 4 (above) shall be applicable to such hearing and the order issued thereafter.

Section 10-13. Supervision; Posting of Temporary Permit.

A. The licensee or a duly authorized attendant or caretaker, shall be charged at all times with keeping the park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this Chapter to which the license is subject.

B. The License shall be conspicuously posted in the offices of, or on the premises of, the park at all times.

Section 10-14. Location and Design Considerations for Parks.

A. Parks shall be of three (3) types: (a) mobile and manufactured home parks, (b) travel trailer parks and (c) mixed mobile/manufactured home and travel trailer parks. No travel trailer shall be located in a mobile or manufactured home park. No mobile or manufactured home shall be located in a travel trailer park. In a mixed park, separate areas shall be reserved for each type of home and for travel trailers; no mobile or manufactured home shall be permitted in the travel trailer sector; no travel trailer shall be permitted in the mobile or manufactured home sectors.

B. All parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

C. The minimum area of any park shall be five (5) acres. Parks in existence on the effective date of this Chapter can continue to operate with less than five (5) acres area; however, if the park is to be expanded, it must at that time expand to include at least five (5) acres.

D. Intensity of development shall be limited to no more that ten (10) homes per gross acre for a mobile or manufactured home park, and no more than fifteen (15) travel trailers per gross acre, for a travel trailer park. (Area used for sewage treatment facilities shall not be included in density computations.) Mobile and manufactured home spaces shall be at least thirty (30) feet wide where pads are closest to driveways. Travel trailer spaces shall be at least twenty-five (25) feet wide where travel trailers are located closest to the driveway.

E. Every space shall be clearly defined. All homes and travel trailers shall be parked in such spaces, so that, at the nearest point, they shall be ten (10) feet from the service road, five (5) feet from the rear lot and at least ten (10) feet from the boundary line of any other individual spaces, as well as any other home or travel trailer.

F. It shall be unlawful to locate any home or travel trailer less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such home or travel trailer will obstruct any roadway or walkway of such park.

G. It shall be unlawful to permit a mobile or manufactured home to occupy a travel trailer space, a travel trailer to occupy a mobile or manufactured home space and for any mobile or manufactured home or travel trailer to be located in a park unless in a space designated specifically for that type of home or trailer.

H. All mobile and manufactured home spaces shall abut upon a sealed-surface driveway of not less than twenty (20) feet in width, if on-street parking is prohibited, and twenty-six (26) feet in width, if on-street parking is permitted on one (1) side of the street only. Driveways must have unobstructed access to a public street or highway.

I. In all parks existing on the effective date of this Chapter, parking on or adjacent to the street within the park is permissible as long as it does not obstruct fee movement of traffic. Whether or not a safety hazard exists is a question to be determined by the Planning Commission, with final appeal to the Town Board of Trustees. If, upon final appeal before said Town Board, it is determined that a safety hazard does in fact exist, the park concerned will be required to comply with the following provisions:

   1. In new mobile or manufactured home parks, at least two (2) clearly-defined parking spaces will be provided for each space either on or adjacent to the space.

   2. In new travel trailer parks, at least one (1) clearly-defined parking space shall be provided for each space either on, or adjacent to, the space.

J. All roadways within a park shall meet road improvement standards consistent with the Town's standards, or State Law for private roads, as contained in the Town's adopted Subdivision Regulations Ordinance.

K. In developed areas of the Town, new parks must abut, and have their major means of ingress and egress on, a thoroughfare of appropriate classification.

L. All parks shall have and maintain a buffer planting strip along all park boundaries not boarding a street.

Section 10-15. Service Buildings for Travel Trailer Parks.

A. Each travel trailer park shall be provided with at least one (1) service building separately equipped with flush-type toilet fixtures and other sanitary facilities.

B. Service buildings shall:

   1. Be located twenty-five (25) feet or more from any travel trailer space;

   2. Be a permanent construction and be adequately lighted;

3. Be of moisture-resistant material, to permit frequent washing and cleansing;

4. Have adequate heating facilities to maintain a temperature of seventy degrees (70N) Fahrenheit during cold weather, and to supply adequate hot water during time of peak demands; and

5. Have all rooms well-ventilated, with all openings effectively screened.

C. All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that will menace the health and any occupant or the public, or constitute a menace.

Section 10-16. Sewage Disposal for Mobile and Manufactured Home Parks.

A. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, laundries and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system, or such construction and in such manner as approved by the Oklahoma State Department of Health and in accordance with all applicable Ordinance, Codes and regulations of the Town of Washington, Oklahoma.

B. Each home space shall be provided with at least a three (3) inch sewer connection at least four (4) inches above the surface of the ground. The sewer connection should be protected by a concrete collar at least four (4) inches thick and have a minimum outside diameter of twenty-four (24) inches. Connection between the home drain and the sewer must be watertight and self-draining. Homes with fixtures for which back-siphonage may occur shall be connected to the park's water system until the defect has been corrected.

C. In the event that a public sewer system is, or becomes available with three hundred (300) feet of the park, connection must be made to the public system within one hundred and eighty (180) days of notification by Municipal officials.

D. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluent from sewage treatment facilities shall not be discharged into the watershed of any Municipal Lake, or any other waters of the State. The disposal facilities shall be located where they will not create a nuisance or health hazard to the park or to the owner or occupants of any adjacent property. The Oklahoma State Department of Health must approve the type of treatment proposed and the design of any disposal facilities and sewer systems, prior to construction.

E. Every mobile or manufactured home occupying a park space shall tie onto the park sewerage system and shall dump any accumulated wastes into the system. Every travel trailer shall dump all accumulated waste into a receptable provided in the travel trailer park upon entering and upon leaving the park. Such receptables must be approved by the Oklahoma State Department of Health. Any other dumping of accumulated waste within the Town of Washington, Oklahoma is prohibited.

F. The monthly sewer charge shall be as indicated in Chapter 16 of this Code of Ordinances.

G. Sewer connections shall be watertight. Park licensees shall maintain trailer and home connections to sewer and water systems in good condition and shall assume responsibility for sewerage or water leakage on park premises.

H. No sewer connections shall be made to travel trailer spaces.

Section 10-17. Water Supply for Parks.

A. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred and fifty (250) gallons per day, per space. When a public supply of water of such quality is available, within three hundred (300) feet, connection shall be made thereto within one hundred and twenty (120) days of written notification by Municipal representatives, and its supply shall be used exclusively. Where private water supplies must be developed, the Health Officials must approve the location, construction and development of the water well, pipe system and connections. No private source other than a water well shall be used.

B. The water system of the park shall be connected by pipes to all buildings and all spaces. Each home shall be provided with a cold water tap at lest four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service building.

C. All water piping shall be constructed and maintained in accordance with State and Local Law. The water piping system shall not be connected with non-potable or questionable water supplies, and shall be protected against the hazards of backflow or back-siphonage. All water connections shall be weathertight.

D. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the Health Official.

E. Individual water-service connections which are provided for direct use by homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all home or travel trailer connections.

F. Provisions shall be made within one hundred and fifty (150) feet of each travel trailer space to supply water for travel trailer reservoirs.

G. No well-casing, pumps, machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free draining by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two (2) feet from the well in all directions. The pedestal shall not be less than twelve (12) inches above the floor. This shall not be construed as prohibiting submersible pumps.

H. All water storage reservoirs shall be watertight, and of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

I. Underground stop and waste-cocks shall not be installed on any connection.

J. No private water well shall be permitted within the Town of Washington, Oklahoma, for park use, except as may be otherwise permitted by Ordinances of the Town of Washington, Oklahoma; provided, that, private wells may be used if the Town does not provide a Municipal Water System.

K. No water connections shall be made to travel trailer spaces.

Section 10-18. Refuse Disposal for Parks; Insect and Rodent Control.

A. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazard, or air pollution.

B. All refuse shall be stored in fly-tight, watertight and rodent-proof containers, which shall be located within one hundred and fifty (150) feet of any home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

C. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and containers deterioration, and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.

D. All refuse shall be collected at least once weekly, or as otherwise required by the Health Official. Where Municipal garbage collection is not available, the park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

E. Where Municipal or other private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site, as directed by the Health Official. Refuse shall be buried only at locations and by methods approved by the Health Official, and in accordance with the Ordinances of the Town of Washington, Oklahoma.

F. When Municipal refuse disposal service is available, it must be used.

G. Insect and rodent control measures to safeguard public health, as required by the Health Official, shall be applied in the park.

H. Effective larvicidal solutions may be required by the Health Official for fly or mosquito-breeding areas which cannot be controlled by other, more permanent measures.

I. The Health Official may require the park operator to take suitable measures to control other insects and obnoxious weeds.

J. Accumulations of debris which may provide harborage from rodents shall not be permitted in the park.

K. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the Health Official, to exterminate them.

Section 10-19. Electricity; Exterior Lighting; Fuels; Power Sources.

A. An electrical outlet supplying at least one hundred and ten (110) volts shall be provided for each home space. The installation shall comply with all applicable State and local Electrical Codes and Ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptables shall also be grounded and weatherproofed. No power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than eighteen (18) feet above the ground, unless otherwise approved by the Municipal Building Inspector
.

B. Streets and driveways within all park shall be lighted with street lights meeting the current standards of the Illuminating Engineering Society or one-half (1/2) candlepower, whichever is higher.

C. All piping from outside fuel storage tanks or cylinders to mobile or manufactured homes shall be of acceptable material, as determined by the Municipal Building Inspector, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the home or less than five (5) feet from any home exit. All such installations shall meet the requirements of applicable, adopted Codes.

D. All power used for residential or non-residential purposes within the park shall be derived from electricity, natural gas or solar energy sources.

Section 10-20. Fire Protection.

A. Park areas shall be kept free of litter, rubbish and other flammable materials.

B. Where the water supply system does not provide at least six (6) inch water mains, there shall be provided a two (2) inch, frost-protected water riser within three hundred (300) feet of each home or building.

C. Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

Section 10-21. Alterations and Additions.

A. All plumbing and electrical alterations or repairs in the park shall be made in accordance with applicable local requirements.

B. Skirting of mobile homes is permissible, but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.

C. A Building Permit issued by the Town Clerk-Treasurer shall be required before any construction on a mobile or manufactured home space or any structural addition or alteration to the exterior of a home takes place. No construction, addition or alteration to the exterior of a home located in a park shall be permitted unless of the same type of construction or materials as the home affected. All construction, additions and alterations shall be in compliance with applicable local and State Laws.

D. No structure, other than a mobile home and/or one (1) storage shed, of no more than two hundred and ten (210) cubic feet, shall be permitted on a mobile home space.

Section 10-22. Registration of Owners and Occupants.

A. Each park licensee shall keep a register containing a record of all home and travel owners and occupants located within the park. The register shall contain the following information:

1. The name and address of the owner or occupant of each home and any motor vehicle; and

2. The make, model, year and license of each mobile or manufactured home and motor vehicle.

B. The park shall keep the register available for inspection at all times by law-enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register of each occupant registered shall not be destroyed for a period of one (1) year, following the date of departure of the registrant from the park.

Section 10-23. Damaged or Dilapidated Units.

Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The Municipal Building Inspector or the Health Official shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes said mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises.

Section 10-24. Tie-Downs.

A. Every home in a park or subdivision covered by the provisions of this Chapter shall be anchored and tied down for safety purposes in a manner equivalent to the following:

1. Homes up to thirty (30) feet in length shall require two (2) frame ties per side;

2. Homes thirty (30) to fifty (50) feet in length shall require three (3) frame ties per side;

3. Homes fifty (50) to seventy (70) feet in length shall require four (4) frame ties per side;

4. Homes over seventy (70) feet in length shall require five (5) frame ties per side; and

5. Over-the-home ties shall also be installed as close to each end as possible with straps at studs and rafter locations.

B. All ties attached to concrete pads or ribbons must be located in footings or foundation piers. If “dead man” ties are used, ties must be installed in soil to a depth of at least six (6) feet.

C. Additional tie-down requirements for homes in flood-prone areas shall also be met (see Chapter 4, this Code of Ordinances).

Sections 10-25 through 10-29. (Reserved for future use)

Article 3 - Subdivisions

Section 10-30. Subdivisions.

A. Manufactured housing and mobile home subdivisions shall comply with the adopted Subdivision Regulations Ordinance and Zoning Ordinance (if adopted) of the Town of Washington, Oklahoma, except as otherwise provided herein.

B. The minimum size of such a subdivision shall be five (5) acres.

C. No residences except mobile and/or manufactured homes shall be permitted in such a subdivision.

D. Minimum effective lot widths in said subdivision shall be fifty (50) feet, measured at the front building line, and minimum lot area shall be five thousand (5,000) square feet, consistent with the adopted Zoning Ordinance; provided that, at least a five (5) foot side yard shall be provided on each lot beyond any home and addition thereto, and further provided, that, in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the Health Official on the bases of safe and sanitary sewer service. The affective lot width of a mobile or manufactured home lot shall be determined by the Health Official on the basis or safe and sanitary sewer service. The effective lot width of a mobile or manufactured home lot shall be determined, for interior lots, by measuring at right angles across the lot from one (1) diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line. Or an extension thereof.

E. Side lines of lots in said subdivisions need not be at right angles to straight street lines or radial to curved street lines.

F. Regardless of the effective lot width, said subdivision lots must abut a public street for a least twenty-five (25) feet.

G. All such subdivisions, except those developed under low density residential Zoning District Standards, shall have a green belt planting strip as defined herein.

Sections 10-31 through 10-39. (Reserved for future use).

Article 4 - Modular Housing

Section 10-40. Treatment of Modular Housing.

A. Manufactured or mobile housing shall be considered a Permanent-Site or Modular Housing only when it meets the following (Federal) certification criteria:

1. The manufacturer must certify that the structure is designed only for erection or installation on a site-built permanent foundation. A "site-built permanent foundation" is a system of supports, including piers, either partially or entirely below grade, which is:

    i. Capable of transferring all loads imposed upon the structure into soil or bedrock without failure;

    ii. Place at an adequate depth below grade to prevent frost damage; and

    iii. Constructed of concrete, steel, treated lumber or grouted masonry.

2. The manufacturer must certify that the structure is not designed to be moved once erected or installed on a site-built permanent foundation.

3. The manufacturer must certify that the structure is designed and manufactured to comply with the Town's adopted Building Code, or equivalent.

4. The manufacturer must certify that, to the manufacturer's knowledge this structure is not intended to be used other than on a site-built permanent foundation.

B. Such certification shall be proof of the housing unit's status as a "modular" unit; without such certification, any manufactured housing unit shall be considered a "mobile home," and treated as such for purposes of regulation.

Sections 10-41 through 10-49. (Reserved for future use)

Article 5 - Miscellaneous Provisions

Sections 10-50 through 10-59. (Reserved for future use).

Article 6 – Penalty

Section 10-60. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be xguilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which such violation continues shall be deemed a separate offense.

CHAPTER 11 - MUNICIPAL COURT

Article 1 - Application of Chapter; Jurisdiction of Court

Section 11-1. Application of Chapter.

A. This Chapter shall govern the organization and operation of the Municipal Court of the Town of Washington, Oklahoma, as put into operation and continued by Resolution, duly passed and filed in accordance with State Law, on and after the 13th day of November, 1972.

B. To the extent of conflict between any provisions of this Chapter and the provisions of any other Ordinance of the Town of Washington, Oklahoma, the provisions of this Chapter shall control.

Section 11-2. Jurisdiction of Court.

A. The Municipal Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of this Code of Ordinances or of any other Ordinance of the Town of Washington, Oklahoma, is charged, including any such prosecutions transferred to said Court, in accordance with applicable law.

B. The Washington Municipal Court may assume jurisdiction of juvenile offenders, unless otherwise excepted from the jurisdiction of the Municipal Court, who have been charged with a violation of a municipal ordinances, and which relate to the following offense:

1. Curfew Violations (13-22)

Section 11-3 through 11-9. (Reserved for future use).

Article 2 - Organization and Procedure

Section 11-10. Judge; Alternate Judge; Acting Judge.

(See Chapter 1, Section 1-35, this Code of Ordinances.)

Section 11-11. Compensation of Judges.

The compensation of the Judge and the Alternate of Acting Judge of the Municipal Court of the Town of Washington, Oklahoma, shall be as determined by motion of the Town Board of Trustees.

Section 11-12. No Change of Venue; Disqualification of Judge.

A. In prosecutions before the Municipal Court, no change of venue shall be allowed, but the Municipal Judge before whom the case is pending may certify a personal disqualification or may be disqualified from sitting, under the terms, conditions and procedures provided by Law for Courts of Record.

B. If the Municipal Judge is disqualified, the matter shall be heard by an Alternate or Acting Judge, appointed as provided in the Code of Ordinances.

Section 11-13. Chief of Police.

All writs or process of the Municipal Court shall be directed to the Chief of Police of the Town of Washington, Oklahoma, who shall be the principal officer of the Court.

Section 11-14. Municipal Attorney.

The Municipal Attorney, or a duly designated assistant, shall be the prosecuting officer of the Municipal Court, and shall be authorized to prosecute all alleged violations of the Ordinances of the Town of Washington, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the Court to any other courts of the State. The Municipal Attorney shall also be authorized to represent the Town of Washington, Oklahoma, in all proceedings arising out of mattes of the Court. (See Section 1-36, Chapter 1, this Code of Ordinances.)

Section 11-15. Clerk of Court.

A. The Town Clerk-Treasurer, or a designated deputy, shall be the Clerk of the Court. Duties of the Court Clerk shall include the following:

1. Assisting the Municipal Judge in recording the proceedings of the Court and in preparing writs, process and other papers;

2. Administering oaths required in proceedings before the Court;

3. Entering all pleadings, process and proceedings in the dockets of the Court;

4. Performing such other clerical duties relating to the proceedings of the Court, as the Municipal Judge shall direct;

5. Receiving and receipting for forfeitures, fees, deposits and sums of money payable to the Court; and

6. Assuming responsibility for placing, or having placed, all money received (except such special deposits or fees as shall be received to be disbursed for special purposes), in the General Fund of the Municipality, or in such other fund and in such manner as the Town Board of Trustees may direct, by motion and Resolution.

B. The Clerk of the Court shall give bond to the Town in the sum of one thousand dollars ($1,000.00).

Section 11-16. Traffic Violations Bureau.

A. A Traffic Violation Bureau is hereby established as a division of the Office of the Clerk of the Court, to be administered by said Clerk, or by designated subordinates.

B. Persons who are cited for violations of any of the traffic Ordinances of the Town of Washington, Oklahoma, other than (a) a second traffic offense within a twelve (12) month period, (b) a driver's license offense, or (c) an offense punishable by a fine of more than one hundred dollars ($100.00), may elect to pay a fine in a Traffic Violations Bureau according to the following schedule:

1. School Zone Violations $100.00 (or maximum legal fine.)
2. Passing Stopped School Bus $100.00 (or maximum legal fine.)
3. Speeding, $40.00, Plus $2.00 per Mile in Excess of the Speed Limit, with a Maximum of $100.00 (or maximum legal fine.)
4. Reckless Driving $100.00 (or maximum legal fine.)
5. Transporting Open Container $100.00 (or maximum legal fine.)
6. Traffic Violation Resulting in Personal Injury or Property Damage $100.00 (or maximum legal fine.)
7. Driving Under the Influence $100.00 (or maximum legal fine.)
8. Noise Ordinance Violations $40.00
9. Negligent/Careless Driving $40.00
10. Improper Equipment Violations $20.00
11. Illegal U-Turn $20.00
12. Parking Violations $5.00
13. Running Stop Sign $40.00
14. All Other Traffic Violations $50.00

C. The Court may adopt further rules to implement this Section. Payment of a fine under this Section shall constitute a final determination of the case against the defendant. If a defendant who has elected to pay a fine under this Section fails to do so, prosecution shall proceed under other provisions of the Chapter.

Section 11-17. Traffic Violations.

A. If a police officer observes facts which are believed to constitute a violation of the Traffic Ordinances of the Town of Washington, Oklahoma, committed by any person, whether a resident of this State or a non-resident, who is arrested by a law enforcement officer solely for a violation of a Municipal Traffic Ordinance, such person 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 Oklahoma, another State jurisdiction within the United States, or any participating jurisdiction of the Non-Resident 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:
   i. A felony;
   ii. Negligent homicide;
   iii. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;
   iv. Eluding, or attempting to elude, a law enforcement officer;
   v. Operating a motor vehicle without have been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;
   vi. An arrest based upon an outstanding warrant;
   vii. A traffic violation coupled with an offense stated in Subsection (1) through (6) of this Section;
   viii. An overweight violation, or the violation of a special Permit exceeding the authorized Permit weight; or
   ix. 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 1 of this Section, then the arresting officer shall, in writing, in a form prescribed by the Town Board of Trustees, or a duly designated delegate:

1. Designate the traffic charge;
2. Record information for 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 driver's license in Oklahoma, or in the non-resident's home state pursuant to the Non-Resident Violator Compact.

C. The Court, or the Court Clerk, as directed by the Court, may continue or re-schedule the date and time

of arraignment upon request of the arrested person or an attorney. If the arraignment is continued or re-scheduled, the arrested person shall remain on personal recognizance, and written promise to appear until such arraignment, in the same manner and with the same consequences, as if the continued or re-scheduled arraignment were entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or re-scheduled more than one (1) time; provided, however, that, the Court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in Subsection 4 of this Section.

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 a requirement to appear for arraignment, by indicating such pleas on the copy of the furnished citation, or on a legible copy thereof, together with the date of the plea and a signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate Court Clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the Court, in an amount prescribed as bail for the offense; provided, however, that, 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 in this Chapter as bail for the violation.

E. If, pursuant to the provisions of Subsection 4 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, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this Chapter; the Municipal Court Clerk, within one hundred and twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the 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 violation related to parking or standing, an overweight violation, an overweight Permit, or the transportation of hazardous materials; and

4. The citation has not been satisfied, as provided by Law.

F. Additionally, the Court Clerk shall request the 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 Non-Resident Violator Compact. Such notice and request shall be on a form approved or furnished by the Department of Public Safety.

G. The Court Clerk shall not process the notification and request provided for 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; or

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, or

3. The violation related 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.

H. The Municipal Court Clerk shall maintain a record of each request for driver's license suspension submitted to the Department of Public Safety pursuant to the provisions of this Section. When the Court or Cour Clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closed 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 if 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 Non-Resident Violator Compact, and shall, in all other cases, notify the Department of the resolution of the case. The form of proof and the procedures for notification shall be provided by the Department of Public Safety; provided, however, that, 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 of Oklahoma or any political subdivision thereof, or any State Department or Agency, or employee thereof. Duplicate proof shall be furnished to the person entitled thereto, upon request.

I. If a resident of the Town of Washington, Oklahoma, is arrested by a law enforcement officer for the violation of any traffic Ordinance for which Subsection 1 through 8 hereof do not apply, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it; provided, however, that, the arresting officer need not release said person if it reasonably appears to the officer that the person may cause self-injury or injury to others, or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If said person fails to appear in response to the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this Article.

J. If the arrested resident is not released by being permitted to sign a citation as provided for in Subsection 9, said person shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. A fine for up to the maximum amount authorized by Courts Not of Record may be assessed for failure of a person to have a valid driver's license, when charged with a traffic violation.

K. If a resident or non-resident of the Town of Washington, Oklahoma, is arrested by a law enforcement officer for a violation of any Ordinance for which Subsection 1 through 8 hereof do not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

L. The amount and conditions of bail granted pursuant to the provisions of Subsections 9, 10 and 11 of this Section shall be determined by the Judge, who shall prescribe rules for the receipt of bail and the release on personal recognizance. In the event of arrests at night, emergencies, or when the Judge is not available, a Court Official, the Chief of Police or a designated representative may be authorized by the Judge, subject to such conditions as shall be prescribed by the Judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not exceed the maximum fine provided for by Ordinance for each offense charged. The Court Official, Chief of Police or a designated representative is authorized, subject to such conditions as shall be prescribed by the Judge, to release a resident of the Municipality on personal recognizance.

M. If the defendant is not eligible for release upon personal recognizance, as provided for in Subsection 1 through 9 of this Section, or is eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate Judge for arraignment and the Judge shall proceed as otherwise provided by Law. If no Judge is available, the defendant shall be placed in the custody of the appropriate Municipal Jailor or Custodian, to be held until a Judge is available, or bail is posted as provided for by Ordinance, before or after arraignment.

N. If a resident or non-resident is arrested for any overweight violation, a violation of a special Permit exceeding authorized Permit weight, or violation relating to the transportation of hazardous material, the arresting officer may release the defendant if the defendant deposits with the arresting officer appropriate bail or payment of the fine and costs in an amount and in the form as provided in this Article, except currency.

O. In the event the defendant is additionally arrested for any violation for which personal recognizance is authorized pursuant to Subsection 1 through 8 hereof, the arresting officer, for such additional violation, may either release the defendant upon such recognizance, or require bail as provided for in this Subsection.

P. If the defendant is unable to post bail with the arresting officer, then the officer shall proceed as otherwise provided for in this Section.

Q. Notwithstanding any other provisions of Law, a juvenile may be held in custody pursuant to the provisions of this Section, but shall be incarcerated separately from any adult offender; provided, however, that, the arresting officer shall not be required to:

1. Place a juvenile into custody as provided for in this Section; or

2. Place any other traffic offender into custody;

   i. Who is injured, disabled or otherwise incapacitated; or

   ii. Whose custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo or items requiring special maintenance or care, or

   iii. Where if extraordinary circumstances exist in the judgment of the arresting officer, custodial arrest should not be made.

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

4. The provisions of this Subsection shall not be construed to:

   i. Create any duty on the part of the officer to release a person from custody;

   ii. Create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this Subsection; or

   iii. Create any liability upon any officer, the State or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this Subsection.

R. If the alleged offense is a violation of an Ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an Ordinance, and the operator is 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 this Section, such variation as the circumstances require. The operator of the vehicle shall be under full obligation to respond to the citation.

Section 11-18. Style of Prosecutions.

All prosecutions for violation of this Code of Ordinances or other Ordinances of the Municipality, shall be styled "The Town of Washington, Oklahoma, Plaintiff, vs. (naming defendant or defendants)". Except as otherwise provided with respect to traffic violations, prosecutions shall be initiated by the filing of a written complaint, subscribed and

verified by the person making the complaint and setting forth concisely the offense charged.

Section 11-19. Summons.

A. Upon the filing of a complaint charging a violation of this Code of Ordinances or other Ordinance (s) of the Town of Washington, Oklahoma, the Municipal Judge, unless said Judge determines to issue a warrant of arrest, unless the defendant previously has been issued a citation, or unless said defendant has been arrested and given bond for such appearance, shall issue a summons, naming the person charged, specifying the address or place of residence (if known), stating the offense charged and giving notice to answer the charge in the Municipal Court on a day certain, five (5) days hence (Sundays and holidays excepted), or the next Municipal Court date after the summons is served, containing a provision for the official return of the summons and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. Failure to appear and answer the summons within the prescribed period shall constitute indirect contempt of Court, and a warrant shall be issued for the defendant's arrest, as provided by this Chapter.

Section 11-20. Complaints Against a Corporation.

A. Upon complaint against a corporation being filed with the Municipal Judge of the Town of Washington, Oklahoma, said Judge shall issue a summons in a form as outlined in this Chapter, signed with the title of office, requiring the corporation to appear before said Judge at a specific time and place to answer the complaint.

B. The summons must be served at least two (2) days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, secretary, cashier or managing agent or director of the corporation.

C. At the time appointed in the summons, the Municipal Judge shall try the complaint in the same manner as in the case of any other person brought before said Court.

D. When a fine is imposed upon conviction, it may be collected by the Municipal Judge making a transcript of the proceedings thereof, together with the judgement of the Court duly certified and filed with the Clerk of the District Court, and execution shall be issued thereon and served by the Sheriff of the County, as in cases of execution generally.

Section 11-21. Warrant of Arrest.

A. Except as may otherwise be provided in this Code of Ordinances, upon the filing of a complaint, approved by the endorsement of the Town Attorney or by the Municipal Judge, there shall be issued a warrant of arrest in substantially the following form:

The Town of Washington, Oklahoma, to the Chief of Police of the Municipal Court of Washington, Oklahoma:

Complaint upon oath having this day been made by _____, that the offense of _____ has been committed and accusing _____, thereof, you are commended therefore forthwith to arrest the above named (Defendant or Defendants) and bring (him, her, them) before me at my office at the Washington, Oklahoma, Municipal Court Room.

Witnessed my hand this ____day of _____, _____.

Judge of the Municipal Court of the Town of Washington, Oklahoma.

B. It shall be the duty of the Chief of Police to execute such warrant as promptly as possible, either (a) personally, (b) through a duly constituted member of the police force of the Town of Washington, Oklahoma, or (c) through any other person lawfully authorized to act.

Section 11-22. Bail; Temporary Bond.

A. Whenever a resident of the Town of Washington, Oklahoma, is arrested for a violation of any Ordinance by a Police Officer of said Town, the officer shall immediately release such person if said individual acknowledges receipt of a citation by signing it, unless it reasonably appears to the officer that the person may cause self injury or injury to others, or damage to property, if released, or if it reasonably appears that the person will not appear in response to the citation. (If such person fails to appear in response to the citation, an arrest warrant shall be issued and an appearance in Court shall be compelled.)

B. Whenever a resident of the Town of Washington, Oklahoma, is arrested by a Police Officer of said Town for the violation of any Ordinance, and is not released by being permitted to sign a citation as provided hereinabove (Subsection 2), said resident shall be admitted to bail either before or after arraignment, or released on said person's own recognizance.

C. Whenever a non-resident of the Town of Washington, Oklahoma, is arrested by a Police Officer of said Town for a violation other than a traffic violation, the defendant shall be eligible to be admitted to bail either before or after arraignment.

D. The Town of Washington, Oklahoma may require any person who is arrested by a Police Officer of said Town for a Municipal traffic violation to comply with Statutory procedures for State traffic violations, with respect to the release of the arrested person. The following methods of posting bail shall apply:

1. Posting cash bail, in exchange for a receipt therefor, issued by the arresting officer;

2. Depositing with the arresting officer a "guarantee arrest bond certificate"; or

3. Depositing with the arresting officer a valid motor vehicle operator's license, in exchange for a receipt therefor, issued by the arresting officer, which shall be recognized as an operator's license and shall authorize the person's operation of a motor vehicle to the date of the hearing; provided, that, said date shall not exceed twenty (20) days from the date of arrest.

E. The amount and any conditions of bail granted under this Section shall be determined by the Municipal Judge, who shall prescribe rules for the receipt of bail and for release by personal recognizance. In the event of arrests at night, other emergencies, or when the Municipal Judge is not available, the Chief of Police (or a designated representative) shall be authorized by the Municipal Judge, under such conditions as shall be prescribed by said Judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused, but in no event shall the cash bond be more than the allowable maximum fine for each offense charged. The Chief of Police (or his designated representative) is authorized, subject to such conditions as shall be prescribed by the Municipal Judge, to release a resident of the Town of Washington, Oklahoma, on said person's own recognizance.

Section 11-23. Arraignment.

Upon making an appearance before the Municipal Court, the defendant shall be arraigned. The Municipal Judge or the Town Attorney shall read the complaint to the defendant, inform said defendant of all legal rights, of the consequences of conviction, and ask whether the plea is 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, the Court may proceed to try the case, or may set it for hearing at a later date.

Section 11-24. Postponement of Trial.

Before a trial commences in the Municipal Court, either party, upon good cause shown, may obtain a reasonable postponement thereof.

Section 11-25. Trial Procedure.

In all trials in the Municipal Court as to matters not covered (a) in this Chapter, (b) by the Statutes relating to Municipal Criminal Courts or (c) 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.

Section 11-26. Contempt.

A. Obedience to the orders, rules and judgements made by the Municipal Judge or by the Municipal Court, may be enforced by said Judge, who may fine or imprison for contempt committed while holding Court, or committed against process issued by said Judge, in the same manner and to the same extent, as the District Courts of this State.

B. It shall be an offense to be in contempt, directly or indirectly, of the Municipal Court of the Town of Washington, Oklahoma, and of its orders.

Section 11-27. Defendant to be Present at Trail; Failure to Appear.

A. The defendant must be personally present at the trial in the Municipal Court.

B. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of the bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when presence in Court or before the magistrate may be lawfully required, the Municipal Judge may direct that fact to be entered upon the Court minutes, thereby declaring the bond to be forfeited. Without advancing Court costs, said Judge shall then cause the forfeiture to be certified to the District Court of the county wherein the situs of government is situated, where it shall be entered upon the judgement docket and shall have the full force and effect of a District Court Judgement. At such time as the forfeiture is entered upon the District Court Judgement Docket, the District Court shall proceed in accordance with the applicable provisions of State Statutes.

Section 11-28. Judgment.

A. At the close of a trial in the Municipal Court, judgment must be rendered by the Municipal Judge, who shall cause it to be entered in this docket.

B. If the judgement of the Municipal Court is of acquittal and the defendant is not to be detained for any other legal cause, said defendant must be discharged at once.

C. If the defendant pleads guilty or is convicted after trial, the Municipal Court must render judgement thereof, fixing the penalty within the limits prescribed by this Code of Ordinances or other applicable Ordinance, and imposing sentence accordingly.

Section 11-29. Costs Upon Judgment of Conviction; Court Costs; Training Fund.

A. If judgment of conviction is entered, the Clerk of the Court shall tax the costs to the defendant, in a sum not to exceed two hundred dollars ($200.00), including the fees and mileage of witnesses, but not including Court costs or LEOTF contributions.

B. Court costs shall be no more than eighty dollars ($80.00) per case, and shall be added on top of any fine; all monies collected shall be deposited in the appropriate Municipal Fund.

C. For every fine or bond forfeiture of ten dollars ($10.00) or more collected by the Municipal Court or the Traffic Violations Bureau of the Town of Washington, Oklahoma, the amount required by current State Law, shall be paid to the Court as a separate penalty assessment (which shall be in addition to all other fines and costs), to be used to reimburse the State Law Enforcement Officers Training Fund (LEOTF); the Town Treasurer, or other individual designated by the Town Board of Trustees, shall forward the total reimbursement to the State, as long as required by, and in accordance with, State Law.

Section 11-30. Enforcement by Imprisonment; Persons Unable to Pay.

A. If a defendant who is financially able, refuses or neglects to pay a fine or costs, or both, payment may be enforced by imprisonment until the same shall be satisfied, at the rate of five dollars ($5.00) per day.

B. If the defendant is without means to pay the fine or costs, the Municipal Judge of the Town of

Washington, Oklahoma, 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 situs 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 Judgement. Thereupon, the same remedies shall be available for the enforcement of said judgment as are available to any other judgment creditor.

Section 11-31. Suspension of Sentence; Community Service.

A. After conviction and sentence of a defendant in the Municipal Court of the Town of Washington, Oklahoma, the Municipal Judge may suspend sentence in accordance with the provisions of, and subject to the conditions and procedures imposed by, applicable provisions of Title 11, Oklahoma Statues, 1991, as amended.

B. The Municipal Judge may, in lieu of imprisonment or fines, order the defendant to engage in a term of specified community service, without compensation.

Section 11-32. Witness Fees.

A. Witnesses in any proceedings in the Municipal Court, other than Police Officers or peace officers, shall be entitled to two dollars ($2.00) for each day of attendance, plus ten cents ($.10) for each mile actually and necessarily traveled in going to, and returning from, the place of attendance, if their residence is more than five (5) miles outside the corporate limits of the Town of Washington, Oklahoma. No witness shall receive fees or mileage in more than one (1) case for the same period of time or the same travel.

B. A defendant seeking to subpoena witnesses must deposit, with the Clerk of the Court, a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness to be summoned; such deposit shall not be required from an indigent defendant who files an affidavit setting out:

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

C. The fees of witnesses in such cases (Subsection 2 above) shall be paid by the Town of Washington, Oklahoma.

Section 11-33. Court: Bond Schedule.

VIOLATION SPEEDING	un	FINE	COURT COST	FEES	TECH	TOTAL
Excessive Speed	11 O.S. § 14-111 C	$50.00	$15.00	$30.00	$25.00	$120.00
Eleven to fifteen miles per hour over limit	47 O.S. § 11-801B	$60.00	$15.00	$30.00	$25.00	$130.00
Sixteen to twenty miles per hour over limit	47 O.S. §11-801B	$75.00	$15.00	$30.00	$25.00	$145.00
Twenty-one to twenty-five miles per hour over limit	47 O.S. §11-801B	$95.00	$15.00	$30.00	$25.00	$165.00
Twenty-six or more miles miles per hour over the limit	47 O.S. §11-801B	$105.00	$15.00	$30.00	$25.00	$175.00
Speed (greater/less) than is responsible and proper	47 O.S. §11-801A	$170.00	$15.00	$30.00	$25.00	$240.00
Reckless driving	47 O.S. §11-901A	$200.00	$15.00	$30.00	$25.00	$270.00
Impeding the movement of traffic	47 O.S. §11-804a	$80.00	$15.00	$30.00	$25.00	$150.00
Speeding in a school zone	47 O.S. §11-806.1	$200.00	$15.00	$30.00	$25.00	$270.00
Speeding in a construction zone	47 O.S. §11-806	$200.00	$15.00	$30.00	$25.00	$270.00
STOPS & RIGHT OF WAYS	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Failure to yield from county, a road, or a private drive	47 O.S. §11-403B	$60.00	$15.00	$30.00	$25.00	$130.00
Failure to stop at or after yield right of way from stop sign	47 O.S. §11-403B	$60.00	$15.00	$30.00	$25.00	$130.00
Failure to stop for school bus loading/unloading children	47 O.S. §11-705A	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to yield to the right and stop for emergency vehicles	47 O.S. §11-405A	$200.00	$15.00	$30.00	$25.00	$270.00

Failure to obey a traffic control device/sign	47 O.S. §11-201.a	$100.00	$15.00	$30.00	$25.00	$170.00
Driving wrong way on a one way road	47 O.S. §11-308.b	$60.00	$15.00	$30.00	$25.00	$130.00
Stop/park/stand vehicle on roadway	47 O.S. §11-1001	$55.00	$15.00	$30.00	$25.00	$125.00
Stopping/standing or parking prohibited in specific places	47 O.S. §11-1003	$55.00	$15.00	$30.00	$25.00	$165.00
Unattended Motor Vehicle	47 O.S. §11-1101	$95.00	$15.00	$30.00	$25.00	$165.00
EQUIPMENT OF VEHICLE	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Operating vehicle (with defective/missing equipment) in violation equipment laws	47 O.S. §12-101A	$85.00	$15.00	$30.00	$25.00	$155.00
Failure to equip vehicle with or display at least two tail lights	47 O.S. §12-204A	$85.00	$15.00	$30.00	$25.00	$155.00
Operating vehicle without two required stop lamps	47 O.S. §12-206A	$85.00	$15.00	$30.00	$25.00	$155.00
Improper color of lamp illuminating rear license plate	47 O.S.§12-204.1	$55.00	$15.00	$30.00	$25.00	$125.00
Failure to display visible (red light at night)(appropriate vis flag at extreme rear of extended load)	47 O.S. §12-213	$85.00	$15.00	$30.00	$25.00	$155.00
Failure to display lamps on vehicle (parked/stopped) on roadway/shoulder at night	47 O.S. §12-214A	$85.00	$15.00	$30.00	$25.00	$155.00
Failure to dim headlights on parked vehicle	47 O.S. §12-214B	$55.00	$15.00	$30.00	$25.00	$125.00
Improper use of spot light	47 O.S.§12-217	$55.00	$15.00	$30.00	$25.00	$125.00
Failure to signal intention to turn/move left or right	47 O.S. §11-604B	$55.00	$15.00	$30.00	$25.00	$125.00
Failure to signal intention to stop/decrease speed	47 O.S. §11-604C	$55.00	$15.00	$30.00	$25.00	$125.00
Improper display/mounting/color number of lamps/reflector vehicle	47 O.S. §12-208	$85.00	$15.00	$30.00	$25.00	$155.00
Failure to dim headlights when meeting oncoming traffic	47 O.S.§12-203.2	$55.00	$15.00	$30.00	$25.00	$125.00
Failure to dim headlights when following within 200ft	47 O.S.§12-203.2	$55.00	$15.00	$30.00	$25.00	$125.00
Failure to properly display lighted headlamps at night	47 O.S.§12-203.1	$55.00	$15.00	$30.00	$25.00	$125.00
Improper display of lighted lamp/illuminating device/front light/flashing light/blue light	47 O.S.§12-227	$95.00	$15.00	$30.00	$25.00	$165.00
Operating vehicle without muffler/with defective muffler/mu	47 O.S.§12-402	$95.00	$15.00	$30.00	$25.00	$165.00

ffler cut out or bypass/with system modification to increase						
Operating a vehicle with an improper brake system	47 O.S. §12-301A	$145.00	$15.00	$30.00	$25.00	$215.00
Operating a motorcycle without/improper/wind shield/gog g shields	47 O.S.§12-609	$145.00	$15.00	$30.00	$25.00	$215.00
Operate/sell/install vehicle with obstruction to driver's clear through windshield, side, or rear windows	47 O.S. §12-404B	$95.00	$15.00	$30.00	$25.00	$165.00
DRUGS	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Distribute/ dispense/transport/possess CDS	63 O.S.§2-401A.1	$200.00	$15.00	$30.00	$25.00	$270.00
Use/possess drug paraphernalia	63 O.S. §2-405C	$200.00	$15.00	$30.00	$25.00	$270.00
ACCIDENT	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Failure to remain at scene of accident with injury	47 O.S.§10-102A	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to remain at scene with death	47 O.S.§10-102.1A	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to remain at scene with vehicle damage	47 O.S. §10-103	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to devote full time and attention to driving when inv an accident	47 O.S. §11-901b	$200.00	$15.00	$30.00	$25.00	$270.00
PASSING	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Failure to keep right on road of sufficient width	47 O.S.§11-301A	$95.00	$15.00	$30.00	$25.00	$165.00
Passing without sufficient clearance	47 O.S.§11-305	$145.00	$15.00	$30.00	$25.00	$215.00
Driving left of center (on grade/curve) with view obstructed	47 O.S. §11-306a1	$95.00	$15.00	$30.00	$25.00	$165.00
Driving on left side of road in no passing zone	47 O.S.§11-307b	$125.00	$15.00	$30.00	$25.00	$195.00
Passing on the wrong side	47 O.S. §11-304b	$145.00	$15.00	$30.00	$25.00	$215.00
Driving the wrong way on a one way road	47 O.S.§11-308B	$115.00	$15.00	$30.00	$25.00	$185.00
Changing lanes unsafely	47 O.S.§11-309	$95.00	$15.00	$30.00	$25.00	$165.00
Following too closely	47 O.S.§11-310A	$85.00	$15.00	$30.00	$25.00	$155.00
Failure to give way to right when being passed	47 O.S.§11-303	$145.00	$15.00	$30.00	$25.00	$215.00
DRIVERS LICENSE & REGISTRATION	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Operating vehicle without license in possession	47 O.S.§6-112	$55.00	$15.00	$30.00	$25.00	$125.00
Violate drivers license restriction	47 O.S.§6-113	$55.00	$15.00	$30.00	$25.00	$125.00
Operating vehicle with expired license	47 O.S. §	$145.00	$15.00	$30.00	$25.00	$215.00
Operating vehicle without license	47 O.S.§	$165.00	$15.00	$30.00	$25.00	$235.00
Operating vehicle while driving privileges are	47 O.S. §6-303	$200.00	$15.00	$30.00	$25.00	$270.00

suspended /re canceled						
Permit unauthorized minor to operate vehicle	47 O.S.§6-304	$155.00	$15.00	$30.00	$25.00	$225.00
Alter license plate or license plate decal	47 O.S.§74-1151A	$200.00	$15.00	$30.00	$25.00	$270.00
Operating vehicle without license plate/license decal having taxes due state	47 O.S. §4-107D	$200.00	$15.00	$30.00	$25.00	$270.00
Remove plate from/affix unauthorized plate to vehicle with to conceal identity	47 O.S.§4-107D	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to license new vehicle within 30 days	47 O.S.§74-1151C	$85.00	$15.00	$30.00	$25.00	$155.00
Failure to transfer cert of title within 30 days of delivery	47 O.S.§74-1107A	$85.00	$15.00	$30.00	$25.00	$155.00
Failure to obtain registration & title within 30 days of purchase used vehicle/display temporary license for more than 30 days	47 O.S.§74-1137.1	$85.00	$15.00	$30.00	$25.00	$155.00
ALCOHOL	STATUTE	FINE	COURT	FEES	TECH	TOTAL
DUI/APC/ DUID	47 O.S.§11-902S	$200.00	$15.00	$30.00	$25.00	$270.00
Transporting an open container	21 O.S. §48-1220	$200.00	$15.00	$30.00	$25.00	$270.00
FIREARMS	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Discharging firearms	21 O.S. §55-1364	$200.00	$15.00	$30.00	$25.00	$270.00
in a public place						
Unlawfully carry	21 O.S.§53-1272	$200.00	$15.00	$30.00	$25.00	$270.00
Unlawful pointing of firearm at another	21 O.S.§53-1289.1	$200.00	$15.00	$30.00	$25.00	$270.00
SEATBELTS & INSURANCE	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Failure to use/properly wear seatbelt	47 O.S.§12-417	$20.00	$15.00	$30.00	$25.00	$90.00
Failure to protect child under 6 by using restraint system/pr under 13 by use of system/seatbelt	47 O.S.§11-1112	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to carry current owners security verification form	47 O.S. §7-602A1	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to pay taxes due state	47 O.S.§115 1 A5	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to comply with compulsory insurance laws	47 O.S. §7-606A1	$200.00	$15.00	$30.00	$25.00	$270.00
MISCONDUCTS	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Violation of burn ban restrictions	2 O.S.§16.26	$200.00	$15.00	$30.00	$25.00	$270.00
Throwing substance from a vehicle at a person or vehicle	47 O.S.§11-1110C	$200.00	$15.00	$30.00	$25.00	$270.00
Throwing flaming/glowing substance from a vehicle	21 O.S.§69-1753.3	$200.00	$15.00	$30.00	$25.00	$270.00
Destruction of/malicious injury to property	21 O.S.§69-1760	$200.00	$15.00	$30.00	$25.00	$270.00
Disorderly conduct	21 O.S.§55-1362	$165.00	$15.00	$30.00	$25.00	$235.00

Disturbing the peace	21 O.S.§55-1362	$165.00	$15.00	$30.00	$25.00	$235.00
False personification	21 O.S.§61-1531				$25.00	$25.00
False reporting of a crime	21 O.S.§19-589	$165.00	$15.00	$30.00	$25.00	$235.00
Failure to obey a lawful order of a police officer	47 O.S. §11-103	$200.00	$15.00	$30.00	$25.00	$270.00
Resisting arrest	22 O.S. §3-193	$200.00	$15.00	$30.00	$25.00	$270.00
Attempting to elude a police officer	21 O.S. §19-540A	$200.00	$15.00	$30.00	$25.00	$270.00
Allowing load to drop/shift/blow or escape onto roadway	47 O.S.§14-105A	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to Appear	2 O.S. § 209	$200.00	$15.00	$30.00	$25.00	$270.00
DRIVING LEFT OF CENTER	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Unauthorized driving left of center on grades/curves/view o	47 O.S.§11-306a1	$155.00	$15.00	$30.00	$25.00	$225.00
Unauthorized driving left of center within 100' of any tunnel/bridge/viaduct when view is obstructed	47 O.S.§11-306a3	$155.00	$15.00	$30.00	$25.00	$225.00
On left side of road in marked zone	47 O.S.§11-307b	$155.00	$15.00	$30.00	$25.00	$225.00
Driving wrong way on one way road	47 O.S.§11-308B	$155.00	$15.00	$30.00	$25.00	$225.00
MISCELLANEOUS DRIVING OFFENSES	STATUTE	FINE	COURT	FEES	TECH	TOTAL
Improperly crossing center dividing section	47 O.S.§11-311	$145.00	$15.00	$30.00	$25.00	$215.00
Improper movement from a direct course (to enter private drive/driveway)	47 O.S.§11-604A	$145.00	$15.00	$30.00	$25.00	$215.00
Improperly driving onto/off controlled access roadway	47 O.S.§11-312	$145.00	$15.00	$30.00	$25.00	$215.00
Possession/operation/or use of radar detector in a commercial motor vehicle	47 O.S.§11-808.1	$200.00	$15.00	$30.00	$25.00	$270.00
Public transit or commercial vehicle driver operating a motor while writing/sending/or reading a text based communication while in motion	47 O.S.§11-901c	$200.00	$15.00	$30.00	$25.00	$270.00
Allowing a passenger to ride outside the passenger compart the vehicle	47 O.S. §11-1114A	$10.00	$15.00	$30.00	$25.00	$80.00
Leaving child or vulnerable adult in motor vehicle	47 O.S.§11-1119	$200.00	$15.00	$30.00	$25.00	$270.00
Endangerment of highway worker	47 O.S. §11-1303	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to properly mark explosives/flammable load	47 O.S.§12-409	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to secure load	47 O.S.§14-105A	$200.00	$15.00	$30.00	$25.00	$270.00
Failure to properly cover a load	47 O.S.§14-105B	$200.00	$15.00	$30.00	$25.00	$270.00

susceptible to blowing						
Operating a motor carrier without proper ID device	47 O.S.§56-108	$200.00	$15.00	$30.00	$25.00	$270.00
Any violation relating to transport of hazardous material	47 O.S.§56-230.9	$200.00	$15.00	$30.00	$25.00	$270.00
ORDINANCE	CODE	FINE	COURT	FEES	TECH	TOTAL
Alcoholic beverages	Ch2	$200.00	$15.00	$30.00	$25.00	$270.00
Animals	Ch3	$200.00	$15.00	$30.00	$25.00	$270.00
Building and construction	Ch4	$200.00	$15.00	$30.00	$25.00	$270.00
Business and occupations	Ch5	$200.00	$15.00	$30.00	$25.00	$270.00
Civil defense	Ch6	$200.00	$15.00	$30.00	$25.00	$270.00
Fire prevention	Ch7	$200.00	$15.00	$30.00	$25.00	$270.00
Health and safety	Ch9	$200.00	$15.00	$30.00	$25.00	$270.00
Manufactured, mobile and modular housing	Ch10	$200.00	$15.00	$30.00	$25.00	$270.00
Nuisances	Ch12	$200.00	$15.00	$30.00	$25.00	$270.00
Offenses	Ch13	$200.00	$15.00	$30.00	$25.00	$270.00
Oil and gas drilling	Ch14	$200.00	$15.00	$30.00	$25.00	$270.00
Planning and community development	Ch15	$200.00	$15.00	$30.00	$25.00	$270.00
Public facilities and utilities	Ch16	$200.00	$15.00	$30.00	$25.00	$270.00
Streets and other public areas	Ch17	$200.00	$15.00	$30.00	$25.00	$270.00
Traffic	Ch18	$200.00	$15.00	$30.00	$25.00	$270.00
Transportation	Ch19	$200.00	$15.00	$30.00	$25.00	$270.00

The Clerk of the Court shall tax the defendant in a sum not exceeding thirty dollars ($30.00) plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay, in addition to any fine or administrative fees that may be imposed, and in addition to any State mandated fees or costs. No Court cost will be assessed for parking or seat belt violations.

Section 11-34. Collection Fee.

A collection fee of Thirty-Five Percent (35%) of Court penalties, cost fines, and fees in cases in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation imposed by the Court shall be added to any such case which is referred to a collection agency for collection.

Sections 11-35 through 11-39. (Reserved for future use).

Article 3 - Penalty

Section 11-40. Penalty.

A. If the Judge of the Municipal Court of the Town of Washington, Oklahoma, is a licensed attorney and the trial is to the Court, the Court may impose a fine not to exceed two hundred dollars ($200.00).

B. If the Judge is not a licensed attorney, the Court may impose a fine not to exceed fifty dollars ($50.00).

CHAPTER 12 - NUISANCES

Article 1 - General Provisions

Section 12-1. Definitions.

As used in this Chapter, these words shall have the following meaning:

A. Administrative Officer. The term "Administrative Officer" shall mean the Town Clerk-Treasurer or the nuisance abatement official appointed by the Town Board of Trustees.

B. Boarded and Secured. The term "boarded and secured" shall mean the closing, boarding or locking of any and all exterior openings, so as to prevent entry into a structure.

C. Dilapidated Building. The term "dilapidated building" shall mean a structure which, through neglect or injury lacks the necessary repair or otherwise is in a state of decay or partial ruin, to such an extent that said structure is a hazard to the health, safety and welfare of the general public.

D. Owner. The word "owner" shall mean the owner (s) of record, as shown by the most current tax rolls of the McClain County Treasurer.

E. Trash. The word "trash" shall mean any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste or other matter of any kind or form which is uncared for, discarded or abandoned.

F. Weeds. The word "weeds" shall include, but not be limited to, poison ivy, poison oak, poison sumac and all vegetation at any stage of maturity, which:

1. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden, unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit, safety and/or welfare of the public or Community, create a traffic or fire hazard, or otherwise interfere with the mowing of said weeds;

2. Conceals or invites deposition or accumulation of refuse or trash, regardless of the height of the vegetation;

3. Harbors rodents or vermin;

4. Gives off unpleasant or noxious odors;

5. Constitutes a traffic or fire hazard; or

6. Is dead or diseased.

G. Provided, that, the word "weeds" shall not include tended crops or land Zoned for agriculture use, which crops are planted more than one hundred and fifty (150) feet from a parcel Zoned for other than agricultural use.

Section 12-2. Nuisance Unlawful.

It shall be unlawful for any person (owner, lessee or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under said person's control, within the corporate limits of the Town of Washington, Oklahoma.
Section 12-3: Town Board May Determine and Define Nuisances:

The Town Board of Trustees has the power to determine what is and what shall constitute a nuisance within the corporate limits of the Town of Washington, Oklahoma, and, for the protection of the public health, parks and water supply, outside of said Town's corporate limits.

Section 12-4. Nuisance Defined.

A nuisance consists of unlawfully doing an act, omitting to perform a duty or any thing or condition which:

A. Annoys, injures or endangers the comfort, health or safety of others;

B. Offends public decency;

C. Unlawfully interfere with, obstructs, tends or obstruct or renders dangerous for use, any lake, drainageway, stream, stream basin, public park, street or other public property; or

D. In any way renders persons insecure in life or in the use of property.

Section 12-5. Public Nuisances; Possible Remedies.

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

B. The possible remedies against a public nuisance are:

1. Prosecution on complaint before the Municipal Court;

2. Prosecution of information or indictment before another appropriate court;

3. Civil action; and

4. Abatement:

i. By the person injured; or

ii. By the Municipality, in accordance with State Law or Ordinance.

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

Section 12-6. Private Nuisances; Possible Remedies.

A. Every nuisance not included in Section 12-5 (above) is a private nuisance.

B. The possible remedies against a private nuisance are:

1. Civil action; and

2. Abatement:

   i. By the person injured; or

   ii. By the Municipality, in accordance with State Law or Ordinance.

Section 12-7. Person Liable.

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

Section 12-8. Procedure Cumulative.

The various procedures for abating nuisances prescribed by this Chapter and by other provisions of State Law and Ordinances shall be cumulative one (1) to the other; the Town Board of Trustees may elect to follow any such procedure which is applicable in abating any particular nuisance.

Section 12-9. Review of Demolition Activities.

A. Except as otherwise provided, no person, including an agent of the Town of Washington, Oklahoma, in charge of an Historic Landmark or Historic Site improvement in a Historic District shall be granted a Permit or permission to demolish, partially or in total, such property without the written approval of the Planning Commission.

B. Upon the filing of an application with the Planning Commission, said Commission shall determine whether the proposed change would destroy or adversely affect the historical features of the Historic Landmark, Historic Site or Historic District Property.

C. If the Planning Commission determines that the Historic Landmark, Historic Site or property within an Historic District would be adversely affected by the proposed change, it may withhold its consent to the granting of permission for the Permit. The Commission shall make its decision within thirty (30) days after the filing of such application, and shall state in writing the reasons for withholding consent, mailing the same to the applicant.

D. If the Planning Commission refuses to grant permission or approve issuance of a Permit for demolition, negotiations shall be initiated with the applicant to arrive at a mutually-agreeable plan to avoid demolition, maintain historic integrity and achieve the applicant's objectives. If no plan is agreed upon within six (6) months of the filing of the application, the Municipal Building Inspector may issue the Permit to demolish the subject property or the Municipal agent may proceed, without the approval of the Commission.

Sections 12-10 through 12-19. (Reserved for future use).

Section 12-20. Summary Abatement of Nuisances by Statute.

A. Whenever it is practical to do so, the Town Board of Trustees has the power summarily to abate any such nuisance, after notice to the owner and opportunity to be heard, if this can be done.

B. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one (1) or more persons or the public generally, and it is recognized that, in such circumstances, the Mayor (or a representative) may be justified or required 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.

C. The Fire Chief, the Chief of Police, the Town Attorney, the Health Official, any Trustee, any resident of the Town of Washington, Oklahoma, or any other officer subordinate to the Town Board of Trustees, may submit to said Town Board, a statement as to the existence of a nuisance as defined by State Law or the Ordinances of the Town, and a request or recommendation that it be abated.

D. The Town Board of Trustees shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, said Town Board shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for, or to be causing, the nuisance, 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 Police Officer), if their names and address are known; if the names and addresses are not known, and the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the Town or County.

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

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

Section 12-21. Notice of Remove: Private Property.

A. The Town Clerk-Treasurer, or designee, shall give notice of removal to the owner or occupant of the private property where a nuisance as defined by State Law or the Ordinance of the Town, is located, at least

ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a Notice to Abate or Remove is posted in a conspicuous place upon the private property upon which the nuisance is located.

B. The Notice To Abate Or Remove shall contain the demand for abatement or removal within ten (10) days, and the Notice to abate or Remove, shall state that upon failure to comply with the Notice To Abate Or Remove, the Town shall prosecute a criminal complaint for failure to abate the nuisance and/or undertake such removal, with the cost to be levied against the owner of the nuisance and/or the occupant of the property.

C. Hearing. Any person to whom any Notice of Abate Or Remove is directed, pursuant to the provisions of this Article, or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the Town Clerk-Treasurer within the ten (10) days compliance period, for the purpose of contesting the Town's demand for abatement or removal. The Town Clerk-treasurer, Chief of Police (or designee) and the Town Attorney (or designee) shall constitute a Hearing Board to hear the request.

D. The hearing shall be held as soon as practicable, but not earlier than five (5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person (s) making this request. At any such hearing; the Town and the person (s) to whom Notice has been directed, may introduce witnesses and evidence.

E. Persons to whom the Notice To Remove Or Abate is directed pursuant to the provisions of this Section, or their duly authorized agent, may appear in Municipal Court pursuant to the Citation and Summons. Those convicted of failing to abate a nuisance pursuant to this Section shall be assessed Court Costs in addition to any other penalty assessed by the Municipal Court. If the public nuisance is abated prior to the hearing date stated on the Summons, and the person issued the Summons to appear in Municipal. Court signs an affidavit before the Court Clerk attesting to the abatement, the Town Attorney may recommend to the Municipal Court that charges be dropped.

F. If the violation described in the Notice To Abate Or Remove has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the Town Clerk-Treasurer or his/her designee, the Town Attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the town shall in the discretion of the Town Clerk-Treasurer abate said nuisance and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the Town or the Town Clerk-Treasurer authorizes to enter upon private property for the purpose of abating the nuisance under the provisions of this Section.

G. Upon the failure of the owner or occupant of property on which a nuisance has been removed by the Town to pay the uncovered expense incurred by the Town in such removal, the amount of the unrecovered cost may be added to the Municipal Utility bills directed to the occupants of the private property from which the nuisance was removed, and may be recovered in the same manner as such utility bills.

H. If the private property is not served by Municipal Utilities, or if collection efforts are not successful, the costs may be certified by the Town Clerk-Treasurer to the County Clerk of McClain County, who shall add the same to the ad valorem taxes assessed against the property, until paid, and shall be collected in the same manner as ad valorem taxes against the property; when collected, they shall be paid to the Town of Washington, Oklahoma.

Section 12-22. Abatement of Public Health Nuisances by Statue.

A. The local or County Health Official shall have the authority to order, in writing, the owner or occupant of any private premises in the Town to remove from such premises, within a reasonable length of time and at the owner's 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; failure to do so shall constitute an offense. Such order shall be served on the owner or occupant (or agent) of the premises by the Local or County Health Official, or a policeman. If the premises are unoccupied and the residence of the owner, occupant or agent, if unknown, is without the State, the order may be served by posting a copy thereof on the premises or by publication in at least one (1) issue of a newspaper having a general circulation in the Town or County.

B. If the order is not complied with, the Health Official may cause the order to be executed, and the cost thereof shall be certified to the Town Clerk-Treasurer; the cost of abating such nuisance shall be added to the Municipal Utility bill of the owner or occupant (if a user of any Municipal Utility Service) and shall become due and payable and be subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any Municipal Utility Service, such costs, 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 12-23. Removal of Unsafe and Dilapidated Structures by Status.

A. When, in the opinion of the Municipal Building Inspector, the Local or County Health Official or any Municipal Official, any building, wall or other structure upon, adjoining or near any street, avenue, alley or public ground within the Town of Washington, Oklahoma, becomes dangerous, insecure or liable to collapse from inherent structure weakness or decay, or which, from fire damage or other causes, become a menace to life or property, the same may be declared to be a nuisance.

1. Any such building shall be reported by the Municipal Building Inspector or any Municipal official to the Town Board of Trustees, together with the lot and block number, the owner (or agent) and a description of the condition.

Additional data shall be provided, including material from the Community's Preservation Inventory, concerning historic and/or architectural significance.

2. Upon receipt of such report, the Town Board of Trustees shall review the significance to the Community by requesting a recommendation from the Planning Commission; following review of said recommendation, the Town Board shall consider whether or not to declare such building or structure to be a nuisance and serve fifteen (15) days' legal written notice on the owner (or agent) to wreck or remove the same, or provide an alternative proposal for restoration, sale and restoration or other appropriate method of encouraging productive re-use of the structure. Said notice shall be posted on the property to be affected, and shall also be sent by certified mail, with return receipt requested, to the owner, as shown on the County Treasurer's records. Written notice shall also be mailed to any mortgage holder, as shown by the County Clerk's records. If neither the property owner nor the mortgage holder can be located, notice may be given by legal notice; such notice may be published once, not less than ten (10) days prior to any hearing or action by the Town pursuant to the provisions of this Section, or, as an alternative, notice may be given by first-class mail to the property owner and mortgage holder.

3. The Town Board of Trustees may hear all objections and evidence in relation thereto and, unless the owner can show good and sufficient reason why the building should not be condemned, the original order of said Town Board shall be executed, or any appropriate alternative solution may be implemented.

4. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the Town Board of Trustees may cause the dilapidated building to be torn down and removed, or implement an alternative solution, and shall fix reasonable dates for the commencement and completion of the work.

5. The Town Clerk-Treasurer shall immediately file a notice of lien with the County Clerk describing the property, the findings of the Municipality at the hearing, and stating that the Municipality claims a lien on said property for the destruction and removal costs. The agents of the Municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the Municipality, if the work is not performed by the property owner within dates fixed by the Town Board of Trustees.

6. The Town Board of Trustees shall determine the actual cost of the repair, restoration, dismantling or removal of dilapidated buildings and any other expense that may be necessary in conjunction with the removal of the nuisance conditions, including the cost of notice and mailing. The Town Clerk-Treasurer shall forward a statement of the actual cost attributable to the work on the buildings and a demand for payment of such costs, by certified mail with return receipt requested, to the property owner. In addition, a copy of said statement be mailed to any mortgage holder.

7. If the Municipality repairs, restores, dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the actual repairs, restoration, dismantling or removing of the dilapidated buildings. If work on the dilapidated building is done on a private contract basis, the contract shall be awarded to the most responsible and most responsive bidder.

8. When payment is made to the Municipality for costs incurred, the Town Clerk-Treasurer shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the Town Clerk-Treasurer shall forward a certified statement of the amount of the cost to the County Treasurer. Said costs shall be levied on the property and collected by the County Treasurer as are other taxes authorized by Law. The cost and the interest thereon, shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be co-equal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection, the Municipality may pursue any civil remedy for collection of the amount owed and interest thereon. Upon receiving payment, the Town Clerk-Treasurer shall forward to the County Treasurer a notice of such payment and shall direct discharge of the lien.

9. Nothing in the provisions of this Section shall prevent the Municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety or welfare of the general public.

10. After a building has been declared dilapidated, and before the commencement of the removal of the nuisance conditions on the dilapidated building, the Town Board of Trustees may authorize that such a building be boarded and secured.

B. Any Municipal Official shall have the right to stop the construction of any building or structure, or the alteration, repair or wrecking of the same, if the same is being done in a careless or reckless manner, or in violation of the provisions of this Code of Ordinances.

Section 12-24. Notice to Remove; Private Property (Buildings).

A. The Town Clerk-Treasurer, or designee, shall give notice of removal to the owner or occupant of the private property where a nuisance, as defined by

State Law or the Ordinance of the Town, is located at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a Notice to Abate or Remove is posted in a conspicuous place upon the private property upon which the nuisance is located.

B. The Notice To Remove Or Abate shall contain the demand for abatement or removal within ten (10) days, and the Notice To Abate Or Remove shall state that upon failure to comply with the Notice To Abate or Remove, the Town shall prosecute a criminal complaint for failure to abate the nuisance and/or undertake such removal with the cost to be levied against the owner of the nuisance and/or the occupant of the property.

C. Any person to whom any Notice to Abate Or Remove is directed pursuant to the provisions of this Section or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the Town Clerk-Treasurer within the ten (10) days compliance period, for the purpose of contesting the Town's demand for abatement or removal. The Town Clerk-Treasurer, Chief of Police (or designee) and the Town Attorney (or designee) shall constitute a hearing board to hear the request.

D. The hearing shall be held as soon as practicable, but not earlier than five (5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person (s) making the request. At any such hearing the Town and the person (s) to whom Notice has been directed may introduce witnesses and evidence.

E. Persons to whom the Notice To Remove Or Abate is directed pursuant to the provisions of this Section, or their duly authorized agent, may appear in Municipal Court pursuant to the Citation and Summons. Those convicted of failing to abate a public nuisance pursuant to this Section shall be assessed Court Costs in addition to any other penalty assessed by the Municipal Court. If the public nuisance is abated prior to the hearing date stated on the Summons, and the person issued the Summons to appear in Municipal Court signs an affidavit before the Court Clerk attesting to the abatement, the Town Attorney may recommend to the Municipal Court that charges be dropped.

F. If the violation describe dint he Notice To Abate Or Remove has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the Town Clerk-Treasurer or his/her designee, the Town Attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the Town shall in the discretion of the Town Clerk-Treasurer abate said nuisance and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the Town or the Town Clerk-Treasurer authorizes to enter upon private property for the purpose of abating the nuisance under the provisions of this Section.

Section 12-25. Cleaning and Moving of Property by Statutes.

A. It shall be unlawful for any owner 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 and it shall be the duty of such owner to remove or destroy any such trash or weeds.

B. Any officer or employee of the Town of Washington, Oklahoma, who discovers an accumulation of trash or growth of grass and weeds, or both these conditions, upon any premises within the corporate limits of said Town, shall report the condition to the Administrative Officer (who shall be appointed by the Town Board) if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, safety, benefit and welfare of the public and the Community; or

2. A hazard to traffic; or

3. A fire hazard to property.

C. Upon receiving the report provided for in Subsection 2 (above), or upon receipt of equivalent information from any reliable source, and upon determination that a nuisance or violation of the Code of Ordinances exists, the Administrative Officer shall give written notice of the finding and direct the owner or occupant to abate the condition within ten (10) days.

D. The written notice provided for in Subsection 3 (above) shall be sent 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 or that the owner cannot be served by certified mail, notice may be given by publication as provided in Section 1-102 of Title 11 of the Oklahoma Statutes, one (1) time, not less than ten (10) days prior to any hearing or action by the Town. If the Town Board of Trustees anticipates further abatement of the nuisance in accordance with provisions of this Section, the notice shall state that "Any accumulations of trash or excessive weed or grass growth on the property occurring within six (6) months after the initial removal of trash or the cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the Town Board of Trustees. Further, the cost of such abatement shall be assessed against the owner, and a lien may be imposed on such property to secure such payment. All such actions may be taken without further notice to the property owner".

E. The owner of the property may give his written consent to the Town of Washington, Oklahoma, authorizing the removal of the nuisance; by providing written consent, the owner waives his right to a hearing.

F. Upon a finding that a condition exists as set out in Subsection 2 (above), and that the property would be benefited by the removal of such condition, and after at least ten (10) days from the date of receipt of the

notice by the owner or occupant or the date of publication, the Administrative Officer shall order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed, unless the owner:

1. Has cut, removed or destroyed the trash or weeds in accordance with the notice; or

2. Has filed a written request for a hearing on the matter with the Town Clerk-Treasurer within a ten (10) day period to appeal the Administrative Officer's decision to the Town Board of Trustees. If the owner or occupant has given written consent authorizing the Town to abate the trash or weeds, any right to a hearing shall be considered waived, and the owner shall pay for the cost of the work. The Town Board may affirm, reverse or modify the order of the Administrative Officer. The Town Board's review shall be limited to a review of the findings of facts and order of the Administrative Officer to determine if the provisions of this Section have been complied with.

G. At any hearing onto the matter, the Administrative Officer may receive information thereto, including anything which may be presented by the owner of the premises, personally or by agent or attorney. The Administrative Officer shall prepare a written finding of the facts and order which will be placed in the property files.

H. The work ordered to be performed under this Section may be done by the Town or it may be let by contract to the most responsible and most responsive bidder for a period of not to exceed one (1) year. Immediately following the cleaning or mowing, the Town Clerk-Treasurer shall file a notice of lien with the County Clerk, in accordance with State Law.

I. Upon completion of the work ordered to be performed under this Section, the Town shall prepare a statement, itemizing each tract of property involved, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs, along with a demand for payment of the total cost, and forward it by certified mail, with return receipt requested to:

1. 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; or

2. To the address given by the person giving written consent or requesting the appeal, as provided for hereinafter.

J. If the costs of the work performed under this Section are not paid within thirty (30) days from the date of mailing the statement prescribed by Subsection 9 (above), 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 co-equal 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 owed and interest thereon. Upon receiving payment, if any, the Town Clerk-Treasurer shall forward to the County Treasurer a notice of such payment, directing discharge of the lien.

K. If the Town Board of Trustees causes property within the Municipal limits to be cleaned or trash and weeds or grass to be cut or mowed in accordance with the procedures provided in this Section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a twelve (12) month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each summary abatement, the Municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in this Section. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in this Section; provided, however, that, this Section shall not apply if the records of the County Clerk show that the property was transferred after notice was given pursuant to this Section.

Section 12-26. Notice to Remove; Private Property (Weeds and Trash).

A. The Town Clerk-Treasurer, or designee, shall give notice of removal of trash or weeds to the owner or occupant of the private property where a nuisance as defined by State Law or the Ordinance of the Town, is located, at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of a Notice To Abate Or Remove is posted in a conspicuous place upon the private property upon which the nuisance is located.

B. The Notice To Remove Or Abate shall contain the demand for abatement or removal within the (10) days, and the Notice To Remove Or Abate shall state that upon failure to comply with the Notice To Abate Or Remove, the Town shall prosecute a criminal complaint for failure to abate the nuisance and/or undertake such removal with the cost to be levied against the owner of the nuisance and/or the occupant of the property.

C. Any person to whom any Notice To Abate Or Remove is directed pursuant to the provisions of this Section or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the Town Clerk-Treasurer within the ten (10) day compliance period, for the purpose of contesting the Town's demand for abatement or removal. The Town Clerk-Treasurer, Chief of Police (or designee) and the Town Attorney (or designee) shal constitute a Hearing Board to hear this request.

D. The hearing shall be held as soon as practicable, but not earlier than five (5) days after receipt of the request, and not later than fifteen (15) days after such receipt. Notice of the time and place of hearing shall

be directed to the person (s) making the request. At such hearing the Town and the person (s) to whom Notice has been directed, may introduce witnesses and evidence.

E. Persons to whom the Notice To Remove Or Abate is directed pursuant to the provisions of this Section, or their duly authorized agent, may appear in Municipal Court pursuant to the Citation and Summons. Those convicted of failing to abate a public nuisance pursuant to this Section shall be assessed Court Costs in addition to any other penalty assessed by the Municipal Court. If the public nuisance is abated prior to the hearing date stated on the Summons, and the person issued the Summons to appear in Municipal Court signs an affidavit before the Court Clerk attesting to the abatement, the Town Attorney may recommend to the Municipal Court that charges be dropped.

F. If the violation described in the Notice To Abate Or Remove has not been remedied withing the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the Town Clerk-Treasurer or his/her designee, the Town Attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the Town shall at the discretion of the Town Clerk-Treasurer abate said nuisance and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the Town or the Town Clerk-Treasurer authorizes to enter upon private property for the purpose of abating the nuisance under the provisions of this Section.

G. Upon the failure of the owner or occupant of property on which a nuisance has been removed by the Town to pay the uncovered expense incurred by the Town in such removal, the amount of the unrecovered cost may be added to the Municipal Utility bill directed to the occupants of the private property from which the nuisance was removed, and may be recovered in the same manner as such Utility bills.

H. If the private property is not served by Municipal Utilities, or if collection efforts are not successful, the cost may be certified by the Town Clerk-Treasurer to the County Clerk of McClain County, who shall add the same to the ad valorem taxes against the property; and when collected shall be paid to the Town of Washington, Oklahoma.

Section 12-26 through 12-49. (Reserved for future use).

Article 3 - Penalty

Section 12-50. Penalty.

Any person who violates any provisions of this Chapter by doing any act prohibited declared to be unlawful thereby or declared to be a nuisance, an offense or misdemeanor thereby, or who fails to do any act required by any such provision, who fails to do any act when such provisions declares such failure to be unlawful or to be an offense or misdemeanor, who violates any legal order or regulation made pursuant to this Chapter, shall be guilty of an offense, and upon conviction thereof, shall be punished by a fine not exceeding the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which any such violation continues, shall constitute a separate offense.

CHAPTER 13 - OFFENSES

Article 1 - Offenses in General

Section 13-1. Offenses Defined.

An "offense" is hereby defined as the doing of any act or thing which, by this Chapter or any Ordinance of the Town of Washington, Oklahoma, is prohibited, forbidden or declared to be unlawful, or the failure or refusal to do any act or perform any duty which, by any provision of this Chapter or by any Ordinance of the Town of Washington, Oklahoma, is commanded or required to be done.

Section 13-2. Attempts to Commit an Offense.

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

Section 13-3. Effect of Intoxication.

No act committed by any person while in a state of voluntary intoxication, whether from alcoholic beverages or drugs, shall be deemed less an offense by reason of said person in such condition.

Section 13-4. 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, shall be guilty of an offense and punishable in the same manner as the principal offender.

Section 13-5: Title 21 of Oklahoma Statutes Adopted by Reference:

Provisions of Title 21, Oklahoma Statutes, 1991, as amended, which are applicable to the Town of Washington, Oklahoma, are hereby adopted and incorporated in this Code of Ordinances, as if set out at length herein.

Sections 13-6 through 13-9: Reserved for future use:

Article 2 Offenses Against Public Decency, Morality and Policy

Section 13-10: Gambling Prohibited:

No person, firm or corporation (or agent or employee thereof) shall play, open or cause to be opened, operate, carry on or conduct any game of roulette, craps or any percentage game played with dice, for money, checks, chips, credit or any other things of value; or shall set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other thing of value are played, when the act of playing the same might result in a gain or loss to the party playing; or shall gamble knowingly in any other similar manner; or knowingly shall permit premises, houses, lots or other property controlled by said entities, to be used in connection with or for, any act declared unlawful in this Chapter.

Section 13-11. False or Bogus Checks.

A. It shall be unlawful for any person, with intent to cheat or 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, 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 the same, as against the maker or drawer thereof.

B. 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; provided, that, such maker or drawer shall not have paid the drawee the amount due thereof, together with the protest fees, within five (5) days from the date the same is presented for payment; provided, further, that, said check or order is presented for payment within thirty (30) days after the same is delivered and accepted.

Section 13-12. Harmful Deception.

It shall be 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 a third party, or results in, or contributes to, the benefit of the deceiver.

Section 13-13. Obstruction of Trespassing.

A. It shall be unlawful for any person, without lawful reason, between the hours of 12:00 o'clock midnight and 5:00 o'clock a.m., to sleep upon any street or in any other public place, or on any property of another person without the express or tacit consent of the owner or person in charge of such place.

B. It shall be unlawful for any person to obstruct access to or trespass in or about any public building, in or about the station or depot of a public transportation carrier, or on or about the premises of a public or private school.

C. No person shall be or remain in the immediate vicinity where a person or persons are gambling by the use of any means or device.

D. It shall be unlawful for any person to stand or remain, either along or in consort with others, in a public place or building, in such a manner as to:

1. Obstruct any public street, highway, sidewalk or any other public place or building by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

2. Commit in or upon any public street, highway, sidewalk or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or any business lawfully conducted by

anyone in, upon, facing or fronting on any such public street, highway, sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

Section 13-14. Offenses Relating to Controlled Dangerous Substances.

It shall be unlawful for any person under the influence of any narcotic or other controlled dangerous substance, to appear or be upon or in any street, alley, place of business or other public place within the Town of Washington, Oklahoma; or for any person to use any narcotic or other controlled dangerous substance upon or in any street, alley, place of business or other public place within said Town; or for any person to use any narcotic or other controlled dangerous substance in any place within said Town, except as legally-prescribed by a physician licensed to practice in the State; or for any person to loiter about a place where any narcotic or other controlled dangerous substance is sold or furnished illegally; or for any person to sell or furnish illegally to another person any narcotic or other controlled dangerous substance.

Section 13-15. Immoral Conduct, Shows or Exhibitions; Nudity.

A. It shall be unlawful for any person or persons to conduct themselves in a lewd or immoral manner, or make any insulting or licentious advance or salutation to any person, in any public place within the Town of Washington, Oklahoma.

B. It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the Town of Washington, Oklahoma, which is obscene or immoral.

C. It shall be unlawful for any person to appear in any public place within the Town of Washington, Oklahoma, in a state of total nudity, or for any person or persons to make an indecent public exposure of themselves.

D. It shall be unlawful to publicly display pornographic magazines or books for sale in any store within the corporate limits of the Town of Washington, Oklahoma.

E. It shall be unlawful for any person to urinate or defecate in any publicly-exposed place within the corporate limits of the Town of Washington, Oklahoma.

Section 13-16. Prostitution; Illicit or Sexual Relations.

A. For the purpose of this Section, “illicit sexual relations” shall mean sexual relations with any person other than one’s lawful husband or wife.

B. It shall be unlawful for any person to offer, submit or give himself or herself to a lewd or immoral use, such as illicit sexual relations, or to engage in any lewd or immoral act for money or any other thing of value.

C. It shall be unlawful for any person to engage in illicit sexual relations or any other immoral vocation, or to consort with a prostitute or other person of immoral vocation, or to consort with another for an immoral purpose, in any public place within the Town of Washington, Oklahoma.

D. It shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to keep, or assist in keeping, a house of prostitution or a house or place within the Town of Washington, Oklahoma, where persons meet or assemble for illicit sexual relations or for any other lewd or immoral purpose.

E. It shall be unlawful and an offense for any person to act as a procurer for any house or place of prostitution or for any prostitution or other person engaged in an immoral vocation, or to procure, assist in procuring or attempt to procure, any person for another for illicit sexual relations or any other immoral purpose.

Section 13-17. Certain Conduct Prohibited On or Near School Grounds.

No person shall engage in any conduct or commit any of the acts enumerated herein, around or on the grounds of, any school in the Town of Washington, Oklahoma, or in any street, alley or public area adjacent to a school:

A. Loitering by any person not having lawful business in connection with the school, an employee thereof or student therein;

B. Any conduct that disturbs the orderly conduct of the school;

C. Annoying or molesting any student or employee of the school;

D. Lewd or wanton conduct; or

E. Moving or parking any vehicle in the vicinity of any school or in any street or alley adjacent thereto, in such a manner as to annoy or molest any student or employee of the school.

Section 13-18. Alcoholic or Intoxicating Beverages.

A. It shall be unlawful for any person under twenty-one (21) years of age to misrepresent said person’s age through false documentation, for the purpose of inducing any person to sell alcoholic beverages to said person.

B. It shall be unlawful for any person under twenty-one (21) years of age to have in their possession any alcoholic beverages, while such person is upon any street, alley, road or highway, or in any public place within the Town of Washington, Oklahoma.

C. It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

D. No person drunk or in a state of intoxication shall appear, or be upon or in, any street, alley, place of business or other public place, nor shall any person drink any alcoholic beverage upon or in any street, alley, place of business or other public place within the Town of Washington, Oklahoma.

E. It shall be unlawful for any person to transport in any vehicle upon any street, alley or other public way within the Town of Washington, Oklahoma, any

alcoholic beverage, except in the original container which shall not have been opened and the seal of which shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle.

F. It shall be unlawful for any person, firm or corporation to buy, receive, possess, sell, barter, give away, manufacture or use any alcoholic beverages in violation of the State Constitution and Laws or the Code of Ordinances of the Town of Washington, Oklahoma. (See Chapter 2, this Code of Ordinances.)

Section 13-19. Non-Intoxicating Beverages.

A. It shall be unlawful for any person under twenty-one (21) years of age to purchase, receive or procure any nonintoxicating beverage.

B. It shall be unlawful for any person under twenty-one (21) years of age to work in a place where nonintoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food.

C. It shall be unlawful for any person, whether a minor or of age, to be in possession of, or to drink, any nonintoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place, within the Town of Washington, Oklahoma; provided, that, this shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

D. It shall be unlawful for any person to transport in any moving vehicle, upon any public highway, street, alley or roadway within the corporate limits of the Town of Washington, Oklahoma, or in or upon any property owned by said Town outside of its corporate limits, any nonintoxicating beverage, except in the original container which shall not have been opened and for which the original cap or seal shall not have been removed, unless the open 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 any other person in the vehicle while it is in motion. (See Chapter 2, this Code of Ordinances.)

Section 13-20. Contributing to Delinquency of Minors.

A. A “minor” or “child” shall include male or female persons who shall not have arrived at the age to eighteen (18) years at the time of the commission of the offense.

B. A “delinquent child” shall include a minor who shall have been, or is, violating any penal Statute of this State or who commits any offense listed in this Code of Ordinances.

C. It shall be unlawful for any person to knowingly and wilfully cause, aid, abet or encourage a minor to be, to remain or to become a delinquent child, as defined herein.

Section 13-21. Youth Access To Tobacco (Includes Vapor Products).

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

1. Nicotine product: means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation;

2. Person: means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

3. Proof of age: means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

4. Sample: means a tobacco product, nicotine product or vapor product distributed to members of the public at no cost for he purpose of promoting the product;

5. Sampling: means the distribution of samples to members of the public in a public place;

6. Tobacco product: Tobacco product: means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a pipe tobacco, chewing tobacco, snuff, or snus. “Tobacco product” also means electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine, Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

7. Transaction scan: means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification;

8. Transaction scan device: means 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 license or other government-issued photo identification; and

9. Vapor product: means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. “Vapor products” shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. “Vapor products” do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

10. School: means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school or any educational facility that is accredited by the state of Oklahoma.

    i. School includes all licensed childcare facilities, kindergartens, elementary schools, which may include either K-6 or K-8, and all secondary schools

    ii. School includes any institution within the Oklahoma State System of Higer Education or any other public or private college or university that is accredited by a national accrediting body.

11. Playgrounds: means any are used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.

12. Electronic smoking device: means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, whether or not the substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

B. Unlawful to sell or furnish tobacco, nicotine or vapor product to person under twenty-one years of age

1. It is unlawful for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products when required in performance of the employee’s duties.

2. A person engaged in the sale or distribution of tobacco products, nicotine products or vapor products shall demand proof of age from a prospective purchases or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be less than twenty-one (21) years of age.

   If an individual engaged in the sale or distribution of tobacco products, nicotine products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under twenty-one (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.

3. Any violation of subsection A or B of this article is an offense against the Town of Washington; upon conviction of any such offense, the violator shall be punished as follows:

    iii. Not more than One Hundred Dollars ($100.00) for the first offense;

    iv. Not more than Two Hundred Dollars ($200.00) for the second offense within a two-year period following the first offense;

    v. Not more than Three Hundred Dollars ($300.00) for the third offense within a two-year period following the first offense. In addition to any other penalty, the store’s license to sell tobacco products or nicotine products or the store’s sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding thirty (30) days, or

    vi. Not more than Three Hundred Dollars (300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store’s license to sell tobacco products or nicotine products or the store’s sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding sixty (60) days.

4. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonable relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:

vii. the individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was twenty-one (21) years of age or older, or

viii. the person that cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver 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.

C. Distribution of Tobacco Product and Vapor Product Samples

1. It shall be unlawful for any person or retailer to distribute, tobacco products, nicotine products, or vapor products in any manner that allows public access to the tobacco products, nicotine products or vapor products without assistance from the person displaying the tobacco products, nicotine products or vapor products 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 twenty-one (21) years of age.

2. No person shall distribute tobacco products, nicotine products, vapor products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by person under twenty-one (21) years of age.

3. 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 the following:

i. Not more than One Hundred Dollars ($100.00) for the first offense;

ii. Not more than Two Hundred Dollars ($200.00) for the second offense; and

iii. Not mor than Three Hundred Dollars ($300.00) for a third or subsequent offense.

D. Public Access to Displayed Tobacco, Nicotine or Vapor Products

1. It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products, or vapor products in any manner that allows public access to the tobacco products, nicotine products or vapor products, without assistance from the person displaying the tobacco products, nicotine products or vapor products 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 twenty-one (21) years of age.

2. 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.

E. Enforcement

1. Any conviction for a violation of this Article and any compliance checks by a municipal police officer pursuant to subsection C of this section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Court Clerk or his designee and compliance checks shall be reported by the Chief of Police or his designee.

2. For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized by the municipality and reported to the ABLE Commission, shall be considered together in such determination.

3. Persons under twenty-one (21) years of age may be enlisted by the Police Department to assist in compliance checks and enforcement of this Article pursuant to the rules of the ABLE Commission.

Section 13-22. Curfew for Minors.

A. For the purpose of this Code of Ordinances, the following terms, phrases, words and their derivations shall have the meanings given herein:

1. Minor. The word “minor” shall mean any person under eighteen (18) years of age.

2. Parent. The word “parent” shall mean any person having legal custody of a minor (a) as a natural or adoptive parent, (b) as a legal guardian, (c) as a person who stands in loco, or (d) as a person to whom legal custody has been given by order of the Court.

3. Public Place. The term “public place” shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort from business, entertainment or other lawful purpose. A public place shall include, but no be limited to, any

store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center or any other place devoted to amusement or entertainment of the general public; it shall also include the front or immediate area of the above.

4. Remain. The word "remain" shall mean to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets, for ordinary or serious purposes, such as mere passage or going home.

5. Street. The word "street" shall mean a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel, or in the case of a sidewalk thereof, for pedestrian travel; the term "street" includes the legal right-of-way, including but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

6. Time of Night. The term "time of night" shall be based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hour by the public.

7. Town. The word "town" shall mean the Town of Washington, McClain County, Oklahoma.

8. Years of Age. The term "years of age" shall continue from one (1) birthday, such as the seventeenth (17) to (but not including the day of) the next, such as the eighteenth (18) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age".

B. It shall be unlawful for any person seventeen (17) or less years of age (under eighteen) to be or remain in or upon the streets within the Town of Washington, Oklahoma, at night during the period ending at 6:00 o'clock a.m. and beginning:

1. At 11:00 o'clock p.m. on Sunday through Thursday; and

2. At 11:59 o'clock p.m. Friday and Saturday nights

C. In the following exceptional cases, a minor on a public street, during the nocturnal hours for which Subsection 2 (above) is intended to provide the maximum limits of regulations, shall not, however, be considered in violation:

1. When accompanied by a parent of such minor;

2. When accompanied by an adult authorized by a parent of such minor, to take said parent's place in accompanying said minor for a designated period of time and purpose, within a specified area;

3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; such minor shall evidence the bona fides of such exercise by processing a written communication, signed by such minor or countersigned, by a parent of such minor, with their home address and telephone number, specifying when, where and in what manner, said minor will be on the streets at night, in the exercise of First Amendment right specified in such communication;

4. In case of reasonable necessity, but only if the minor has, in said minor's possession, a written communication signed by the minor, countersigned by a parent of such minor, evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets, at a designated time, for a described purpose, including points of origin and destination;

5. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor but communicating an objection to the police officer;

6. When returning home, by a direct route from (and within thirty minutes of the termination of) a school activity, or an activity of a religious or voluntary association; provided, that, the minor has a written communication, in the minor's possession, countersigned by the parent, indicating the home address and telephone number, the purpose for the event, when, where and in what manner, said minor will be on the streets at night;

7. When authorized, by a regulation issued by the Town Board of Trustees, in other similar cases of reasonable necessity, similarly handled, but adapted to necessary night-time activities, or more minors than can readily be dealt with on an individual special permit basis; normally such regulation by the Town Board permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved (not to extend more than thirty minutes beyond the time for termination of such activity), and the reason for finding that such regulation is reasonably necessary and consistent with the public interest and the purposes of this Section;

8. When the minor carries a certified card of employment, briefly identifying the minor, the address of his home and his place of employment, and his hours of employment, or carries a valid proof of employment which may include the latest payroll receipt, not over thirty (30) days old;

9. When the minor is, with parental consent, in a motor vehicle; this contemplates normal travel and clearly exempts bona fide interstate movement through the Town, particularly on normal routes.

D. It shall be unlawful for a parent, having legal custody of a minor, to knowingly permit, or by inefficient control to allow, such minor to be, or remain upon, any public street under circumstances not constituting an exception to, or otherwise beyond the scope of, this Section. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

E. A police officer of the Town of Washington, Oklahoma, upon finding or having attention called to any minor on the streets in prima facie violation of this Section, normally shall take the minor to the Washington Police Station, or other place designated by the Chief of Police, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under Constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel than on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available to experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall, in the first instance, use his best judgment in determining age.

F. Police procedures shall constantly be refined in the light of experience, and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances; for example, a minor of tender age, here home, whose identity may readily be ascertained or are known.

G. In any event, such police officer, shall within twenty-four (24) hours, file a written report with the Chief of Police, or shall participate to the extent of the information for which he is responsible; said report shall be treated for purposes of juvenile records in accordance with State Statutes.

H. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of the parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.

I. Any person convicted of a violation of this ordinance may be fined for the (A.) First offense not more than $150.00, (B.) Second offense not more than $200.00 (C.) Third offense not more than $200.00 and send arrest report and all paperwork to District Attorney for consideration of filing Contributing to the Delinquency of a Minor and to Department of Human Services and (D.) same as C. above.

Section 13-23. Health and Public Welfare.

A. Definitions. The following words and phrases, whenever used in this Article III, shall have the meanings defined in this section unless the context clearly requires otherwise:

1. Indoor Area means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.

2. Municipal Property means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the Town of Washington, including but not limited to vehicles and equipment owned by the municipality.

3. Outdoor Area means any area that is not an indoor area, and includes outdoor recreational areas.

4. Smoking means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

5. Tobacco Product means any product that contains tobacco and is intended for human consumption. Tobacco product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

6. Vapor Product means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

B. Prohibited Conduct

1. No person is allowed to Smoke Tobacco Products in any places in which Smoking Tobacco Products is prohibited by Oklahoma state law. (63 Okl.St.Ann. § 1-1523 (2019))

2. No person is allowed to Smoke or use Tobacco Products and/or Vapor Products on any Municipal Property, indoor and outdoor, including parks and recreational areas.

3. Nothing in Article III prohibits any person or entity from prohibiting Smoking or the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.

4. No person or entity shall knowingly permit Smoking or the use of Tobacco Products or Vapor Products in any area that is under their control, if the use of Tobacco Products or Vapor Products is prohibited by law in that area.

5. No person or entity shall permit the placement of ash receptacles, such as ash trays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of Article III.

6. No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this Article.

C. Required Signs

1. The person or entity that has legal or de facto control of an area in which Smoking and the use of Tobacco Products or Vapor Products is prohibited by this Article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in prominent locations within the area.

2. For restrictions on Smoking and the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

3. For purposes of this section, the Town Manager or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.

4. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking or the use of Tobacco Products or Vapor Products in violation of any other provision of this Article.

D. Penalties and Enforcement

1. Enforcement of this chapter shall be the responsibility of the Washington Police Department.

2. Unless otherwise provided for in this chapter, any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fine not to exceed the maximum fine allowed by law for non-jury trials.

3. The possession of a lighted Tobacco Product in violation of this Article is a nuisance.

Section 13-24. Retail Marijuana Establishments.

A. Definition: Retail Marijuana Establishments are defined as any retail marijuana establishment licensed by the State of Oklahoma

B. Business License and Permit Requirements:

1. All operators of Retail Marijuana Establishments are required to obtain a Retail Marijuana Establishment permit and a business license from the Municipal Clerk.

2. The Retail Marijuana Establishment Permit fee shall be six hundred dollars ($600.00) per year. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration, and enforcement of retail marijuana establishments.

3. Retail Marijuana Establishment Permit will not be granted to any applicant where the proposed location is located outside a commercially zoned area of the Corporate City limits of Washington

C. Location Restrictions:

1. A Retail Marijuana Establishment Permit will not be granted to any applicant where the proposed location would be located within one thousand (1000) feet of any of the following uses:

2. A private or public preschool, elementary, secondary, vocational or trade school, college or university;

3. Any library or museum;

4. Any public playground;

5. Any child care center;

6. Any place of worship or religious assembly;

7. Any public park, pool, or recreation facility;

8. Any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center;

9. Any residentially zoned district; or

10. Within one thousand (1000) feet of another medical marijuana or retail marijuana establishment.

11. For the distance requirements outlined in this ordinance, the distance described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in Section 3-13-3A, is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.

D. Conditions of Operation:

1. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

2. The retail establishment must collect the current city sales tax on all sales. This does not include county or state taxes that must also be paid.

3. The hours of operation shall be between the hours of 9:00 AM to 9:00 PM Monday through Saturday. Operations shall be closed on Sundays as well as Christmas, Thanksgiving, July 4th and New Year's Day.

4. Any violations of this section will result in the revocation of the Retail Marijuana Establishment permit.

5. It is the intent of the Town of Washington that nothing in the Retail Marijuana Establishment Ordinance be construed to:

6. Allow persons to engage in conduct that endangers or causes public nuisance;

7. Allow the use of marijuana for non-medical purposes; or
8. Allow any activity that is otherwise illegal and not permitted by state law.

Section 13.24.1. Marijuana Facilities Allowed.

A. Commercial Marijuana Growing Facilities: Commercial Marijuana Growing Facilities are hereby allowed within the municipal boundaries of Town of Washington, Oklahoma under the following conditions:

1. The facility must acquire a permit from the facility and business license from the Municipal Clerk. The permit for a commercial growing facility shall be one thousand five hundred dollars ($1,500.00) per year.

2. The facility must be located in a commercial, industrial or agricultural (agricultural but not adjacent to a residential) zoned area and shall be an enclosed structure.

3. The facility shall have a security fence at least 10 foot in height and with limited access. The gates to the secure area must be locked at all times.

4. The facility must be constructed in such a manner that the growing of the marijuana plants cannot be seen by the public from the public right of way.

5. The growing area including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems.

6. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

Section 13.24.2. Wholesale Marijuana Facilities.

A. Wholesale Marijuana Facilities: Wholesale Marijuana Facilities are allowed in the Town of Washington and must acquire a city permit for the facility and business license from the Municipal Clerk. The fee shall be one thousand five hundred dollars ($1,500.00) per year.

B. Wholesale Marijuana Facilities Permits will not be granted to any applicants where the proposed location is located outside a commercially zoned area of the Corporate City limits of Town of Washington

C. Wholesale Marijuana Facilities Permit will not be granted to any applicants where the proposed location would be located within one thousand (1,000) feet of any of the following uses:

D. Private or public preschool, elementary, secondary, vocational or trade school, college or university;

E. Any library or museum;

F. Any public playground:

G. Any child care center;

H. Any public park, pool, or recreation facility;

I. Any juvenile or adult halfway house, correctional facility or substance abuse;

J. Rehabilitation or treatment center;

K. Any residentially zoned district; or

L. Within one thousand (1000) feet of another medical marijuana or retail marijuana establishment.

1. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in Section 3-13-6(B) is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.

M. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

N. The wholesale establishment must collect the current city sales tax on all sales. This does not include county or state taxes that must also be paid.

O. The hours of operations shall be between the hours of 9:00 AM to 9:00 PM Monday through Saturday. Operations shall be closed on Sundays as well as Christmas, Thanksgiving, July 4th and New Year's Day.

P. Any violations of this section will result in the revocation of the Wholesale Marijuana permit.

Section 13.24.3. Marijuana Storage Facilities.

A. Marijuana Storage Facilities: Marijuana Storage Facilities other than in a retail outlet are hereby allowed within the municipal boundaries of Town of Washington, Oklahoma. There shall be a fee of two thousand five hundred dollars ($2,500.00) per year for the fee and a business license must be acquired from the Municipal clerk.

B. Marijuana Storage Facilities Permit will not be granted to any applicant where the proposed location is located outside a commercially zoned area of the Corporate City limits of Town of Washington.

C. Marijuana Storage Facilities Permit will not be granted to any applicants where the proposed location would be located within one thousand (1,000) feet of any of the following uses:

D. Private or public preschool, elementary, secondary, vocational or trade school, college or university;

E. Any library or museum;

F. Any public playground:

G. Any child care center;

H. Any public park, pool, or recreation facility;

I. Any juvenile or adult halfway house, correctional facility or substance abuse;

J. Rehabilitation or treatment center;

K. Any residentially zoned district; or

L. Within one thousand (1000) feet of another medical marijuana or retail marijuana establishment.

1. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in Section 3-13-7(B) is located to the nearest property line of the building or unit in which the proposed marijuana storage facility would be located.

M. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

N. Storage facilities must remain locked at all times when not in operation. The facility must have an electronic security system and have an appropriate security fence that must be at least ten foot (10) tall around the facility.

O. The storage facility must collect the current city sales tax on all sales. (This does not include county or state sales tax that also must be paid.)

P. Any violations of this section will result in the revocation of the Marijuana Storage Facility permit.

Section 13.24.4. Marijuana Growing Facilities for Personal Use.

A. All owners of Marijuana Growing Facilities for Personal Medical Use are required to obtain a permit from the Municipal Clerk.

B. Marijuana Growing Facility for Personal Medical Use Permit fee shall be five hundred dollars ($500.00) per year.

C. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Marijuana Growing Facilities for Personal Medical Use.

D. All Marijuana Growing Facilities for Personal Medical Use shall be subject to security provisions as stated herein prior to the granting of a permit. Failure to comply with security provisions as stated herein will result in revocation of the permit.

E. Any access or entry point to residential facilities used for marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times except when the residential facility is actively being supervised in person by the permit holder.

F. Growing marijuana for personal medical use shall be limited to the interior of a single private residence.

G. Growing marijuana shall not be visible from the public right of way.

H. The growing area including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed 1,000 watts per light. The use of gas products (CO2, butane, etc.) or CO2 and ozone generators in the growing area is prohibited.

I. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

J. The primary use of the residential property in which marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping or sanitation/bathing

K. If the residence is rented consent of the property owner shall be obtained prior to any cultivation commencing. The consent must be evidenced by a signed and notarized statement from the property owner permitting the growth of marijuana in a residence.

Section 13.24.5. Permit Inspections and Other Requirements.

A. All permits outlined in this ordinance will be subject to inspection by an authorized municipal inspector prior to issuance.

B. The inspection prior to a permit decision will occur at a time scheduled and approved by both the applicant and the municipal inspector.

C. The applicant will be required to be present during the inspection.

D. The smell and noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.

E. Other regulations: Smoking or using marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.

Sections 13-25 through 13-29. (Reserved for future use).

Article 3 - Offenses Against the Peace

Sections 13-30. Carrying Weapons; Discharging Firearms.

A. It shall be unlawful for any person to carry upon or about their person any pistol, revolver, knife, dagger, metal knuckle or other dangerous or deadly weapon or instrument, except when doing so in the line of duty or as may be permitted by law.

B. It shall be unlawful for any person to transport a loaded firearm on any public street or alley within the corporate limits of the Town of Washington, Oklahoma, except when doing so in the line of duty.

C. It shall be unlawful for any person to discharge a firearm within the corporate limits of the Town of Washington, Oklahoma, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, when otherwise authorized by State Law or Ordinance, when doing so for the preservation of the peace, health or safety of residents or the abatement of nuisances, or when engaged in authorized hunting or other related activities; it shall also be unlawful to discharge an air rifle or BB gun within the Town of Washington, Oklahoma, in such a manner as to harm or damage persons or property.

Section 13-31. Unlawful Assembly; Disturbing Lawful Assemblies.

A. It shall be unlawful for two (2) or more persons to assemble together to act in concert to do any unlawful act against the peace, to the terror of others, to make any movement thereto or any preparation therefor, or otherwise to assemble together for other unlawful purposes.

B. It shall be unlawful for any person to disturb any lawful gathering, 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.

Section 13-32. Disturbing the Peace; Obscene Gestures; Harassing Phone Calls.

A. It shall be unlawful for any person to disturb the peace of another or others by violent or improper conduct, by loud or unusual noise, by unseemly, obscene, insulting, offensive or abusive language, or by conducting oneself in a disorderly manner.

B. It shall be unlawful for any person to use a telephone to:

1. Make any obscene, lewd, lascivious, filthy or indecent comment, suggestion or proposal;

2. Make a telephone call without disclosing said person's identity and with intent to annoy, abuse, threaten or harass any person at the called number;

3. Knowingly permit any telephone under control of said person to be used for any purpose prohibited in this Subsection; or

4. In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass any person at the called number.

C. It shall be unlawful for any person to make, demonstrate or otherwise symbolize any obscene gesture by use of said person's extremities, toward any other human being or object within the corporate limits of the Town of Washington, Oklahoma.

Section 13-33 through 13-39. (Reserved for future use).

Article 4 - Offenses Against Persons

Section 13-40. Assault and Battery.

A. An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

B. A battery is any willful and unlawful use of force or violence upon the person of another.

C. It shall be unlawful to commit an assault or an assault and battery within the Town of Washington, Oklahoma.

D. It shall be unlawful and an offense for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or officer of the law, while said person is performing assigned duties.

Sections 13-41 through 13-49. (Reserved for future use).

Article 5 - Offenses Against Property

Section 13-50. Petit Larceny.

A. Petit larceny is the taking of personal property of value not to exceed fifty dollars ($50.00), accompanied by fraud or stealth, or with intent to deprive another

thereof, when the property is not taken from the person of another.

B. Petit larceny is unlawful and any person who commits petty larceny shall be guilty of an offense.

Section 13-51. Receiving Stolen Property.

It shall be unlawful for any person to buy, receive, transport or bring into the Town of Washington, Oklahoma, any property which said person knows has been stolen.

Section 13-52. Damaging or Destroying Property.

It shall be unlawful for any person to destroy, deface, besmear or molest any structure, building, outbuilding, fence or any other property, real or personal, public or private, belonging to another, including automobiles or other vehicles, 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 13-53. Unlawful Entry; Unlawful Intrusion; Private Property.

A. It shall be unlawful for any person to enter, without proper permission, upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), particularly when such entrance is plainly forbidden by signs or otherwise, or when the property, area or structure is enclosed, except when such entrance is in the line of duty, with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of State Law or Ordinance.

B. Every person who intrudes or squats upon any lot or piece of land within the Town of Washington, Oklahoma, without authority from the owner thereof, or who erects or occupies thereon any hut or other structure without such authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the Town, any structure whatever, shall be guilty of an offense.

C. It shall be unlawful to remain on private property at any time other than during posted hours of business operation, after having been directed to vacate such premises by a Police Officer or by the owner or other person in lawful possession of the premises or by the agent, servant or employee of the owner. The provisions of this Subsection shall not apply to persons, including employees, whose presence on the premises is authorized by the owner or person in lawful possession of such premises, nor shall the provisions of this Subsection apply unless the hours of the business operation are posted upon such premise. It shall also be unlawful to return to said 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.

Section 13-54. Unlawful Posting of Advertising Matter.

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

Section 13-55. Damaging Utility Poles.

A. It shall be unlawful for any person to mark, write, print, paint up, or otherwise make any signs or marks, by indentation or otherwise, or by posting signs or posters, upon any telephone, television, electric or power pole, either wood, concrete, steel or any other substance, within the corporate limits of the Town of Washington, Oklahoma. The word “pole” shall be construed to mean any pole supporting telephone, electric or power wires or braces, and any device used to support or brace such a pole.

B. This section shall no apply to the owners of such poles who may make such necessary or authorized marks or signs thereon.

Section 13-56. Unlawful Throwing or Shooting of Objects.

It shall be 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 said person is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another, whether public or private, except in the case where such is done in defense of oneself, of another person or of property.

Section 13-57. Littering.

A. For the purpose of this Section, “litter” is defined to be any garbage, refuse, rubbish, ashes, street cleanings, dead animals, abandoned automobile, paper, wrapping, cigarette butts, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding or crockery and similar materials commonly referred to as rubbish or trash.

B. No person shall throw or deposit litter in or upon any open or vacant property within the Town of Washington, Oklahoma, irrespective of the ownership of such property.

C. No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the Town of Washington, Oklahoma, except in public receptacles, authorized private receptacles or in the Municipal Sanitary Landfill.

D. No person shall sweep into, or deposit in, any gutter, street or other public place within the Town, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway; persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

E. No person shall drive or move any truck or other vehicle within the Town of Washington, Oklahoma, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within said Town, the wheels or tires of which carry onto, or deposit in, any street, alley or other

public place, mud, dirt, sticky substances, litter or foreign manner of any kind, in excessive or damaging amounts.

F. No person shall throw or deposit any commercial or non-commercial handbill on or upon any sidewalk, street or other public place within the Town of Washington, Oklahoma.

G. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; however, it shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

H. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously vacant.

I. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested not to do so of if signs are posted bearing the words “no trespassing”, “no peddlers or agents”, “no advertisements”, or similar notice, indicating that the occupants do not desire to have their privacy disturbed.

J. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by transmitting them directly to the owner, occupant or persons present upon such private premises; in cases of inhabited private premises which are not posted, handbills must be distributed to prevent them from blowing on sidewalks or other public places.

K. The provisions of Subsection 10 (above) shall not apply to the distribution of mail by the United States or to newspapers, except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk or public place, or on other private property.

L. No person in an aircraft shall throw out, drop or deposit within the Town of Washington, Oklahoma, any litter, handbill or any other object.

Section 13-58. Shoplifting.

A. It shall be unlawful for any person or persons to remove any merchandise from a commercial business without paying for said merchandise and without the consent of the owners of said business.

B. Any police officer or licensed security guard may arrest, without warrant, any person if there is probable cause for believing said person has committed larceny of merchandise held for sale in retail or wholesale establishments, when such arrest is made in a reasonable manner.

C. Any merchant, any agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money for mercantile establishment, may detain such person in a reasonable manner for a reasonable length of time for all or any of the following purposes:

1. Conducting an investigation, including reasonable interrogation of the detained person, as to whether there has been a wrongful taking of such merchandise or money;

2. Informing the police or other law enforcement officials of the facts relevant to such detention;

3. Performing a reasonable search of the detained person and said person’s belongings when it appears that the merchandise or money may otherwise be lost; and

4. Recovering the merchandise or money believed to have been taken wrongfully; any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, an agent or employee criminally or civilly liable to the person so detained.

D. Any person concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this Section, and such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, an agent or employee, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his agent or employee criminally or civilly liable.

Section 13-59 through 13-69. (Reserved for future use).

Article 6 - Resisting Arrest

It shall be unlawful for any person knowingly or willfully to resist, oppose or obstruct the Chief of Police, any Police Officer, the Municipal Judge or other Municipal officers or employees in the discharge of their official duties; or, by threats or otherwise, to intimidate, or attempt to intimidate, any such officer or employee from the discharge of their official duties; or to assault, beat, revile, abuse, be disrespectful to or use abusive or indecent language toward or about, any such officers or employees, while such officers or employees are in the discharge of their official duties.

Section 13-71. Impersonating Municipal Officer or Employee.

It shall be unlawful for any person to impersonate any Municipal Police Officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any Municipal officer or employee, without being duly authorized to do so.

Section 13-72. False Representation to Municipal Officials.

It shall be unlawful for any person knowingly to make any material misrepresentation to any Municipal Officer, employee or agency in any official application to, or official

dealing or negotiation with, such officer or agency, or to commit perjury before any tribunal or office of the Town of Washington, Oklahoma.

Section 13-73. Escape of Prisoners.

It shall be unlawful for any person confined in the Municipal Jail or other place of confinement, working upon the streets or other public places pursuant to any judgment, or otherwise held in legal custody by authority of the Town of Washington, Oklahoma, to escape, or attempt to escape, from any such Municipal Jail, prison or custody.

Section 13-74. Assisting Prisoners to Escape.

A. It shall be unlawful for any person, in any unlawful manner, to set at liberty, rescue or attempt to set at liberty or rescue, any prisoner from any officer or employee of the Town of Washington, Oklahoma, having legal custody of such prisoner, or from the Municipal Jail or other place of confinement, or to assist such prisoner in any manner to escape from such prison or custody, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist in said escape, or to give such prisoner any alcoholic beverages, narcotics or other controlled dangerous substances.

B. It shall be unlawful for any person to communicate with, or attempt to communicate with, any prisoner confined in the Municipal Jail, without authority to do so from the Chief of Police or the Officer-in-Charge.

Section 13-75. Removal of Barricades

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the Town of Washington, Oklahoma, to keep traffic off any pavement, street, curb, sidewalk or other area.

Section 13-76. Flight From A Police Officer.

A. Flight from an officer shall be unlawful and an offense.

B. A person commits the offense of flight from a Municipal Police Officer, if:

1. Said person is the operator of a vehicle and refuses to stop and said vehicle as soon as is safely possible, when signaled to do so by law enforcement officer; or

2. Upon stopping said vehicle at the signal of a law enforcement officer, abandons said vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or

3. Said person is a passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop; or

4. After the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or

5. Said person is a pedestrian and leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop or to remain in said area for a reasonable length of time.

Section 13-77. Interference With Fire Alarm Systems.

No person shall cut or sever, or cause to be cut or severed, or interfere with in any manner, any wire of any fire alarm system in the Town of Washington, Oklahoma; or remove or change the same; or cut, injure, change, alter or remove any pole, cross-arm, bracket or other support upon which said wires rest or in which said wires are enclosed; or disconnect said wires or any of them from the gongs, alarm boxes or instruments connected with said fire alarm system; or cause, in any manner, the working of the same to become obstructed or interfered with without being first duly authorized so to do by the Chief of the Fire Department; nor shall any person deface or in any manner injure any of the fire alarm boxes or any instruments or appliances connected with or belonging to said fire alarm system; or tamper with said fire alarm or obstruct in any manner whatever, the boxes, keys or glass upon any of said boxes; or make or cause to be made, without authority from the Chief of the Fire Department, keys to any alarm box; or to use, or cause to be used, any such key so made; nor shall any person place or fasten over or upon any fire alarm box an handbill, notice or sign of any kind, except the signs placed upon the same at the direction of the Chief of the Fire Department and pertaining to the firebox; or cause to be hitched any horse or animal to any pole on which is situated a fire alarm box.

Section 13-78. False Fire Alarm

No person shall turn in a false fire alarm, or in any manner shall deceive or attempt to deceive the Fire Department or any officer or employee with reference to any fire alarm or reported fire, or knowingly shall cause the Fire Department or its officers or employees to make a useless run.

Section 13-79 through 13-99. (Reserved for future use).

Article 7 - Penalty

Section 13-100. Penalty.

Any person, firm or corporation who shall violate any provisions of this Chapter shall be guilty of an offense and upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day's continuation of any such violation shall be a separate offense.

CHAPTER 14 - OIL AND GAS DRILLING

Article 1 - General Provisions

Section 14-1. Definitions.

The following terms used in this Chapter are hereby defined to have the meaning set out below:

A. Circulating Mud Pit. The term “circulating mud pit” as used herein, is hereby defined to mean the working pit from which drilling muds are continuously recirculated during the drilling process into and from the drilling hole, for the purpose of flushing cuttings from the drill bit, and as a lubricant to reduce torque, drag, heat, friction and differential sticking during the drilling process.

B. Disposal Well. The term “disposal well”, as used herein, is hereby defined to mean any well drilled or actually used for injection of salt water or other substances into the earth at a point other or different than the point of extraction or production thereof from the earth.

C. Mud. The term “mud”, as used herein, is hereby defined to mean the drilling fluid used and recirculated through the drilling hole as a lubricant to reduce torque, drag, heat, friction or differential sticking and to flush drill bit cuttings from the hold during the drilling process.

D. Mud Program. The term “mud program”, as used herein, is hereby defined to mean the planned usage of drilling fluid lubricants, specifying with particularity the type, name and physical and chemical composition and characteristics of all ingredients thereof, together with such laboratory and other technical data as may be necessary or required by the Municipal Building Inspector to evaluate the same as pollutive, deleterious or otherwise.

E. Oil or Gas Well. The term “oil or gas well”, as used herein, is hereby defined to mean and include any well drilled, operated or maintained for the production of oil gas, casinghead gas or any of them or their by products or derivatives.

F. Reserve Pit. The term “reserve pit”, as used herein, is hereby defined to mean any excavation, pit or receptacle designed or actually used to receive, store or hold rocks, drill bit cuttings, shale, sand, fresh water or drilling mud which contains no salt water, oil, oil derivations, caustics, acids or other deleterious substances harmful to soil, vegetation or injurious to animal or human life.

G. Slush Pit. The term “slush pit”, as used herein, is hereby defined to mean any excavation, pit or receptacle designed or actually used to receive, store or hold waste oil, oil derivatives, sand, salt water or other waste products or deleterious substances produced or used in the drilling, swabbing, cleaning or re-working of any oil, gas or disposal well.

Section 14-2. Municipal Drilling Permit Required; Application Process.

A. Subsequent to the effective date of this Code of Ordinances, it shall be unlawful and an offense for any person or corporation to drill, maintain or operate an oil, gas or disposal well within the corporate limits of the Town of Washington, Oklahoma, without first having procured a Municipal Drilling Permit to do so, as hereinafter provided, and without being in compliance with all applicable Ordinances of the Town of Washington, Oklahoma.

B. Every person hereafter desiring to drill, maintain or operate an oil, gas or disposal well in the Town of Washington, Oklahoma, shall file application therefor, in writing, in the form required by the Town Clerk-Treasurer, signed by the applicant or an agent authorized to sign the same.

C. Such application shall specify the Quarter Section, Township, Range and the location within the Quarter Section thereof so as to identify said Well location within a particular ten (10) acre tract.

D. All equipment to be utilized in the drilling, operation or maintenance of said well shall be specified in said application with particularity and the mud program, as that term is denied herein, shall be specified and attached in writing thereto, for approval by the Town Clerk-Treasurer.

Section 14-3. Permit Fees; Insurance.

A. At the time of filing such application above required, such applicant shall pay to the Town Clerk-Treasurer the sum of six hundred and fifty dollars ($650.00) to defray the expenses of inspecting the specified location and drilling operations and, if completed as a producing well, in payment of the annual fee for the initial year of production and operation of said well.

B. Such applicant shall also, at said time, file with the Town Clerk-Treasurer a copy of a policy of insurance issued by some corporate insurer licensed to do business within Oklahoma, evidencing current insurance of the owner, driller, agents and employees, conditioned for the payment of all damages due to injury to persons or damage to property resulting from the drilling, operation or maintenance of the proposed well or any structure, machinery, equipment, pipeline, or appurtenances used in collection therewith, in an amount not less than two hundred and fifty thousand dollars ($250,000.00).

C. Such policy shall contain no exclusion from coverage or contamination of pollution of surface or subterranean streams, watercourses, lakes or public or private water supplies.

Section 14-4. Existing Wells.

Owners or operators of oil, gas or disposal wells heretofore drilled and completed within the Town of Washington, Oklahoma, shall not be required to procure the initial Municipal Drilling Permit hereinabove provided; however, it shall be incumbent upon such owners and operators to furnish evidence of liability insurance coverage and post the bond for the restoration of the land and plugging of the well upon its abandonment in the form and amount above required for issuance of a Municipal Drilling Permit at the time of application for the Annual Renewal Permit as hereinafter provided, or within sixty (60) days after the effective date hereof, whichever shall first occur, as a condition of continuing any swabbing, cleaning or

reworking operations of all oil, gas and disposal wells heretofore or herein after drilled within the Town of Washington, Oklahoma. All existing wells shall also comply with all of the following provisions of this Chapter.

Section 14-5. Zoning.

Oil, gas or disposal wells shall be located only in those Zoning Districts which permit such use as provided in the adopted Zoning Ordinances of the Town of Washington, Oklahoma.

Section 14-6. Annual Renewal Permits.

Annual Renewal Permits for the operation, maintenance, cleaning, swabbing and re-working of all completed and operating oil, gas and disposal wells, now existing or hereafter drilled, are hereby required, and shall be issued upon payment of one hundred dollars ($100.00) per year and upon the filing of copies of liability insurance policies and the restoration and plugging bond in the form and amount required for the insurance of an initial Drilling Permit and upon proof of renewal of the restoration and plugging bond for the ensuing year. Such annual fee shall be paid, proof of insurance coverage filed, and renewal of said restoration and plugging bond made on the anniversary date of the initial Drilling Permit, or if no such Permit was required or obtained, within sixty (60) days after the effective date hereof.

Sections 14-7 through 14-19. (Reserved for future use).

Article 2 - Regulatory Provisions

Section 14-20. Regulations.

It shall be unlawful and an offense for any person or corporation to do or permit any of the following, and the same are hereby declared to be a public nuisance:

A. Earthen slush pits, shall not be constructed, maintained or used by any person or corporation at any location within in the Town of Washington, Oklahoma. All waste oil, salt water, liquid with oil content, gasoline or other waste products in connection with the drilling, testing, cleaning, swabbing, re-working or operating of any oil, gas or disposal well shall be captured and retained in steel tanks or vessels and transported from the premises to a disposal facility. In no event shall any of such substances be permitted to escape from the premises owned, leased or controlled by the persons carrying on such operations by seepage, overflow or otherwise, nor flow across the surface of the ground, or upon any public way, into any storm or sanitary sewer, drainage ditch, upon any gutter or paving or into any gully, stream or tributary within the Town of Washington, Oklahoma. Plastic liners may be required, at the discretion of a majority of the Town Board of Trustees.

B. Earthen reserve pits, as herein defined, which contain no salt water, oil, oil derivatives, caustics, acids or other deleterious substances harmful to soil, vegetation or injurious to animal or human life, shall be allowed to be constructed or used in connection with the drilling, swabbing, cleaning out or re-working of oil or gas wells within the Town of Washington, Oklahoma, and the contents thereof need not be transported from the premises to a disposal facility, it the same are leveled and the surface of the ground restored as nearly as possible to its original condition within ninety (90) days after completion of said drilling, swabbing, cleanout or re-working operations.

C. An earthen retaining wall of adequate size for the terrain shall be constructed on the low side of all well sites situated within the Town of Washington, Oklahoma, on sloping or unlevel ground. The top of the retaining wall shall be at least as high as the top of the christmas tree or other wellhead connections on any completed well, or at least as high as the ground at the point where surface casing is set in the well when drilling.

D. Storage tanks or other types of tanks containing flammable substances used in connection with any oil, gas or disposal well within the Town of Washington, Oklahoma, shall have earthen embankments constructed around them of sufficient size and height to be able to adequately contain one and one-half (1 ½) times the volume of such tanks in the event of a rupture thereof at the floor of such tank. No drain plugs, openings or siphons shall be placed in the walls or dikes which will permit the escape of any liquids through the same. In no event shall any such tank be located nearer than one hundred (100) feet to a dwelling or business structure, street or highway within the Town of Washington, Oklahoma.

E. No steam, gasoline, natural gas, diesel or other internal combustion engine of any kind shall be operated in conjunction with the drilling or operation of an oil or gas well within two hundred and fifty (250) feet of any dwelling or business structure within the Town of Washington, Oklahoma.

F. No oil, gas or disposal well shall be drilled, operated or maintained, nor shall any operations in connection therewith be carried on or conducted, within two hundred and fifty (250) feet of any church, school or hospital building within the Town of Washington, Oklahoma.

G. Premises upon which any oil, gas or disposal wells are drilled, operated or maintained shall be kept fee of all accumulations of rubbish, litter, unused equipment or materials, excess rotary mud, salt water, waste oil or oil by-products and other waste, insofar as the same may be reasonably done in the conduct of operations covered by this Chapter.

H. Approved equipment, standard devices and ordinary methods such as are commonly known and used in the oil and gas drilling and producing industry for the safety and protection from damage due to drilling and operating activities, shall be used at all locations within the Town of Washington, Oklahoma. Failure on the part of any owner, driller or operator to utilize such equipment, devices or methods shall be the basis for injunction thereof by the Town of Washington, Oklahoma, or any person affected thereby, in addition to the penalties therefor otherwise provided therein.

I. At least seven hundred and fifty (750) feet of surface casing shall be set in each well after notifications of intention to do so have been given the Oklahoma Corporation Commission, whose representative shall be entitled to inspect the installation thereof and direct

the type and amount of cement to be used in cementing the same in the hole.

J. All drilling wells shall be equipped with a mastergate, or its equivalent, adequate blowout preventors, flow lines and valves commensurate with the working pressures involved.

K. That part of the drilling rig adjacent to or facing any lake and situated within one-half (1/2) mile of the normal elevation thereof shall be covered with canvas, sheet metal or other suitable material at all times during drilling operations.

L. Production casing of a size with not less than a four and one-half (4 ½) inch outside diameter, in good condition, shall be set no higher than the top of the producing formation and cemented with a sufficient amount of cement to obtain a maximum of five hundred (500) feet of annular fillup above the casing. All of such production casing shall be tested by pressure methods for either drilling the cement plug or perforating, if the cement is not drilled.

M. Upon completion of any flowing well, the wellhead equipment shall have, on the tubing, at least one (1) master-valve plus a flow valve, and a valve on the casing annulus. All wells shall be equipped with flow tubing of a size at least two (2) inches inside diameter extending not less than fifty (50) feet from the top of the lowest producing formation.

N. All disposal wells shall be equipped with at least two (2) inch inside diameter tubing set on a packer and a pressure gauge shall be installed on the casing annulus at all times.

Section 14-21 through 14-49. (Reserved for future use).

Article 3 - Penalty

Section 14-50. Penalty.

Any person, firm or corporation who violates any of the provisions of this Chapter shall, upon conviction, be fined in a sum not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day such violation is committed or continues to exist shall constitute a separate offense and be punishable as such. In addition, violation of any of the provisions hereof declared to be a public nuisance shall be a basis for injunction at the suite of the Town of Washington, Oklahoma, or at the suit of any person, firm or corporation adversely affected thereby.

CHAPTER 15 - PLANNING AND COMMUNITY DEVELOPMENT

Article 1 - Planning Commissions

Section 15-1. Municipal and Regional Planning Commissions Created.

(See Chapter 1, Article 3, Section 1-46, this Code of Ordinances.)

Section 15-2. Jurisdiction Areas.

A. The Municipal Planning Commission shall have jurisdiction over all land within the corporate limits of the Town of Washington, Oklahoma.

B. The jurisdictional area of the Regional Planning Commission shall include, for the purpose of the regulation and review of land subdivision only, any lands outside the corporate limits of the Town of Washington, Oklahoma, whose any one (1) boundary, at any point, shall be at and within a distance of three (3) miles from the corporate limits of said Community; provided, that, such jurisdiction shall only include land within McClain County, Oklahoma.

Section 15-3. Rules and Regulations.

A. The Planning Commission shall prescribe and adopt rules and regulations governing the transaction of business, and shall keep a public record of all regulations, transactions and findings.

B. Regular meetings of the Planning Commission shall be scheduled at least once each month.

C. Special and Emergency Meetings may be called by the Mayor or Chairman of the Commission, in accordance with the State Open Meetings Law.

Section 15-4. Employees; Expenditures.

A. The Planning Commission shall have the authority to contract for necessary professional services, within the limits of any budgetary appropriations fixed by the Town Board of Trustees; all compensation for such services shall be fixed by said Town Board.

B. The Planning Commission may incur other necessary expenses, within the limits of the Town Board of Trustees' budgetary appropriations, to carry out all purposes and responsibilities.

Section 15-5. Project Review Procedures.

All projects or matter that fall within the duties and powers of the Planning Commission (as specified in this Code of Ordinances), shall be referred to the Commission for investigation and report, before any final action shall be taken thereon by the Town Board of Trustees. If either Commission fails to make an investigation and report on any matter referred to it within sixty (60) days, or other agreed upon time, the Town Board of Trustees may proceed to act upon such matter.

Section 15-6. Duties and Powers.

A. The Planning Commission shall have the following duties and powers:

1. To prepare and recommend to the Town Board of Trustees, for adoption, a Comprehensive Plan for the future development of the Town of Washington, Oklahoma, and to ensure that said Plan, once prepared and adopted, is properly utilized and updated at appropriate intervals;

2. To make recommendations concerning the Community's growth improvement and beautification;

3. To investigate, prepare and recommend to the Town Board of Trustees on all matters relating to the location and development of parks and recreational areas, streets, public grounds and structures;

4. To investigate, prepare and recommend to the Town Board of Trustees, for adoption, a suitable Zoning Ordinance to assist in the implementation of the Community's Comprehensive Plan, and to assist said Town Board in administering said Zoning Ordinance;

5. To investigate, prepare and recommend to the Town Board of Trustees, for adoption, rules and standards for use in regulating the subdivision of land within the Planning Commission's jurisdictional area, and to assist said Town Board in administering said Land Subdivision Regulations; and

6. To investigate, prepare and recommend to the Town Board of Trustees, for adoption, such other rules, regulations or standards as may be necessary to implement the Comprehensive Plan for the Town of Washington, Oklahoma, including standards and regulations for floodplain management, historic preservation, signs, annexation and utility extensions, among others.

B. The Planning Commission may also accept or raise funds, from public or private sources, for valid purposes or projects.

Sections 15-7 through 15-19. (Reserved for future use).

Article 2 - Zoning

Section 15-20. Municipality's Power to Zone.

A. For the purpose of promoting the health, safety and welfare of all citizens of the Community, the Town Board of Trustees is empowered to regulate and restrict the height, number of stories and size of structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the location and use of structures and land.

B. For any of the above purposes, the Town Board of Trustees may adopt an Ordinance dividing the Municipality into Zoning Districts of such number, shape and area as may be deemed most beneficial to the Community. Within such Zoning Districts, the erection, construction, reconstruction, alteration, repair or use of structures or land may be regulated. All such regulations shall be uniform throughout each

District, but the regulations in any Zoning District may differ form those in other Districts.

Section 15-21. Relationship of Zoning to the Adopted Comprehensive Plan.

A. Any Zoning Ordinance adopted by the Town Board of Trustees shall be made subsequent to the preparation of, and in accordance with, the Community's Comprehensive Plan, which Plan shall be adopted as a statement of public policy by Resolution of said Town Board.

B. Zoning Districts created for protection of historic resources shall also be made subsequent to the preparation of, and in accordance with, an adopted Comprehensive Plan Element for the particular historic resource or area to be protected.

Section 15-22. Planning Commission to be Zoning Commission.

To avail itself of the powers of State Law, the Municipal Planning Commission is hereby designated as the Zoning Commission of the Town of Washington, Oklahoma.

Section 15-23. Zoning Ordinance Adopted by Reference.

The Zoning Ordinance for the Town of Washington, Oklahoma, adopted by Ordinance Number 1989-01 (February 6, 1989) is hereby continued in full force and effect, as if were included in this Codebook.

Section 15-24. Zoning Board of Adjustment.

(See Chapter 1, Article 3, Section 1-45, this Code of Ordinances)

Section 15-25 through 15-29. (Reserved for future use).

Article 3 - Subdivision of Land

Section 15-30. Subdivision Review Process.

A. All subdivision plats, or re-plats of land laid out in plats or lots, and the streets, alleys or other portions of the same intended to be dedicated to public or private use, located within the jurisdictional area of either the Municipal or Regional Planning Commission, shall first be submitted to said Planning Commission for its review.

B. If the subdivision plat or re-plat is located within the corporate limits of the Town of Washington, Oklahoma, final approval, prior to the filing of said plat or re-plat with the McClain County Clerk, shall be obtained from the Town Board of Trustees of Washington, Oklahoma.

C. If the subdivision plat or re-plat is located within the jurisdictional area of the Regional Planning Commission, but outside of the corporate boundaries of the Town of Washington, Oklahoma, approval of the Regional Planning Commission shall be obtained prior to the filing of said plat or re-plat wit the McClain County Clerk.

Section 15-31. Subdivision Regulations Adopted by Reference.

The volume entitled "Town of Washington Regulations for Subdivisions" is hereby approved and adopted by this specific reference as fully as it was set forth verbatim, and said Regulations are hereby made a part of this Code of Ordinances.

Section15-31.1. Penalties for Violations.

Any person, firm or corporation who or which violates any provision of the Regulations adopted by this Ordinance shall be guilty of an offense and, upon conviction thereof, shall be fined not more that $100.00. Each day upon which a violation continues shall be deemed a separate offense.

Section 15-32 through 15-39. (Reserved for future use).

Article 4 - Miscellaneous Provisions

Section 15-40. Flood-Prone Areas.

(See Section 1-45, Article 3, Chapter 1, and Section 4-10, Article 2 and 4-80, Article 5, Chapter 4, this Code of Ordinances.)

Section 15-41 through 15-49. (Reserved for future use).

Article 5 - Penalty

Section 15-50. Penalty.

Any person firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 16 - PUBLIC FACILITIES AND UTILITIES

Article 1 - Municipal Utility Systems

Section 16-1. Municipal Utility Systems.

A. The Town of Washington, Oklahoma, provides Water, Sewer and Solid Waste Services for the residents of said Municipality.

B. Water and Sewer Services are operated through the Washington Public Works Authority, a Municipal Trust of which said Town is the beneficiary; said Trust shall have control over the operation, maintenance and administration of said Systems and Services. Solid Waste Collection and Disposal is the responsibility of the Town of Washington, Oklahoma.

Section 16-2. Use of Municipal Utility Systems.

Every residential inhabitant within the corporate limits of the Town of Washington, Oklahoma, and every commercial or business entity or enterprise who may practically do so, shall secure all of its potable water requirements from the Water System owned by said Town and leased to the Washington Public Works Authority; connect to the Sanitary Sewer System owned by said Town and leased to said Authority, and not otherwise dispose of sewage, unless it is impossible or not feasible to do so; and utilize the Municipal Solid Waste Collection and Disposal System, unless said service is not offered.

Section 16-3. Operation of Municipal Utility Systems.

A. The operations of the Municipal Water and Sewer Systems shall be the responsibility of the Washington Public Works Authority; said Authority shall have the power to establish fees, rates, deposits, charges and such other rules and regulations as may be necessary for the efficient operation of these Systems.

B. The operators of the Municipal Solid Waste Collection and Disposal System shall be the Board of Trustees of the Town of Washington, Oklahoma; said Board shall have the authority to establish fees, charges, and operational procedures and regulations as may be necessary for efficient operation of the System, and to ensure continued operation of the Washington Authority, or any other trust of which the Town is a member, participate or beneficiary.

C. Administrative processes for all Systems may be combined for more efficient operation, at the discretion of the Town Board of Trustees and the Washington Public Works Authority Board.

D. Ordinances relating to these Municipal Utility Systems shall be applicable, whenever possible to all Municipal Utility Systems, including those operated by the Public Works Authority.

Section 16-4. Utility Collection Fees.

A collection fee of Thirty-five (35%) of Utility penalties, fees in cases in which the Consumer has failed to satisfy a monetary obligation imposed by the Municipality shall be added to any such case which is referred to a collection agency for collection.

Sections 16-5 through 16-9. (Reserved for future use).

Article 2 - Municipal Water System

Section 16-10. Mandatory Use of Municipal Water System.

A. The owners of all houses, buildings or properties used for human occupancy, employment, education, recreation or other purposes, situated within the Town of Washington, Oklahoma, and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a Municipal water line, are hereby required, at their expense, to connect their facility with the proper Municipal water line (in accordance with all Municipal requirements) and pay all Municipal fees and use charges therefore, within one hundred and twenty (120) days after the date of official Municipal notice to do so; provided, that, the Municipal water line is within three hundred (300) feet of the property line.

B. It shall be hereinafter unlawful for any person to maintain or establish a private water well or service a facility, unless said person shall first be connected to the Municipal Water system and pay the monthly water fees and charges; provided, that, said person also meets all the requirements for mandatory hook-up established in Subsection 1 (above).

C. No unauthorized person shall make any connections with any Municipal water line without first having made application therefor to the Town Clerk-Treasurer, and without first having paid the established fee.

D. Where a Municipal water line does not lie within three hundred (300) feet of the property line, or is not scheduled to be placed within three hundred (300) feet of the property line in the near future (1-5 years), an individual may utilize or establish a private water well without connection to the Municipal Water System and therefore, without payment to the Municipal Water System fees and charges.

E. All persons receiving water services in or out of the corporate boundaries of the Town of Washington, Oklahoma, must have a working water meter installed and operating, and approved by the Municipal Government, at each individual residence, other building or account; all sales outside said corporate boundaries after January 1, 2002, shall be on the basis of a Water Sales Contract.

F. The requirements of this Section shall not apply to persons currently being served directly by an existing Rural Water District.

Section 16-11. Tampering With or Injuring Municipal Water System.

It shall be unlawful for any person to injure or deface, or in any way tamper with, any portion of the Municipal Water System, or to turn the water off or on from any main at any time or place, unless said person is duly authorized so to do by the Washington Public Works Authority.

Section 16-12. Water Rates, Fees and Charges.

A. Water rates shall be established and maintained in the Manual of Fees as approved by Resolution by the Board of Trustees.

B. Deposits for utilities shall be established and maintained in the Manual of Fees as approved by Resolution by the Board of Trustees.

C. Water tap fees shall be established and maintained in the Manual of Fees as approved by Resolution by the Board of Trustees.

D. Water and Utility payments shall be due on the 15th of the month following billing. Disconnection notices shall be sent and utilities disconnected if overdue amounts are not paid by the 10th of the next following month. For example, if a customer fails to pay a balance due on October 15 and has not yet paid that balance by November 10, utilities will be disconnected. Disconnect and reconnect fees shall be charged in accordance with the Manual of Fees approved by the Board of Trustees.

Section 16-13. Permits for Water Wells.

A. In order to protect the Town's water supply and the financial security of the Municipal Water Supply System, it shall be unlawful for any person, firm or corporation to have or drill a new water well within the corporate limits of the Town of Washington, Oklahoma, without first having obtained a Permit to do so from the Office of the Town Clerk-Treasurer. Said Permit shall be issued, for a fee to be established by motion of the Town Board of Trustees, upon written agreement by the applicant to the following conditions:

1. That there is no re-sale of water obtained from any well;

2. Water from any well drilled in the Town shall be for use only by the individual property owner drilling said water well;

3. No cross-connections shall be allowed to any component of the Municipal Water System, including water lines, on private property, which are connected to the Municipal Water System; and

4. Wells shall meet all local, County and Oklahoma State Department of Health requirements.

B. No Permit shall be issued for any type of commercial use or commercial water use.

Section 16-14. Water Shortages.

A. Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity, or failure of equipment or material, the Mayor or the Town Board of Trustees, by majority vote thereof at any Regular, Special or Emergency Meeting, are hereby authorized to restrict or prohibit the use of water from the Municipal Water System.

B. An emergency exists whenever the Mayor or the Town Board of Trustees (by majority vote thereof at any Regular, Special or Emergency Meeting) reasonably determine that the Municipal 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.

C. Upon the determination that such an emergency exists, the Mayor or the Town Board of Trustees shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the Municipal System. Such an order may (a) restrict water usage during certain periods of the day or week or according to any orderly and non-discriminatory scheme and (b) prohibit usages not essential to public health and safety. The order may be revised from time to time as the Mayor or the Town Board of Trustees, deem necessary.

D. The proclamation required by the preceding Subsection shall be published in a newspaper of general circulation in the Town or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the Town. The emergency shall be in full force and effect upon publication. Substantial compliance with the Subsection is sufficient to effect the emergency.

E. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including, but not limited to, electronic means or by mail. The emergency shall be in full force and effect upon such notice; provided, that, if any such means is other than that required in Subsection 4 (hereinabove), the proclamation shall be republished in accordance thereof within twenty-four (24) hours of the first notice.

F. 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 Town Board of Trustees shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless said Town Board, by Resolution approved by a majority of all its members, extend the proclamation.

G. Any person feeling aggrieved by a proclamation of the Mayor or the Town Board of Trustees, shall have the right to present the matter to the next Regular or Special Meeting of the Town Board or to any emergency session called to discuss the water emergency. The Town Board 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 Town Board, 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 Town Board, all water users shall be bound by the proclamation.

Section 16-15 through 16-19. (Reserved for future use).

Article 3 - Municipal Sewer System

Section 16-20. Use of Municipal Sewer System.

It shall be unlawful for any person, firm or corporation to make any connection to the Municipal Sewer System without first complying with all applicable provisions of this Code of Ordinances and all requirements of the Washington Public Works Authority.

Section 16-21. Mandatory Sewer Connections.

A. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the Town of Washington, Oklahoma, and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Town, are hereby required, at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within one hundred and twenty (120) days after the date of official Municipal notice to do so; provided, that, such public sewer is within three hundred (300) feet of the property line.

B. Said notice (above) shall be served by any designated agent of the Town by delivering a true and correct copy to the property owner, or leaving the same at said person's usual place of residence with a member of the family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

C. Any person who shall fail, neglect or refuse to comply with the terms of this Section after having been notified so to do, as provided herein, shall be guilty of an offense. In the event of a continuous violation of this Section by any property owner, the Town may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

Section 16-22. Private Sewage Disposal Facilities.

A. Except as hereinafter provided in this Code of Ordinances, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage, within the corporate limits of the Town of Washington, Oklahoma.

B. Where a connection to a public sanitary sewer lines is not required under the provisions of Section 16-21, a private septic tank facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the Local and County Health Office, and in compliance with the recommendations and requirements of the Oklahoma State Department of Health. No septic tank shall be permitted to discharge to any public sewer or natural outlet.

C. The owners of private septic tanks shall operate and maintain the same in a sanitary manner at all times, at no expense to the Town, and no statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Local, County or State Health Officers.

D. At such time as a public sewer becomes available to a property served by a septic tank, a direct connection shall be made to such public sewer in compliance with Section 16-21, and the septic tank shall immediately be abandoned and filled with suitable material.

Section 16-23. Sewer Rates and Fees.

Charges for sewer services provided by the Washington Public Works Authority shall be established and maintained in the Manual of Fees as approved by Resolution by the Board of Trustees.

Section 16-24 through 16-29. (Reserved for future use).

Article 4 - Municipal Solid Waste System

Section 16-30. Collection and Disposal Declared to be a Municipal Function.

The collection and disposal of garbage, trash and refuse and other solid waste is hereby declared to be a Municipal function for the Town of Washington, Oklahoma, as a protection of the public health; the police powers of said Town shall be invoked when necessary for the enforcement of this Chapter. In addition, the Town of Washington, Oklahoma, may collect and dispose of refuse, as it deems necessary; provided, that, such disposal shall be an approved method of incineration (not open burning) or by landfill and daily cover.

Section 16-31. Purpose.

It is the purpose of this Article and it is hereby declared to be the policy of the Town of Washington, Oklahoma, pursuant to the authority of the Oklahoma Solid Waste Management Act (Title 63 O.S. 1991, Section 2251-2265, inclusive and as amended), to regulate the collection and disposal of solid waste in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the Community's environment.

Section 16-32. Definitions.

A. Refuse. The word "refuse" shall mean tree trimmings, junked building and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as "solid waste" or "trash".

B. Solid Waste. The term "solid waste" shall include all putrescible and nonputrescible refuse in solid or semi-solid form, including, but not limited to, garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semi-solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).

C. Solid Waste Management System. The term "solid waste management system" shall mean the entire process of storage, collection, transportation, processing and burying solid waste at or in a site

approved by the Oklahoma State Department of Health.

D. Trash. The word "trash" shall mean paper, rags, containers or paper, in cans, yard and house sweepings and all other household waste, but not tree trimmings, building and manufacturing waste, sewage and rocks, raw dirt, rainwater and other liquid refuse properly disposable through the sanitary sewers of the Town.

Section 16-33. Accumulation of Nuisance; Containers.

A. It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this Article and punishable as such, and in addition is declared to be a nuisance and may be abated as such.

B. Any person constructing any structure within the Town of Washington, Oklahoma, shall prior to construction on any premises, furnish and place on said premises a container of suitable size and design (35 gallon maximum) to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises; said container shall be used for the person concerned at all times to keep the premises from becoming unsightly with solid waste, and shall always be kept covered.

C. Any person who fails to keep the premises on which any structure is being built or installed free from solid waste and who allows said waste to blow or be carried from the premises to adjoining or other property or into the streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this Code of Ordinances prescribed therefor.

Section 16-34. Burning of Solid Waste.

A. It shall be an offense for any person to start or maintain any fire or cause any fire to be started or maintained for the purpose of unlawfully burning or incinerating any solid waste.

B. It shall be an offense to construct or install, within any building in the Town of Washington, Oklahoma, any unlawful incinerator designed to burn solid waste.

Section 16-35. Charges for Solid Waste Collection and Disposition.

Charges for solid waste services provided by the Washington Public Works Authority shall be established and maintained in the Manual of Fees as approved by Resolution by the Board of Trustees.

Section 16-36 through 16-39. (Reserved for future use).

Article 5 - Municipal Park and Recreational Facilities

Section 16-40. Rules and Regulations for Municipal Parks.

A. The park and recreational area and facilities owned and operated by the Town of Washington, Oklahoma, shall be closed to the public from 1:00 o'clock a.m. of each night until 6:00 o'clock a.m. of the following day, and it shall be unlawful for any person to remain in or upon said area or facilities between said hours for any purpose.

B. It shall be unlawful for any motor vehicles to be used in or upon said park areas or facilities, except in those areas designated (by markings or signs) as roadways, driveways or parking areas, within said park areas or facilities.

C. It shall be unlawful for any person or group of persons to damage, remove, deface or destroy any equipment or property owned by the Town of Washington, Oklahoma, located within said park areas or facilities.

D. The Town's public park areas may not be used for overnight camping purposes by any person, firm or corporation, whether a resident or a non-resident of the Town of Washington, Oklahoma.

Section 16-41 through 16-49. (Reserved for future use).

Article 6 - Municipal Cemetery

Section 16-50. Monument Maker Permit.

No monument or grave marker shall be set, established or placed in the Washington Cemetery until and unless the person placing the same has obtained from the Cemetery Superintendent or the Washington Town Clerk-Treasurer a Permit in writing therefor. Said Permit shall indicate the location for the marker, the name of the person securing the same and the cost thereof which shall not be less than Ten Dollars ($10.00) or such other fee as the Trustees shall hereafter established by Ordinance.

Section 16-51. Burial Vaults.

A. All burials shall require a concrete or steel vault for all caskets to be place in.

B. The Town of Washington or Washington Cemetery shall open and close all graves unless otherwise specified by the Town or Association.

C. There will be a minimum charge of $300.00 on weekdays and $600.00 on weekends for opening and closing each grave, There will be no holiday burials.

Sections 16-52 through 16-59. (Reserved for future use).

Article 7 - Municipal Library System

Sections 16-60 through 16-69. (Reserved for future use).

Article 8 - Industrial Wastes

Sections 16-70 through 16-99. (Reserved for future use).

Article 9 - Miscellaneous Provisions

Section 16-100. Turning on Utilities.

A. It shall be unlawful for any person to turn a utility on to any premises from any Municipal Utility System, without written permission of the Town Clerk-Treasurer. Utilities shall not be turned on until any and all deposits and charges have been paid. The Town Clerk-Treasurer shall see that the utility is turned on when all requirements for service have been complied with.

B. When a utility has been turned off by Municipal personnel, it shall not be turned on again without written permission of the Town Clerk-Treasurer.

Section 16-101. No Service Connection Until Bills Have Been Paid; Cut-Offs.

A. A person owing delinquent Municipal utility bills or other charges in connection with any Municipal Utility System shall not be extended additional service until such bills and charges have been paid.

B. Utilities may be cut off and service disconnected for any of the following reasons:

1. Violation of any Ordinance provisions relating to any Municipal Utility or Service System, or violation of any Ordinance provisions or any provisions of a Code adopted by reference, relating to water and sanitary plumbing or electrical installations, as the case may be; or

2. Failure to pay a utility bill or other proper charge made in connection with the Municipal Utility System by the time specified by Ordinance.

C. A particular service may be cut off for any act or omission in regard to the abuse of another Municipal System or Service, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.

D. The Town reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, to protect life or property, or to repair or improve the Municipal Utility System.

Section 16-102. Customers to Keep Service Pipes in Good Repair.

All customers using any Municipal Utilities System shall keep their service pipes and other apparatus in good repair and in proper operation, and shall not unnecessarily waste water nor contribute to unsanitary conditions.

Section 16-103. Town Not Responsible for Utility Interruption.

The Town shall not be responsible for any damages due to stoppage or interruption of any utility or service.

Section 16-104. Municipal Personnel May Inspect Private Premises.

Personnel in the service of the Town of Washington, Oklahoma, may enter any private premises served by Municipal utilities at any reasonable time, and inspect the pipes, fixtures and/or wiring on the premises.

Section 16-105. Interference with Fire Hydrants; Damage of Utility System.

A. It shall be unlawful for any person, unless duly authorized, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the Town of Washington, Oklahoma.

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

C. It shall be unlawful for any person to damage, destroy or tamper with any pipes, lines, meters or other equipment or property which is a part of any Municipal Utility System.

Sections 16-106 through 16-109. (Reserved for future use).

Article 10 - Penalty

Section 16-110. Penalty.

Every person who violates any provision of this Chapter, or of any Ordinance, Code or standard adopted by this Chapter, or maintains or permits to continue any situation defined by this Chapter as unlawful, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 17 - STREETS AND OTHER PUBLIC AREAS

Article 1 - Use and Obstruction

Section 17-1. Trees and Shrubbery.

A. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the public right-of-way and on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any street, sidewalks or 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 herein required of the owner.

B. It shall be unlawful for any person to injure any tree or shrubbery within any public right-of-way; provided, that, this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

C. Any owner, lessee or occupant of any property abutting on any street shall not allow any man-made or natural view obstruction at any corner intersection, particularly within the "sight triangle" created by definition in the Town's adopted Zone Ordinance.

Section 17-2. Rights-of-Way and Easements.

A. It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to, any publicly-used street, alley, easement or other Municipally-owned property, whether platted or unplatted; provided, that, the Town of Washington, Oklahoma, may prevent or provide access to such streets, alleys, easements and Municipally-owned properties from time to time, in the public interest.

B. The Town Board of Trustees may permit certain streets, alleys, easements and Municipal properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that, said Town Board or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.

C. Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened, streets, alleys, easements or Municipally-owned properties, as permitted above, shall:

1. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;

2. Maintain the property so that no nuisance is created;

3. Immediately relinquish any rights presumed to be held concerning the property, upon notice by the Town of Washington, Oklahoma; and

4. Permit access to the property at any time when requested to do so by a Municipal officer or employee.

D. It shall be unlawful for any person, firm or corporation to construct, erect, build, or cause to be constructed, erected or built, any fence, of whatever height or material, within any dedicated road right-of-way in the Town of Washington, Oklahoma.

Section 17-3. Obstructions.

A. It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights-of-ways of the Town of Washington, Oklahoma, in any manner so as to interfere unduly with pedestrians or other lawful traffic and parking thereon, or to interfere unduly with the purpose (s) of said easement or right-of-way.

B. It shall be unlawful for any person, firm or corporation to deposit, throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

C. It shall be unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk.

D. It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the Town of Washington, Oklahoma.

E. It shall be unlawful for any person to make any excavation or cutting on any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except when authorized to do so by the Town Board of Trustees; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

F. It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever, that will obstruct or prevent the natural flow of water through the easement or into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

Section 17-4. Drainage of Polluting Substance.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 O.S. 1991, as amended, Section 926.1) into any street, alley, sidewalk or public right-of-way of the Town of Washington, Oklahoma.

Section 17-5 through 17-9. (Reserved for future use).

Article 2 - Miscellaneous Provisions

Section 17-10. Honorary Street Designations.

A. Honorary designation of a street. The Board of Trustees, by resolution, may honorarily designate a street or public way. An honorary designation must reflect some special public interest, place, historic event, or honor a nationally recognized person or group, an elected official or outstanding citizen with townwide impact.

1. The street or public way to be honorarily designated shall be the shortest segment possible and shall not disturb the existing naming or numbering pattern.

2. Upon passage of an honorary street designation resolution, the Town Administrator shall direct the Public Works Department to erect new street signs with one to be placed at the beginning of the honorary segment and one to be placed at the end of the segment. Sign design and installation shall conform to applicable town standards and the latest edition of the Manual of Uniform Traffic Control Devices as published by the Federal Highway Administration or as directed by the Town Administrator.

B. There shall be no renaming, as opposed to honorary designation, of streets.

Section 17-10 through 17-49. (Reserved for future use).

Section 17-50. Penalty.

A. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in Section 17-2, after receiving ten (10) days' notice from the Chief of Police to do so, shall be guilty of an offense.

B. Any violation of this Chapter shall be deemed an offense and, upon conviction thereof, shall be punished by a fine not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Every day which a violation continues shall be deemed a separate offense.

CHAPTER 18 - TRAFFIC

Article 1 - Oklahoma Highway Traffic Safety Code Adopted

Section 18-1. Oklahoma Highway Traffic Safety Code Adopted.

A. The Oklahoma Highway Traffic Safety Code (Title 47 of the 1991 Oklahoma Statutes, as amended, and every ten (10) years' recodification thereof) is hereby adopted and incorporated in the Code of Ordinances of the Town of Washington, Oklahoma, as it set out at length herein, for the purpose of establishing locally appropriate rules and regulations for the control of traffic within said Municipality (47 O.S. 1991, Sections 1-101-960.)

B. The definitions of words used in this Chapter shall be the same as those definitions in Title 47, Oklahoma Statutes, 1991, Sections 1-101 through 1-186 (as amended).

C. The Office of the Town Clerk-Treasurer shall maintain at least three (3) copies of the current Oklahoma Highway Traffic Safety Code adopted by this Code of Ordinances, on file in the Office of said Town Clerk-Treasurer.

Sections 18-2 through 18-9. (Reserved for future use).

Article 2 - Traffic Regulations

A. The Town Board of Trustees is hereby empowered to adopt and provide for the enforcement of regulations necessary to make the provisions of this Chapter and any other traffic or related Ordinances of the Town of Washington, Oklahoma, effective, and to adopt and provide for the enforcement of temporary regulations to cover emergencies and special conditions.

B. No person shall wilfully fail or refuse to comply with any lawful order or direction of the Chief of Police, any Police Officer, fireman or any other authorized Municipal employee.

Section 18-11. Speed Regulations.

A. Notwithstanding the maximum speed limit, enumerated in this Code, no person shall drive a vehicle upon an alley, highway, roadway, street or public area at a speed greater than, or less than, is reasonable or prudent under the conditions then existing, considering visibility, amount of traffic, condition of roadway surface, weather, visibility, presence of pedestrians, obstruction of view and other similar facts.

B. No person shall drive any vehicle upon a street at a speed greater than will permit him/her to bring it to a stop within the assured clear distance ahead.

C. Except when a special hazard exists that requires a lower speed for compliance with Subsection 1 of this Section, the limits specified in this Chapter, or established as authorized, shall be maximum lawful speeds. No person shall drive a vehicle on a street at a speed in excess of such maximum limits as follows:

1. Twenty-five (25) miles per hour on any street, except as maybe posted otherwise; and

2. The Town Manager has the authority to post lower speed limits than those prescribed in this Chapter, where special hazards exists.

D. The fact that the speed of a vehicle is lower than the designated limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. Speed shall be decreased as may be necessary to avoid colliding with any person or vehicle, or on entering the roadway in compliance with legal requirements. It is the duty of all persons to use due care and precaution.

E. Special speed limits are hereby established, except on State and Federal highways, in the Town as follows, an no person shall drive a motor vehicle at a speed in excess of such limits:

1. Definition: School Zone as used herein shall mean the school property and all streets and public roads within or abutting said school property or within seven hundred and fifty feet (750') thereof in any direction.

2. No person shall drive or operate a motor vehicle on any street in a School Zone within the corporate limits of the Town of Washington, Oklahoma, more than twenty (20) miles per hour on any day school is in session, between 7:30 o'clock a.m. and 4:00 o'clock p.m., unless otherwise posted.

3. No person shall operate or drive a motor vehicle at a speed greater than twenty (20) miles per hour on any street within three hundred (300) feet of a school bus loading or unloading school children for the purpose of attending or being returned from a special athletic or other special school sponsored event or meet or within three hundred (300) feet of school property wherein a football, basketball, track, baseball or other athletic game or meet is being played or where any other school-sponsored event is taking place, and said speed regulations shall apply fifteen (15) minutes prior to and fifteen (15) minutes after the conclusion of said athletic or school-sponsored event.

F. It is unlawful for any person to drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation. Police officers are hereby authorized to enforce this provision by direction to drivers and in the event of willful disobedience to this provision or refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be unlawful and constitute a blocking of traffic and a violation of the Section.

Section 18-12. Citation Tags; Failure to Comply.

A. Police Officers are hereby authorized to give notice to persons violating provisions of this Chapter, by

delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this Chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags shall indicate briefly the charge, shall bear the registration number of the vehicle and shall direct the violator to present the tag at the Police Station or other designated place with ten (10) days, or such other reasonable time as may be specified thereon. Nothing in this Section shall abridge the power to arrest any violator, to take said person into custody or to file a complaint against any violator at any time.

B. The Town Board of Trustees may require that Police Officers use serially-numbered citation tags furnished by the Town Clerk-Treasurer, and said Town Board may also require the use and handling of citation tags.

C. If a violator of any provision of this Chapter who has been given a citation tag as provided above, fails to appear in accordance with the instructions of such tag, the Chief of Police or an authorized agent shall send a letter or other written notice to the owner of the vehicle involved, informing said person of the violation, warning said person to appear and directing that, in the event such letter or notice is disregarded for a period of five (5) days, a complaint will be filed and a warrant of arrest issued; provided, that, nothing in this Section shall abridge the power to file a complaint prior to the expiration of such time.

D. In the event any person fails to comply with a citation tag given to such person, or attached to a vehicle, the Chief of Police shall have a complaint entered against such person before the Municipal Judge, and said Judge shall issue a warrant for said person's arrest.

Section 18-13. Authorized Emergency Vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of a law or Ordinance, or when responding to, but not upon returning from, a fire alarm, may exercise the following privileges:

1. Park or stand (irrespective of the provisions of this Chapter);

2. Proceed past a red or stop sign (slowing down as may be necessary for safe operation);

3. Exceed the maximum speed limits, so long as this action does not endanger life or property; or

4. Disregard regulations governing direction of movement or turning in specific directions.

B. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and/or visual signals, except that an authorized emergency vehicle, operated as a police vehicle, need not be equipped with, or display, a red light visible from the front of the vehicle.

C. Upon the immediate approach of any authorized emergency vehicle making required use of audible and/or visual signals, or of a police vehicle property and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way, 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, or shall clear the roadway in the safest possible manner, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.

D. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

Section 18-14. Duties of Policemen and Firemen.

A. It shall be the duty of the Chief of Police and any Police Officers to enforce the traffic regulations of the Town of Washington, Oklahoma, and all of the State Vehicle Laws applicable to traffic in said Municipality, to make arrests for traffic violations, to investigate accidents, to cooperate with other Municipal officials in the administration of the traffic laws and in developing ways to improve traffic conditions, and to carry out those duties specifically imposed upon said Police Officers by this Chapter and any other traffic or related Ordinances of said Municipality.

B. The Chief of Police and all assistants are hereby authorized to direct all traffic by voice, hand or signal, in conformance with traffic laws and Ordinances. In the event of a fire, other emergency or to expedite traffic or safeguard pedestrians, such officers may direct traffic as conditions may require, notwithstanding the provisions of the traffic Laws and Ordinances.

C. Firemen, when at the scene of a fire, may direct or assist Police Officers in directing traffic.

Section 18-15. Stopped School Bus.

A. No person shall pass any school bus (as defined by State Law) when such bus is stopped for the purpose of discharging or taking on passengers, and is displaying flashing red lights, as required by State Law.

B. All persons shall stop upon approaching a stopped school bus (as described in Subsection 1, above), regardless of the direction of said approach.

Section 18-16. Accident Reports; Leaving an Accident Scene.

A. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to, or death of, any person, or damage to any vehicle or other property to an apparent extent of more than three hundred dollars ($300.00), shall, as soon as practicable, report such accident to the Chief of Police or to the Police Department. Making out a written report of the accident in the Police Department, as soon as practicable after the accident (to be forwarded to the State Department of Public Safety in accordance with State Law), shall be deemed compliance with this Section.

B. Leaving the scene of an accident, as defined by current State Law, shall be unlawful within the corporate limits of the Town of Washington, Oklahoma.

Section 18-17. Driving by Unauthorized Persons.

A. It shall be unlawful for any person who does not have a valid driver's license, as required by State Law, to operate a motor vehicle within the corporate limits of the Town of Washington, Oklahoma.

B. It shall be unlawful and an offense for any person to permit an unlicensed driver to operate a motor vehicle within the corporate limits of the Town of Washington, Oklahoma.

C. It shall be unlawful and an offense for any person to authorize, or knowingly permit, any vehicle owned by, or under, said person's control, to be driven upon any of the streets or highways of the Town of Washington, Oklahoma, by any person who is not authorized, under the Laws of the State of Oklahoma, to operate such vehicle.

Section 18-18. Reckless Driving.

It shall be unlawful for any person to drive any vehicle within the corporate limits of the Town of Washington, Oklahoma, in a careless, negligent or reckless manner, without regard for the safety of persons, property or the lawful use of the streets, such person shall be guilty of reckless driving.

Section 18-19. Driving Under the Influence.

It shall be unlawful for any person who is under the influence of alcoholic beverages, narcotic drugs or other controlled, dangerous substances, to drive, or be in actual physical control of, any vehicle within the corporate limits of the Town of Washington, Oklahoma.

Section 18-20. Vehicles Not to be Driven on Sidewalk.

The driver of any vehicle shall not drive upon any sidewalk or sidewalk area, except at a permanent or temporary driveway.

Section 18-21. Following Too Closely.

The driver of any vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles and the traffic upon, and the condition of, the roadway.

Section 18-22. Backing.

A. The driver of any vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

B. The driver of any vehicle shall not back the same a greater distance than is necessary to permit it to enter the immediately-available proper driving lane; no extending backing shall be permitted.

Sections 18-23 through 18-29. (Reserved for future use).

Article 3 - Impoundment of Vehicles

Section 18-30. Purpose and Effect of Impoundment.

Impoundment of vehicles under the authority of the provisions of this Article shall be construed as an enforcement procedure for protection of the public peace, safety, welfare and 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 in the Town of Washington, Oklahoma, from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

Section 18-31. Place of Impoundment.

Every vehicle that is impounded under the provisions of this Article shall be removed to the nearest garage, or other place of safekeeping designated by the Town Board of Trustees, and shall not be removed to any other place.

Section 18-32. Duration of Impoundment.

A. Unless otherwise provided hereinafter, any vehicle impounded under the provisions of this Code of Ordinances shall be stored and held safely until a written order for its release, signed by the Chief of Police (or a designated representative), has been issued.

B. The written order for release shall be conditioned upon:

1. Payment of all impoundment costs and accrued storage charges assessed against the vehicle, by the person to whom the release is issued, and

2. Payment of all fines and costs due the Town of Washington, Oklahoma, because of traffic law or other Law violations involving the vehicle, or proper security posted for said fine or Law violation.

Section 18-33. Redemption and Release of Vehicle.

A. The person holding the written order for release shall be entitled to obtain possession of the vehicle upon presentation of the order for release at the place of impoundment, together with payment (or tender of payment) of all impoundment costs and accrued storage charges due.

B. The Town Clerk-Treasurer is hereby authorized to release vehicles which have been impounded (and accept agreements and bonds to save the Town of Washington, Oklahoma, harmless by such releases) to persons other than the registered owner of the vehicle.

C. Any party claiming an interest in an impounded vehicle shall submit (by written instruments or other documents), to the Town Clerk-Treasurer and the Chief of Police, proof of compliance with the following requirements:

1. Proof of interest; and

2. Agreement to save and hold harmless the Town of Washington, Oklahoma, and all of its employees.

Section 18-34. Authority to Impound Vehicles.

A. The Chief of Police of the Town of Washington, Oklahoma, and members of the Municipal Police Department, are hereby authorized, within the limits set forth in this Chapter, to impound vehicles under the circumstances hereinafter enumerated.

B. No impoundment shall be valid unless made under order of an authorized Police Officer, and in strict adherence to the procedures established in this Article and other policies of the Town of Washington, Oklahoma.

Section 18-35. Causes of Impoundment.

A. A disabled vehicle upon a street or highway may be impounded, under the following circumstances:

1. If left unattended and improperly parked on a street or highway;

2. If left unattended longer than seventy-two (72) hours on the shoulder of any highway; or

3. 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.

B. Any unattended vehicle left upon any bridge, viaduct, causeway or within the structure of a grade separation, may be impounded.

C. Whenever the driver, or person in charge, of any vehicle is placed under arrest, taken into custody and detained by police under circumstances which leave, or will leave, a vehicle unattended on any street or highway, the vehicle may be impounded.

D. A vehicle left unattended upon any street, alley or thoroughfare, and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic, shall be impounded.

E. When any derelict vehicle is discovered by the Police Department to have been parked upon any street in the Town of Washington, Oklahoma, for a period of seventy-two (72) hours, or more, the Police Department is authorized to impound the vehicle, and if the owner of the vehicle may be ascertained by reasonable diligence, the owner shall be notified of the action by the Police Department.

F. A trespassing, unattended vehicle may be impounded when the required complaint has been properly made and filed. 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; 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. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe a violation has occurred, the Police Department shall cause the vehicle to be impounded and placed in storage.

G. Any unattended vehicle parked at the street curbing of any zone where parking is prohibited, and where official signs are in place giving notice thereof in violation of the prohibition, may be impounded.

H. Any vehicle illegally parked in such a manner that is blocking a fire escape, ladder or exit, or blocks ready access to a fire hydrant, shall be impounded.

I. 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.

J. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time, not exceeding eight (8) hours, or cannot be determined from the registration papers or other identification in the vehicle (or from records or information available from reports of stole cars), the vehicle may be removed to the nearest authorized place of impoundment and the registered owner of the vehicle notified of the location of the place of impoundment as soon as possible by the Police Department. 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 arrangements for the removal of the vehicle within a period of twenty-four (24) hours from the time he or she is actually notified of its recovery; if the owner is unable or unwilling to effect the removal within the time specified, the vehicle may be impounded.

Section 18-36. Abandoned, Wrecked or Non-Operating Vehicles.

A. Definitions: The following words, terms and phrases, are their derivations, when used in this Section, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

1. Junk Vehicle. Any motor vehicle or vehicle as defined herein, which is wrecked, dismantled, partially dismantled inoperative, abandoned or discarded.

2. Motor Vehicle. Any vehicle which is self-propelled and designed to travel along the ground or water; the term shall include, but not be limited to, automobiles, boats, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts and golf carts.

3. Private Property. Any real property within the Town of Washington, Oklahoma, which is not public property.

4. Public Property. Any real property which is dedicated to the public use of the Federal, State or Municipal Government, or any political subdivision thereof, and which is owned or leased, or control and dominion is exercised over, for public purposes.

5. Vehicle. A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and to transport persons or property or pull machinery, and includes, without limitation, automobiles, truck, trailer, motorcycle, tractor, buggy and wagon.

B. It shall be unlawful and an offense for any person to park, store or leave, or to permit the parking, storing or leaving of, any junk vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any private property within the Town for a period of time in excess of ten (10) days.

C. The presence of any junk vehicle or any abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Codebook.

D. The provisions of this Section shall not apply to any vehicle or motor vehicle enclosed within a building on private property, or to any vehicle held in connection with a lawful business enterprise, and properly operated as such business enterprise in the appropriate Zoning District, pursuant to the Town's Zoning Ordinance, or to any vehicle or motor vehicle in operable condition, or any vehicle retained by the owner for antique collection purposes in an enclosed storage place, maintained in a lawful place and manner.

E. The provisions for abatement of "public nuisance" contained herein shall not apply to junk vehicles or to those which are in abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any public property within the Town for a period of time in excess of twenty-four (24) hours. The Notice, hearing and abatement shall be pursuant to the procedures described herein for public nuisance on public property.

F. A rebuttable presumption shall exist that vehicles have been abandoned when:

1. Weed and/or grass undergrowth would indicate to be reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

2. One (1) or more wheels are flat or missing, and the vehicle or boat displays an expired license and/or inspection tag;

3. Portions of the vehicle which are needed for its operation or control are missing;

4. The Town has received reports from others as to the length of time such vehicle has been standing in one (1) place without being moved, or that parts are being taken from, or added to, such vehicle, indicating a salvage or garage operation; or

5. Evidence exists that provisions of this Codebook pertaining to Zoning or to junk and salvage yards, are being violated.

G. Whenever it comes to the attention of a public official of the Town of Washington, Oklahoma, that any junk vehicle, as defined herein, exists as a public nuisance in the Town, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the event that there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Section. A written, public nuisance Notice To Remove Or Abate shall be placed on the vehicle advising the owner of the violation of the Codebook and of the twenty-four (24) hours to remove said nuisance from the public property. Concurrent with the abatement notice placed on the vehicle or motor vehicle, the owner of said vehicle or motor vehicle shall be issued a citation. Failure to remove the vehicle or motor vehicle shall be an offense, and shall be punishable by a fine not to exceed thirty-five ($35.00) dollars.

H. Upon proper notice and opportunity to be heard, the owner of the junk vehicle, or other abandoned, wrecked, dismantled, or inoperative vehicle or boat, or public property, shall be liable for all expenses reasonably incurred by the removal and disposition.

I. The Town Clerk-Treasurer, or designee, shall give notice of removal to the owner or occupant of the private property where any junk vehicle and/or any abandoned, wrecked, dismantled or inoperative vehicle or boat is located, at least ten (10) days before the time set for compliance. It shall constitute sufficient notice when a copy of the Notice To Remove Or Abate is posted in a conspicuous place upon the private property upon which the vehicle or boat is located.

The Notice To Remove Or Abate shall contain the demand for removal within the (10) days, and the Notice To Remove Or Abate shall state that upon failure to comply with the Notice To Remove Or Abate, the Town shall prosecute a criminal complaint for failure to abate the nuisance and/or undertake such removal, with the cost to be levied against the owner of the junk vehicle and/or the occupant of the property.

J. Any person to whom any Notice To Remove Or Abate is directed pursuant to the provisions on this Article or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the Town Clerk-Treasurer, within the ten (10) day compliance period, for the purpose of contesting the Town's demand for removal. The Town Clerk-Treasurer, Chief of Police (or designee) and the Town Attorney (or designee) shall constitute a Hearing Board to hear the request.

K. The hearing shall be held as soon as practicable, but not earlier than five (5) days after receipt of the request, and not alter than fifteen (15) days after such receipt. Notice of the time and place of hearing shall be directed to the person (s) making the request. At any such hearing, the Town and the person (s) to whom Notice has been directed, may introduce witnesses and evidence.

L. Persons to whom the Notice To Remove Or Abate is directed pursuant to the provisions of this Section, or their duly authorized agent, may appear in Municipal Court pursuant to the Citation and Summons. Those convicted of failing to abate a public nuisance pursuant to this Section shall be assessed Court costs in addition to any other penalty assessed by the Municipal Court. If the public nuisance is abated prior to the hearing date stated on the Summons, and the person issued the Summons to appear in Municipal Court signs an affidavit before the Court Clerk attesting to the abatement, the Town Attorney may recommend to the Municipal Court that charges be dropped.

M. If the violation described in the Notice To Remove Or Abate has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing had, or his/her designee, the Town Attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the Town shall, at the discretion of the Town Clerk-Treasurer, take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the Town or the Town Clerk-Treasurer authorized to enter upon private property for the purpose of removing a vehicle under the provisions on this Section.

N. Within forty-eight (48) hours of the removal of such junk vehicle, the Town Clerk-Treasurer, or his/her designee, shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed, that said vehicle or motor vehicle has been impounded and stored for violation of this Codebook. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming said vehicle, including cost of redemption.

O. Upon removing a junk vehicle under the provisions of this Section, the Town shall, after ten (10) days, cause it to be appraised. If the vehicle or boat appraises at seventy-five ($75.00) or less, the Town Clerk-Treasurer, or his/her designee, shall execute an affidavit so attesting and describing the vehicle or motor vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle or motor vehicle. After complying with the above, the Town may summarily dispose of the vehicle or boat and execute a bill of sale. If the vehicle or boat is appraised at over seventy-five ($75.00), notice of public sale shall be given not less than ten (10) days after the date of the proposed sale.

P. The owner of any vehicle or motor vehicle impounded under the provisions of this Section, may redeem such vehicle or motor vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the Town Clerk-Treasurer of such sum as may be determined by the Town Clerk-Treasurer and fixed as the actual and reasonable expense of removal, plus storage.

Q. Upon the failure of the owner or occupant of property on which junk vehicles have been removed by the Town to pay the uncovered expense incurred by the Town in such removal, the amount of the unrecovered cost may be added to the Municipal Utility bills directed to the occupants of the private property from which the junk vehicle was removed, and may be recovered in the same manner as such Utility bills.

R. IF the private property is not served by Municipal Utilities, or if collection efforts are not successful, the costs may be certified by the Town Clerk-Treasurer to the County Clerk of McClain County, who shall add the same to the ad valorem taxes assessed against the property, until paid, and shall be collected in the same manner as ad valorem taxes against the property; and when collected shall be paid to the Town of Washington, Oklahoma.

Sections 18-37 through 18-49. (Reserved for future use).

Article 4 - Vehicle and Equipment Prohibitions

Section 18-50. Injurious or Obstructive Vehicles; Oversized Vehicle Permits.

A. No vehicle or object which injures, or is likely to injure, any street within the Town of Washington, Oklahoma, shall be driven or moved on any street within said Municipality.

B. No person shall drive any vehicle which is in such condition, so constructed or so loaded as to cause, or be likely to cause, a delay in traffic or constitute a hazard to persons or property, without having obtained an Oversized Vehicle Permit from the Office of the Town Clerk-Treasurer.

Section 18-51. Size and Weight of Vehicles; Truck Routes.

A. No person shall drive or convey through any street any vehicle, the width, height, length, weight or load of which exceeds that authorized by State Laws, except in accordance with a Permit issued by State authority.

B. Except for the purpose of making local deliveries, vehicles required by State Statute to be licensed or permitted for three (3) ton or greater capacity, shall be prohibited from using any public street, alley or place within the Town of Washington, Oklahoma, for travel, except legally-designated truck routes or State and Federal highways.

C. The Town Board of Trustees may prescribe routes through the Municipality for the use of trucks and/or other vehicles, which are not ordinary private passenger vehicles, passing through the Town of Washington, Oklahoma. When it is necessary for vehicles of the class hereinabove described to travel to and from a location on any of the Town's public streets, alleys or places for the purpose of loading or unloading merchandise, or the provisions of necessary services at such location, the route traveled shall be as short and direct as possible from and to the most available, legally-designated truck route or State or Federal Highway.

D. The Town Board of Trustees shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes. When such signs are erected and in place, the driver of a truck or other vehicle for which a route

has been so prescribed, while passing through the Town of Washington, Oklahoma, shall keep on such route and shall not deviate therefrom, except in case of emergency.

Section 18-52. Mufflers and Cut-Outs.

No motor vehicle with an internal combustion engine shall be operated within the Town of Washington, Oklahoma, unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler, cut-out, or exhaust or vacuum whistle shall be used on any motor vehicle, except that exhaust whistles may be used on authorized emergency vehicles.

Sections 18-53 through 18-59. (Reserved for future use).

Article 5 - Traffic Control Devices

Section 18-60. Installation of Traffic Control Devices.

The Town Board of Trustees shall have traffic-control signs, signals and devices placed and maintained, as required under the Ordinances of the Town of Washington, Oklahoma, to make the provisions of such Ordinances effective.

Section 18-61. Specifications for Traffic Control Devices.

All traffic-control signs, signals and devices shall conform to the Manual and Specifications approved by the Oklahoma State Highway Department. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the Municipality. All traffic-control devices so erected and not inconsistent with the provisions of State Law or this Chapter, shall be official traffic-control devices.

Section 18-62. Turn Signs and Indicators.

A. The Town Board of Trustees is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall have placed 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 said signs.

B. Whenever authorized signs are erected, indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

C. Unless otherwise indicated by such a sign, a right turn on red or stop shall be permitted after the vehicle has come to a complete stop.

Section 18-63. Designation and Marking of One-Way Streets.

Whenever the Town Board of Trustees designates any street, alley or part thereof as a one-way street or alley, said Town Board shall have signs placed giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 18-64. Marking of Traffic Lanes.

The Town Board of Trustees designates any street, alley or part thereof as a one-way street or alley, said Town Board shall have signs placed, giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 18-65. Marking of Traffic Lanes.

A. The Town Board of Trustees is hereby authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lanes, except when lawfully passing another vehicle, preparing to make a lawful turning movement or as otherwise authorized by Ordinance.

Section 18-66. Designation and Marking of Crosswalks.

The Town Board of Trustees shall have the authority to designate, by appropriate devices or lines upon the surface of the roadway, crosswalks at intersections or other places where, in its opinion, there is particular danger to pedestrians crossing the roadway.

Section 18-67. Unauthorized Signs or Devices.

A. No person shall place, maintain or display, upon or in view of any highway, an unauthorized sign, signal, marking or device which purports to be, is an imitation of, or resembles an official traffic-control device or railroad sign or signal, which attempts to direct the movement of traffic, which project any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

B. No person shall place or maintain, nor shall any public authority permit, upon any highway, any traffic sign, signal or device bearing thereon any commercial advertising.

C. This Section shall not be deemed to prohibit the placement, upon private property, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

D. Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance, and the Town Board of Trustees is hereby empowered to remove the same, or cause it to be removed.

Section 18-68. Classification of Streets.

A. The Town Board of Trustees may adopt, by Resolution, a Street Classification System for the Town of Washington, Oklahoma. Whenever such a system is adopted, it shall be the duty of said Town Board to have stop signs placed and maintained, or if deemed more appropriate at any intersection, yield signs, on each and every street involved in the implementation of the Classification System (unless

traffic at any intersection is controlled at all times by traffic-control signals).

B. The Town Board of Trustees is hereby authorized to determine and designate intersections where a particular hazard exists and to determine:

1. Whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event it shall cause to be erected a stop sign at every such place where a stop is required; or

2. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection, in which event, it shall cause to be erected a yield sign at every place where obedience thereto is required.

C. Every stop and yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is not crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

Sections 18-69 through 18-79. (Reserved for future use).

Article 6 - Parking, Stopping and Loading

Section 18-80. Stopping or Parking Prohibited in Specified Places.

A. No person shall stop or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with State Law, Ordinance, the directions of a police officer or traffic-control device, or in an emergency situation, in any of the following places:

1. On any sidewalk or between the sidewalk and any street;

2. In front of, or obstructing, any public or private driveway;

3. Within an intersection;

4. Within fifteen (15) feet of a fire hydrant (except in an officially-marked parking space);

5. Within or on a crosswalk;

6. Within twenty (20) feet of the driveway of any fire station;

7. Near any street work or excavation, when stopping or parking would obstruct traffic;

8. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double-parking or double-stopping);

9. In any alley where less than ten (10) feet of the roadway will be left available for the movement of vehicular traffic; or

10. At any place where official signs prohibit stopping.

B. The Town Board of Trustees is hereby authorized to establish parking time limits, and to prohibit parking on designated streets and parts of streets by having appropriate signs placed thereon.

C. It shall be unlawful for any person to place or park a motor vehicle in any parking space on (a) private property accessible to the public and where the public is invited, or (b) on public property, that is designated and posted as a reserved area for parking of motor vehicles of physically disabled persons, unless such person has a physical disability insignia (consistent with the provisions of Title 47 of Oklahoma Statutes) and such insignia is displayed as provided as provided in said Title 47 of Oklahoma Statues (or other regulations adopted pursuant thereto).

Section 18-81. Angle Parking.

A. The Town Board of Trustees may determine upon what streets and parts of streets, angle parking shall be permitted, and shall have such streets marked or signed.

B. On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicted by such signs or markings, or outside of the area enclosed by said markings.

Section 18-82. Standing or Parking Close to Curb; Brakes.

A. Except as otherwise provided in this Article, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be so stopped or parked with the right-hand wheels of such vehicle parallel to, and within eighteen (18) inches of, the right-hand curb; provided, that, every vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs, shall be parked or stopped with the left-hand wheels parallel to, and within eighteen (18) inches of, the left-hand curb.

B. Adequate brakes shall be set on all parked vehicles.

Section 18-83. Parking on Private Property; Truck Parking.

A. It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the person in charge of such property, except where said placing or parking is involuntary.

B. A landowner, or other person in charge of the land, may cause any motor vehicle or trailer which is left on private property after posted hours, to be removed and impounded by an appropriate wrecker service. The Police Department or any Police Officer is also authorized to remove any unauthorized vehicles from private property upon direction of the owner of the property or persons in charge of the property. The Town of Washington, Oklahoma, any landowner or person in charge of the property shall not be liable for any damages which may occur to the trespassing vehicle or trailer under the terms of this Section. While the same is trespassing, while it is being removed from said property or while it is in storage.

C. It shall be unlawful for any person to park a truck or trailer over one (1) ton capacity or being used for transport of gasoline or liquefied petroleum gas, on any street or alley in any residential area of the Town of Washington, Oklahoma.

Section 18-84. Presumption in Reference to Illegal Parking.

A. In any prosecution charging a violation of any Law or Ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Law or Ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

B. The foregoing stated presumption shall apply only when the procedure of giving a citation tag has been followed.

Section 18-85. Loading Zones.

A. The Town Board of Trustees is hereby authorized to determine the location of passenger and freight curb loading zones, and shall have appropriate signs placed, indicating the same and stating the hours during which the provisions of this Section are applicable. By the same authority, such loading zones may be changed or discontinued.

B. When such a loading zone is established upon the request of any person, firm or corporation, the Town Board of Trustees shall not have signs placed until the applicant has paid to the Town Clerk-Treasurer an amount of money estimated by said Town Board to be adequate to reimburse the Town for all costs of establishing the signing of the same.

C. 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.

Section 18-86 through 18-99. (Reserved for future use).

Article 7 - Bicycles

Section 18-100. Traffic Laws Applicable to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the Laws of this State declaring the rules of the road applicable to vehicles, or by the Ordinances of the Town of Washington, Oklahoma, applicable to the driver of a vehicle, except as to special regulations in this Article and to those provisions of State Law or Ordinances which by their nature, can have no application.

Section 18-101. Bicycle Equipment.

Every bicycle in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from all distances, up to five hundred (500) feet to the front, and with a red reflector on the rear, of a type which shall be visible from all distances up to three hundred (300) feet to the rear, when directly in front of lawful upper beams of headlamps on a motor vehicle.

Section 18-102. Obedience to Traffic Control Devices.

A. Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a Police Officer.

B. Whenever authorized signs are erected indicating that no right, left or U-turns 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.

Section 18-103. Riding on Bicycles.

A. No bicycle shall be used to carry more persons at a time than the number for which it is designed and equipped.

B. 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 vehicle standing or proceeding in the same direction.

C. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and not the roadway.

D. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

E. The operator of a bicycle emerging for an alley, driveway or building shall yield the right-of-way to all approaching pedestrians, and upon entering a roadway, shall yield the right-of-way to all approaching pedestrians, and upon entering a roadway, shall yield the right-of-way to all vehicles approaching on such roadway.

F. The Town Board of Trustees is authorized to have signs placed on any sidewalk or trafficway prohibiting the riding of bicycles thereon by any person; when such signs are in place, no person shall disobey the same.

Sections 18-104 through 18-109. (Reserved for future use).

Article 8 - Pedestrians

Section 18-110. Application of Article.

Pedestrians shall be subject to traffic-control signals, but, at all other places, shall be granted those rights and be subject to those restrictions in this Article.

Section 18-111. Pedestrians.

A. When traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk.

B. No pedestrian shall suddenly leave any place of safety, or walk or run into the path of a vehicle.

C. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 18-112. Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions of this Article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or confused or incapacitated person upon a roadway.

Sections 18-113 through 18-119. (Reserved for future use).

Section 18-120. Obedience to Chapter.

A. It shall be unlawful for any person, firm or corporation to authorize or knowingly to permit any vehicle registered to him, her or its name, to be driven or be parked in violation of any provisions of this Chapter.

B. The parent or guardian of any child or ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter.

Section 18-121. Public Officials and Employees.

A. The provisions of this Chapter shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, and any State, County, Municipal or other governmental unit or agency, as well as to other vehicles; it shall be unlawful for any such driver to violate any of the provisions of this Chapter, except as otherwise permitted in this Chapter or by State Law.

B. This Chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing military duty.

Section 18-122. Necessity of Signs.

No provisions of this Chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily-observant person. Whenever a particular Section does not state that signs are required, such Section shall be effective even though no signs are erected or in place.

Section 18-123. Vehicles; Equipment; Licensing; Inspection; Security Form.

A. It shall be unlawful to operate a vehicle which is not equipped as required by law upon any street within the Town of Washington, Oklahoma. It shall also be unlawful to fail to use such equipment in the manner required by Law, use it in a manner prohibited by Law or to operate a vehicle which has equipment prohibited by Law upon any street within said Town.

B. It shall be unlawful to operate a vehicle of any kind upon a street of the Town of Washington, Oklahoma, unless such vehicle is licensed and displays a valid license plate thereon, as required by State Law.

C. It shall be unlawful to operate a motor vehicle, or any combination of such vehicles licensed by the Oklahoma Tax Commission, unless said vehicle or vehicles bears a valid, official State Inspection Sticker issued by an official inspection station licensed by the Oklahoma Department of Public Safety; provided, that, such sticker is required by current State Law.

D. The owner of a motor vehicle registered in this State and operating said vehicle within the boundaries of the Town of Washington, Oklahoma, shall carry in such vehicle at all times a current owner's Security Verification Form (or an equivalent form which has been used by the Department of Public Safety) listing the vehicle, 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 said collision.

E. The following shall not be required to carry an owner's or operator's Security Verification Form (or an equivalent form) from the Department of Public Safety 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 a 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, used motor vehicle dealer.

F. The following definitions shall apply to Subsections 4, 5, 7, 8, 9 and 10 (herein):

1. "Compulsory Insurance Law". The term "Compulsory Insurance Law" shall mean the Law

requiring liability insurance in conjunction with the operation of a motor vehicle in this State, as found in Article VI, Chapter 7 of Title 47 of the Oklahoma Statues.

2. "Operator's Policy". The term "operator's policy" of liability insurance shall insure the named person against loss from the liability imposed by Law for damages arising out of the operation or use of any motor vehicle not owned by said person, subject to the same limits of liability required in an owner's policy.

3. "Owner's Policy". The term "owner's policy" of liability insurance:

   i. Shall designate, by explicit description or by appropriate reference, all vehicles with respect to which coverage is thereby to be granted;

   ii. Shall insure the person named therein and insure any other person, except as provided in this Subsection, 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;

   iii. May provide for exclusions from coverage in accordance with existing Law; and

   iv. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes, 1991.

4. "Security". The word "Security" means:

   i. A policy or bond meeting the requirements of Section 7-204 to Title 47 of the Oklahoma Statutes, 1991;

   ii. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes, 1991, as acceptable limits for a policy or bond; or

   iii. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, 1991, having the equivalency of limits required under Section 7-204 of said Title 47 as acceptable limits for a policy or bond.

5. "Security Verification Form". The term "Security Verification Form" shall mean a form, approved by the State Board of Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma. Said form shall contain the following minimum information:

   i. Name and address of carrier;

   ii. Name and address where security may be verified, if other than carrier;

   iii. Name of insured;

   iv. Notice that an owner's policy has been issued pursuant to Compulsory Insurance Law;

   v. Year, make, and at least the last three (3) digits of VIN of each insured vehicle (not required if Owner's Form states "Fleet Coverage);

   vi. Inclusive dates liability policy is in effect; and

G. A warning to the owner of State Law requirements.

H. Every operator of a motor vehicle registered in this State, shall, while operating or using such vehicle within the corporate limits of the Town of Washington, Oklahoma, carry either an operator's or an owner's Security Verification Form issued by a carrier (provided the operator is not excluded from coverage thereon) or an equivalent form issued by the Department of Public Safety, reflecting liability coverage. An owner's Security Verification Form issued to the owner of a motor vehicle may be used as an operator's Security Verification Form by an operator who is not the owner of the motor vehicle, if said operator is not excluded from coverage on the motor vehicle liability insurance policy for the vehicle; any such exclusions from said policy shall be included on the owner's Security Verification Form. An owner or operator who fails to produce for inspection a valid or current Security Verification Form (or equivalent form) which has been issued by the Department, upon request of any peace officer of the Town of Washington, Oklahoma, Police Department, shall be guilty of an offense.

I. A sentence imposed for any violation of this Section may be suspended or deferred in whole or in part by the Court.

J. Any person producing proof in Court that a current Security Verification Form or equivalent from which has been issued by the Department of Public Safety 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.

K. Upon conviction, bond forfeiture or deferral of sentence, the Court Clerk shall forward an abstract to the Department of Public Safety within ten (10) days, reflecting the action taken by the Court.

Section 18-124. Inspection of Vehicles.

Police officers shall have authority to inspect and test any vehicle upon the streets of the Town at any time, with reasonable cause, to determine whether it is safe, properly-equipped and whether its equipment is in proper adjustment and repair.

Section 18-125. Motorcycles.

A person operating a motorcycle, motorscooter or motorbicycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person, nor shall any other person ride on the vehicle, unless it is designed to carry more than one (1) person; in such event, a passenger may ride only upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

Section 18-126. Construction Zones.

A. Municipal personnel, contractors or utility companies, while repairing or improving the streets of the Town of Washington, Oklahoma, or when installing, improving or repairing lines or other utility facilities in the streets, are hereby authorized, subject to control by the Town Board of Trustees, to close any street, or section thereof, to traffic during such activity and shall erect or cause to be erected proper control devices and barricades to warn the public that such street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection 1 (above) and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle under, over, around or through such traffic-control devices or barricades, or otherwise to enter the closed area (except that the provisions of this Subsection shall not apply to persons while engaged in such construction, maintenance and repair, to persons having their place of residence or business within such closed area, who may travel through such area at their own risk).

C. Whenever construction, repair or maintenance of any street, utility line or facility is being performed, and the street is not closed to traffic in accord with this Section, the Municipal personnel, contractor or utility company concerned shall erect warning devices for the public. Every person using such street shall obey such warning devices.

Section 18-127. Persons Working on Streets.

A. Unless specifically made applicable, the provisions of this Chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities; provided, that, all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen.

B. The provisions of this Chapter shall apply to such persons and vehicles when traveling to or from such work.

Section 18-128. Riding or Clinging to Vehicles.

A. No person shall ride upon any vehicle or 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 person riding within truck bodies in space intended for merchandise.

B. No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same to any vehicle upon a roadway.

Section 18-129. Dangerous Objects in Streets.

It shall be unlawful for any person to place, cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass, stick or other thing which is likely to injure persons, damage property or render a street unsafe for traffic.

Section 18-130. Funerals.

A. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

B. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or Police Officers.

Section 18-131. Eluding of Police Officer.

It shall be unlawful and an offense for any operator of a motor vehicle who has received a visual and/or an audible signal (red light and/or a siren) from a Police Officer driving a motor vehicle, with insignia showing the same to be an official police, sheriff or Highway Patrol car, directing the operator to bring his vehicle to a stop, to wilfully increase his speed or extinguish his lights in an attempt to elude such Police Officer, to wilfully attempt, in other manner, to elude the Police Officer, or to elude such Police Officer.

Section 18-132. Following Fire Apparatus.

The driver of any vehicle, other than when 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.

Section 18-133. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of any 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 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.

Section 18-134. Obstruction of Driver's View.

A. No person shall drive a vehicle when it is so loaded, or when there are, in the front seat, such a number of persons exceeding three (3) as to obstruct the view of the driver to the front or side of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his or her control over the driving mechanism of the vehicle.

Section 18-135. Seat Belt Usage; Child Passenger Restraint System.

A. Every operator and front seat passenger of a passenger car operated in the Town of Washington, Oklahoma, 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 Standards 208. For the purpose of this Section, "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, 1991, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles, unless and until said exempt vehicles are included in coverage provisions by State Law.

B. This Section 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 said person unable to wear a safety seat belt system for medical reasons; provided, that, 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 belt system.

C. This Section shall not apply to an operator of a motor vehicle who is a route carrier of the United States Postal Service.

D. No Police Officer of the Town of Washington, Oklahoma shall make routine stops of motorists for the purpose of enforcing this Section.

E. Every driver, when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets or highways of the Town of Washington, Oklahoma, shall provide for the protection of said child by properly using (1) a child passenger restraint system in car, or (2) a properly-secured seat belt in the rear seat of the motor vehicle. For purposes of this Section, "child passenger restraint system" means an infant or child restraint system, a set by the United States Department of Transportation.

F. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt.

G. The provisions of Subsection 5 and 6 shall not apply to:

1. A non-resident driver transporting a child in the Town of Washinton, Oklahoma;

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 any ambulance or emergency vehicle;

4. The driver of a vehicle if all of the seat belts in the vehicle are in use; or

5. The transportation of children who for medical reasons are unable to be placed in such devices.

H. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of Subsection 5 and 6 of this Section, and to give an oral warning to said 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.

I. Any person convicted of violating Subsection 1, 2, 5 or 6 of this Section shall be punished by a fine of ten dollars ($10.00), and shall pay fifteen dollars ($15.00) Court Costs thereof, plus the LEOTF amount required by current State Law. This fine and all costs shall be suspended in the case of the first offense, against Subsections 5 and 6 only, upon proof of purchase, or acquisitions by loan, of a child passenger restraint system.

Sections 18-136 through 18-149. (Reserved for future use).

Article 10 – Penalty

Section 18-150. Penalty.

Any person, firm or corporation who violates any provisions of this chapter, performs any unlawful act as defined in this Chapter or fails to perform any act required in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day which a violation continues shall be deemed a separate offense.

CHAPTER 19 - TRANSPORTATION

Article 1 - Miscellaneous Provisions

Section 19-1 through 19-9. (Reserved for future use).

Article 2 - Penalty

Section 19-10. Penalty.

Any person, firm or corporation who violates any provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in Section 11-40, Article 3, Chapter 11 of this Code of Ordinances. Each day's continuation of any such violation shall be deemed a separate offense.

CHAPTER 20 - WARDS AND BOUNDARIES

Article 1 - Municipal Wards

Section 20-1. Trustees Elected at Large.

Pursuant to Oklahoma Statutes and Ordinance Number 95 (August 1988), there shall be no Ward boundaries required within the Town of Washington, Oklahoma, because all members of the Town Board of Trustees shall be nominated and elected at large, without regard for their place of residence within said Town. Ward numbers shall be retained, but shall not represent a specific area. (See also Chapter 1, Section 1-11, this Code of Ordinances.)

Section 20-2 through 20-9. (Reserved for future use).

Article 2 - Corporate Boundaries Map

Section 20-10. Corporate Boundaries Map.

A. A map depicting the current corporate boundaries of the Town of Washington, Oklahoma, shall be maintained and displayed in the office of the Town Clerk-Treasurer.

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

C. This map may be combined with the official Zoning Districts Map (See Article 3 of this Chapter). All dedicated streets and alleys shall be shown on this map; vacated streets and alleys shall not be shown on said map, but shall be re-drawn by the methods provided by Oklahoma Statutes.

D. This map shall be available for public inspection.

Section 20-11 through 20-19. (Reserved for future use).

Article 3 - Zoning District Boundaries

Section 20-20. Zoning District Boundaries.

A. A map showing the boundaries of all current Zoning Districts within the entire corporate boundaries of the Town of Washington, Oklahoma, shall be maintained in the Office of the Town Clerk-Treasurer, if a Zoning Ordinance is in effect within said Municipality.

B. This map shall reflect all current Zoning Ordinance provisions (See Chapter 15, this Code of Ordinances) and all current Ordinances re-Zoning land, and shall represent the official Zoning Districts Map for the Town of Washington, Oklahoma.

C. This map may be combined with the official map of the corporate limits of the Town of Washington, Oklahoma. (See Article 2 of this Chapter.)

D. This map shall be available for public inspection.

APPENDIX A – TAX AND FINANCE

RESOLUTION NO. 1993N-01

A Resolution Appointing an Encumbering Officer and a Purchasing Officer for the Town of Washington, Oklahoma.

WHEREAS, Title 63, Oklahoma Statutes, Section 310.1. requires the Town of Washington, Oklahoma, to have a purchasing officer and an encumbering officer to handle, approve and present purchase orders-claims for the Town of Washington, Oklahoma and the Town Clerk, Leita Eaves, should be appointed to said positions.

NOW, Therefore, Be It Resolved by the Town Board of Trustees of the Town of Washington, Oklahoma, that Leita Eaves is appointed as Encumbering Officer and as Purchasing Officer of the Town of Washington, Oklahoma. This position shall be an appointed position here forward.

Passed, Approved and Adopted this 7th day of June, 1993.

Monty C. Marcum

MONTY C. MARCUM, MAYOR

ATTEST:

Leita Eaves Clerk

LEITA EAVES, TOWN CLERK

RESOLUTION NO. 2008-2

A RESOLUTION OF THE TOWN OF Washington, OKLAHOMA, TOWN BOARD OF TRUSTEES, SUPPLEMENTING THE "TOWN OF Washington SALES TAX RESOLUTION" PROVISIONS BY ADOPTING PROVISIONS LEVYING AND ASSESSING AN EXCISE TAX OF Two Percent (2 %) OF THE PURCHASE PRICE UPON THE STORAGE, USE OR CONSUMPTION OF TANGIBLE, PERSONAL PROPERTY PURCHASED OUTSIDE THE STATE OF OKLAHOMA AND BROUGHT INTO TOWN OF Washington, OKLAHOMA; PROVIDING EXEMPTIONS THERETO; SPECIFYING WHEN SUCH TAXES ARE PAYABLE; PROVIDING SUCH TAXES CONSTITUTE SUPERIOR CLAIMS; PROVIDING COLLECTION OF TAX BY RETAILER OR VENDOR; PROVIDING COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN OR WITHOUT STATE; PROVIDING FOR REVOKING PERMITS; ESTABLISHING REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES; PROVIDING INTEREST AND PENALTIES FOR DELINQUENT PAYMENT OF TAXES; PROVIDING FOR WAIVER OF INTEREST AND PENALTIES; PROVIDING FOR SUBMISSION OF CLAIM FOR REFUND OF ERRONEOUS PAYMENTS; PROVIDING PENALTIES FOR FRAUDULENT RETURNS; PROVIDING THAT RECORDS SHALL BE CONFIDENTIAL AND PRIVILEGED; PROVIDING THAT TAXES COLLECTED HEREUNDER SHALL BE CUMULATIVE; PROVIDING FOR SEVERABILITY OF THE SECTIONS OF THIS RESOLUTION; DEFINING TERMS, DEFINING TAX COLLECTOR; ESTABLISHING CLASSIFICATION OF TAX PAYERS; RATIFYING SUBSISTING STATE PERMITS; ESTABLISHING PURPOSES FOR WHICH REVENUES COLLECTED HEREUNDER SHALL BE EXPENDED; ESTABLISHING CITATION OF THE RESOLUTION; AND PROVIDING FOR AN EMERGENCY AND EFFECTIVE DATE.

WHEREAS, 68 O.S., 2001 Supplement, Section 1411, allows a Town to levy an excise tax on the storage, use or other consumption of tangible personal property; and

WHEREAS, Town of Washington is desirous of utilizing this provision, as permitted in said Section 1411.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF TOWN OF Washington, OKLAHOMA:

SECTION 1. Use Tax Provisions Adopted.

The following Use Tax provisions, all of which shall read as follows, are hereby adopted for Town of Washington, Oklahoma:

Use Tax (Resolution No. 2007-05)

Section 1. Excise Tax on Storage, Use or Other Consumption of Tangible Personal Property Levied.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within Town of Washington, Oklahoma, tangible, personal property purchased or brought into this Town, an excise tax on the storage, use or otherwise consuming within the Town of such property at the rate of Two percent (2 %) 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 Use Tax authorized herein, may deduct from such Use Tax any Town 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 2. Exemptions.

The provisions of this Resolution shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the Town by a non-resident 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 re-sale 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 Washington, Oklahoma, Use Tax Resolution, 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, Municipality or Town 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 Town in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the Town of Washington, Oklahoma, Use Tax Resolution, the provisions of this Article 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 Washington, Oklahoma, Use Tax Resolution, 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, Municipality or Town, if that State, Municipality or Town does not grant like credit for taxes paid in Oklahoma, the Municipality and the Town;

Section 6. Collection of Tax by Retailer or Vendor not Maintaining a Place of Business within State or Both Within and Without State; Permits.

The Oklahoma Tax Commission may, at its discretion, upon application, authorize the collection of the Use 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 Oklahoma and making sales of tangible, personal property at such out-of-State place of business for use in this Town. Such retailer or vendor may be issued, without charge, a Permit to collect such taxes, by said 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 Use Tax upon all tangible, personal property sold to his knowledge for use within this Town. Such authority and Permit may be canceled when, at any time, said Tax Commission considers that such Use 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 the taxpayer's Sales Tax Permit number accordingly.

Section 7. Revoking Permits.

Whenever any retailer or vendor not maintaining a place of business in this State, or both within and without this State, authorized to collect the Use Tax herein levied, fails to comply with any of the provisions of this Article or the Oklahoma Use Tax Code or any order, rules or regulations of the Oklahoma Tax Commission, said Tax Commission may, upon notice and hearing as provided for in 68 O.S. 2001, Supplement, Section 1408, 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 the notice and hearing above provided, cancel said corporation's License to do business in this State and shall issue a new License only when such corporation has complied with the obligations under this Resolution, the Oklahoma Use Tax Code, or any order, rules or regulations of the Oklahoma Tax Commission.

Section 8. Remunerative Deductions Allowed Vendors or Retailers of Other States.

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

Section 9. Interest and Penalties; Delinquency.

Section 217 of Title 68 O.S. 2001, Supplement, is hereby adopted and made a part of this Resolution, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the Use Tax levied by this Resolution; provided, that, the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of Use Tax in the time and manner required by this Resolution 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 Resolution.

Section 10. 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 Use Tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. 2001, Supplement, Section 227; to accomplish the purposes of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Resolution.

Section 11. 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 provided for administration of the State Use Tax as set forth in 68 O.S. 2001, Supplement, Section 227; to accomplish the purpose of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Resolution.

Section 12. Fraudulent Returns.

In addition to all civil penalties provided by this Resolution, 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 Use Tax, or portion thereof, rightfully due under this Resolution, shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than one hundred dollars ($100.00). Each day of non-compliance with this Resolution shall constitute a separate offense.

Section 13. 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 68 O.S. 2001, Supplement, Section 205, of the State Use Tax Code, and each Subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the Town Use Tax as if herein set forth in full.

Section 14. Provisions Cumulative.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of Town Resolutions and regulations.

Section 15. Provisions Severable.

The provisions hereof are hereby declared to be severable, and if any Section, paragraph, sentence or clause of this Resolution, is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other Section, paragraph, sentence or clause hereof.

Section 16. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401, 68 O.S. 2001, Supplement, are hereby adopted by reference and made a part of this Article; in addition thereto, the following words and terms shall be defined as follows:

1. Town shall mean Town of Washington, Oklahoma.

2. Transaction shall mean sale.

3. The term "Tax Collector", as used herein, means the Department of the Town, or the official agency of the State, duly designated according to Law or contract authorized by Law, to administer the collection of the Use Tax herein levied.

Section 17. Classification of Taxpayers.

For the purpose of this Resolution, the classification of taxpayers hereunder shall be as prescribed by State Law for purposes of the Oklahoma Use Tax Code.

Section 18. Subsisting State Permits.

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

Section 19. Purpose of Revenues.

It is hereby declared to be the purpose of this Resolution to provide revenues for the support of public building improvements in Town of Washington, Oklahoma, and any and all revenues derived hereunder shall be expended by the Board of Town Commissioners for said purpose.

RESOLUTION
TOWN OF WASHINGTON NO. 24-9

A RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF WASHINGTON, OKLAHOMA, ADOPTING THE FISCAL YEAR 2024-2025 ANNUAL BUDGET FOR THE TOWN OF WASHINGTON, OKLAHOMA, SETTING FORTH ESTIMATES OF EXPENDITURES AND REVENUES.

WHEREAS, the Town of Washington, Oklahoma previously elected to prepare a budget pursuant to the provisions of 68 O.S. §§ 3001-3033 of the Oklahoma Statutes as opposed to the Municipal Budget Act codified in Section 17-201 through 17-216 of Title 11 of the Oklahoma Statues; and

WHEREAS, 68 O.S. § 3002(B) requires every municipality that does not prepare an annual audit pursuant to the Municipal Budget Act to make a financial statement in accordance with Subsection A of Section 3002 and to adopt a budget containing estimates of expenditures and revenues, including probable income by source for the budget year;

WHEREAS, unexpected personnel issues resulted in a delay in promulgation, review, and adoption of an annual budget within the statutory timeframe.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, OKLAHOMA:

Section 1. The accompanying annual budget document sets forth the itemized estimated needs and probable income from all sources for the current fiscal year in addition to appropriations for each fund as approved by the Town of Washington Board of Trustees.

Section 2. The accompanying budget document complies with the requirements of 68 O.S. § 3002 by including and containing:

a. The schedules or exhibits showing, by classes, the amount of all receipts and disbursements.
b. The statement of estimated needs sets forth, by classes, the several amounts necessary for the current expenses of the Town of Washington in compliance with 68 O.S. § 3004.
c. The statement of estimated needs sets forth the amount required by law to be provided for sinking fund purposes.
d. The statement of estimated needs sets forth the probable income that will be received from all sources.
e. The fund budget summaries.
f. The departmental appropriations.

Section 3. In accordance with 68 O.S. § 3002(C), the budget and financial statement and estimate of needs shall be published in one issue in a qualified newspaper published in the county in which the Town of Washington is located.

Section 4. All budget amendments, including supplemental, decrease or transfer appropriations, to the legal level of control as defined above will require governing body approval.

Section 4. In accordance with Subsection A of Section 3002 of Title 68, the exhibits, schedules, and other items included within this budget statement have been sworn as being true and correct.

PASSED, APPROVED AND ADOPTED THIS 3 DAY OF September 2024.

TOWN OF WASHINGTON

By: _____ 9/3/24
Mayor Date

ATTEST:

_____
Clerk/Secretary
(SEAL)

APPROVED AS TO FORM:

_____ 9/36/2024
Municipal Attorney Date

VERIFICATION

STATE OF OKLAHOMA)

Town of Washington

Town of Washington Resolution 2024-7

A RESOLUTION BY THE TOWN OF WASHINGTON, OKLAHOMA, AUTHORIZING THE POLICE CHIEF TO SURPLUS UNNEEDED POLICE DEPARTMENT VEHICLES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Whereas, the Town of Washington Police Department has four vehicles that are no longer in use; and,

Whereas, the Town has identified Purple Wave Auctions as a commonly used surplus service which will allow the vehicles to be removed from Town property and generate a small amount of surplus revenue.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, STATE OF OKLAHOMA:

Section 1. The Police Chief is authorized to surplus the four unused vehicles and may execute any necessary paperwork. Surplus vehicles include the following as identified by VIN (2G1WS553689100019, 1D7HA18236S612577, 2C3CDXATXCH190400, AND 2C3CDXATXDH587882). Surplusing includes the selling of the vehicles to Purple Wave Auctions, allowing Purple Wave auctions to sell the vehicles on behalf of the Town of Washington, or returning the vehicles to a donating governmental entity if the vehicle is not owned by the Town of Washington.

Section 2. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, except, that the effective date provision shall not be severable from the operative provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 3 day of September, 2024.

TOWN OF WASHINGTON

Joe Siria, Mayor

ATTEST:

Kasey Lesher, City Clerk

Town of Washington

Town of Washington Resolution 2024- 8

A RESOLUTION BY THE TOWN OF WASHINGTON, OKLAHOMA, APPROVING VARIOUS WATER AND WASTEWATER SYSTEM REPAIRS AND IMPROVEMENTS, AUTHORIZING THE BIDDING OF THE PROJECT, THE ACCEPTANCE OF BIDS IF WITHIN THE TOTAL PROJECT BUDGET, THE EXECUTION OF CONTRACTS FOR THE PROJECT, AND THE PAYMENTS OF ALL AMOUNTS OWED FOR THE PROJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Whereas, the Town of Washington has several immediate needs regarding its water and wastewater systems; and,

Whereas, the Town of Washington has a remaining ARPA grant balance of $325,000 that must be encumbered by September 30; and,

Whereas, the following list of needs and budgets have been identified:

- Install a quick connect bypass on the lift station ($6,250);
- Order a replacement lift station pump ($6,500);
- Install a shutoff valve on the Water Tower ($9,850);
- Install a SCADA system providing remote monitoring at the water tower, four wells, and lift station ($49,880);
- Repair leaks at multiple locations across the Town ($9,509 work has been completed; $15,000 is awaiting repair);
- Install cellular-based water meters across the Town ($170,000); and,
- Run a new water main on Main Street and provide individual meters to each customer ($82,350).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, STATE OF OKLAHOMA:

Section 1. The Town Administrator is authorized to bid the project, accept bids if within the total project budget, the execute contracts for the project, and make the payments of all amounts owed for the project within the approved total budget of $349,339 with $325,000 to be paid from ARPA funds and the remaining project budgeted amount of $24,339 to be paid from the General Fund or Water Authority Fund as necessary.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this

Resolution, except, that the effective date provision shall not be severable from the operative provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 3 day of September, 2024.

TOWN OF WASHINGTON

Joel Siria, Mayor

ATTEST:

Kasey Lesher, City Clerk

Town of Washington

Town of Washington
Resolution 2024-10

A RESOLUTION BY THE TOWN OF WASHINGTON, OKLAHOMA, AUTHORIZING A PURCHASE ORDER FOR THE TOWN HALL REMODEL PROJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Whereas, the Town of Washington has been awarded a REAP grant that requires documentation of encumbered funds; and,

Whereas, the Town has spent $122,770.96 on the project so far with a remaining balance of the estimate of $47,126.04; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, STATE OF OKLAHOMA:

Section 1. The Town Administrator may authorize a purchase order in the amount of $169,897.00.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, except, that the effective date provision shall not be severable from the operative provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 3 day of September, 2024.

TOWN OF WASHINGTON

Joel Siria, Mayor

ATTEST:

Kasey Lesher, City Clerk

Town of Washington

PURCHASE ORDER

204 N Main St
Washington, OK 73093
Phone: 405-288-2578
www.washingtontownhall.com

DATE 8/23/24

VENDOR

Hayes Family Homes
Luke Hayes
23899 Hwy 74
Purcell, OK 73080
405-706-2832

SHIP TO

Town of Washington

REQUISITIONER	SHIP VIA	F.O.B.	SHIPPING TERMS

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
1	Town Hall Remodel	1	169,897.00	169,897.00

SUBTOTAL	169,897.00
TAX	-
SHIPPING	-
OTHER	-
TOTAL	**$169,897.00**

Comments or Special Instructions

If you have any questions about this purchase order, please contact Mica A. Lunt, Town Administrator at mica@washingtontownhall.com

RESOLUTION
TOWN OF WASHINGTON NO. 24-9

A RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF WASHINGTON, OKLAHOMA, ADOPTING THE FISCAL YEAR 2024-2025 ANNUAL BUDGET FOR THE TOWN OF WASHINGTON, OKLAHOMA, SETTING FORTH ESTIMATES OF EXPENDITURES AND REVENUES.

WHEREAS, the Town of Washington, Oklahoma previously elected to prepare a budget pursuant to the provisions of 68 O.S. §§ 3001-3033 of the Oklahoma Statutes as opposed to the Municipal Budget Act codified in Section 17-201 through 17-216 of Title 11 of the Oklahoma Statues; and

WHEREAS, 68 O.S. § 3002(B) requires every municipality that does not prepare an annual audit pursuant to the Municipal Budget Act to make a financial statement in accordance with Subsection A of Section 3002 and to adopt a budget containing estimates of expenditures and revenues, including probable income by source for the budget year;

WHEREAS, unexpected personnel issues resulted in a delay in promulgation, review, and adoption of an annual budget within the statutory timeframe.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, OKLAHOMA:

Section 1. The accompanying annual budget document sets forth the itemized estimated needs and probable income from all sources for the current fiscal year in addition to appropriations for each fund as approved by the Town of Washington Board of Trustees.

Section 2. The accompanying budget document complies with the requirements of 68 O.S. § 3002 by including and containing:

a. The schedules or exhibits showing, by classes, the amount of all receipts and disbursements.
b. The statement of estimated needs sets forth, by classes, the several amounts necessary for the current expenses of the Town of Washington in compliance with 68 O.S. § 3004.
c. The statement of estimated needs sets forth the amount required by law to be provided for sinking fund purposes.
d. The statement of estimated needs sets forth the probable income that will be received from all sources.
e. The fund budget summaries.
f. The departmental appropriations.

Section 3. In accordance with 68 O.S. § 3002(C), the budget and financial statement and estimate of needs shall be published in one issue in a qualified newspaper published in the county in which the Town of Washington is located.

Section 4. All budget amendments, including supplemental, decrease or transfer appropriations, to the legal level of control as defined above will require governing body approval.

Section 4. In accordance with Subsection A of Section 3002 of Title 68, the exhibits, schedules, and other items included within this budget statement have been sworn as being true and correct.

PASSED, APPROVED AND ADOPTED THIS 3 DAY OF September 2024.

TOWN OF WASHINGTON

By: _____ 9/3/24
Mayor Date

ATTEST:

_____
Clerk/Secretary
(SEAL)

APPROVED AS TO FORM:

_____ 9/36/2024
Municipal Attorney Date

VERIFICATION

STATE OF OKLAHOMA)

APPENDIX B – PUBLIC WORKS

TOWN OF WASHINGTON RESOLUTION 2022-2

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, OKLAHOMA CONSENTING TO THE PROVISION OF WATER BY THE GOLDSBY PUBLIC WORKS AUTHORITY TO WASHINGTON PUBLIC SCHOOLS

WHEREAS, in addition to the water service provided to Washington Public Schools, Independent School District No. 005, (collectively hereinafter referred to as **"WPS")** by the TOWN OF WASHINGTON (hereinafter referred to as "**Washington**"), **WPS** is in need of additional water service to those portions of **WPS**'s property described and/or depicted on Exhibit "A" annexed hereto (hereinafter referred to as "WPS Expansion Water Service Area") to facilitate the expansion of **WPS**'s facilities and operations; and

WHEREAS, the WPS Expansion Water Service Area is located within **Washington**'s municipal limits and water service area; and

WHEREAS, the provision to the WPS Expansion Water Service Area and the facilities now and hereafter located therein of such additional water service in sufficient quantities and at sufficient pressures to provide adequate fire suppression and adequate water supply for the facilities would create a significant burden on **Washington**'s water supply, treatment, and distributions systems; and

WHEREAS, WPS has requested that the TOWN OF GOLDSBY and THE GOLDSBY WATER AUTHORITY (collectively hereinafter referred to as "**Goldsby**") be allowed to provide the needed water service to the WPS Expansion Water Service Area; and

WHEREAS, Goldsby is willing to contract for and supply water to **WPS** and its facilities within the WPS Expansion Water Service Area with the express written consent of **Washington**; and

WHEREAS, Goldsby will not provide water services to the WPS Expansion Water Service Area or facilities therein situated in **Washington**'s municipal limits and water service area without the express written consent of **Washington**;

NOW, THEREFORE, BE IT RESOLVED BY TRUSTEES OF THE TOWN OF WASHINGTON, OKLAHOMA THAT:

Section 1. The Town of Washington, Oklahoma hereby approves and consents to **Goldsby** providing water service to Washington Public Schools, Independent School District No. 005 for its facilities and operations within the WPS Expansion Water Service Area.

EXHIBIT A

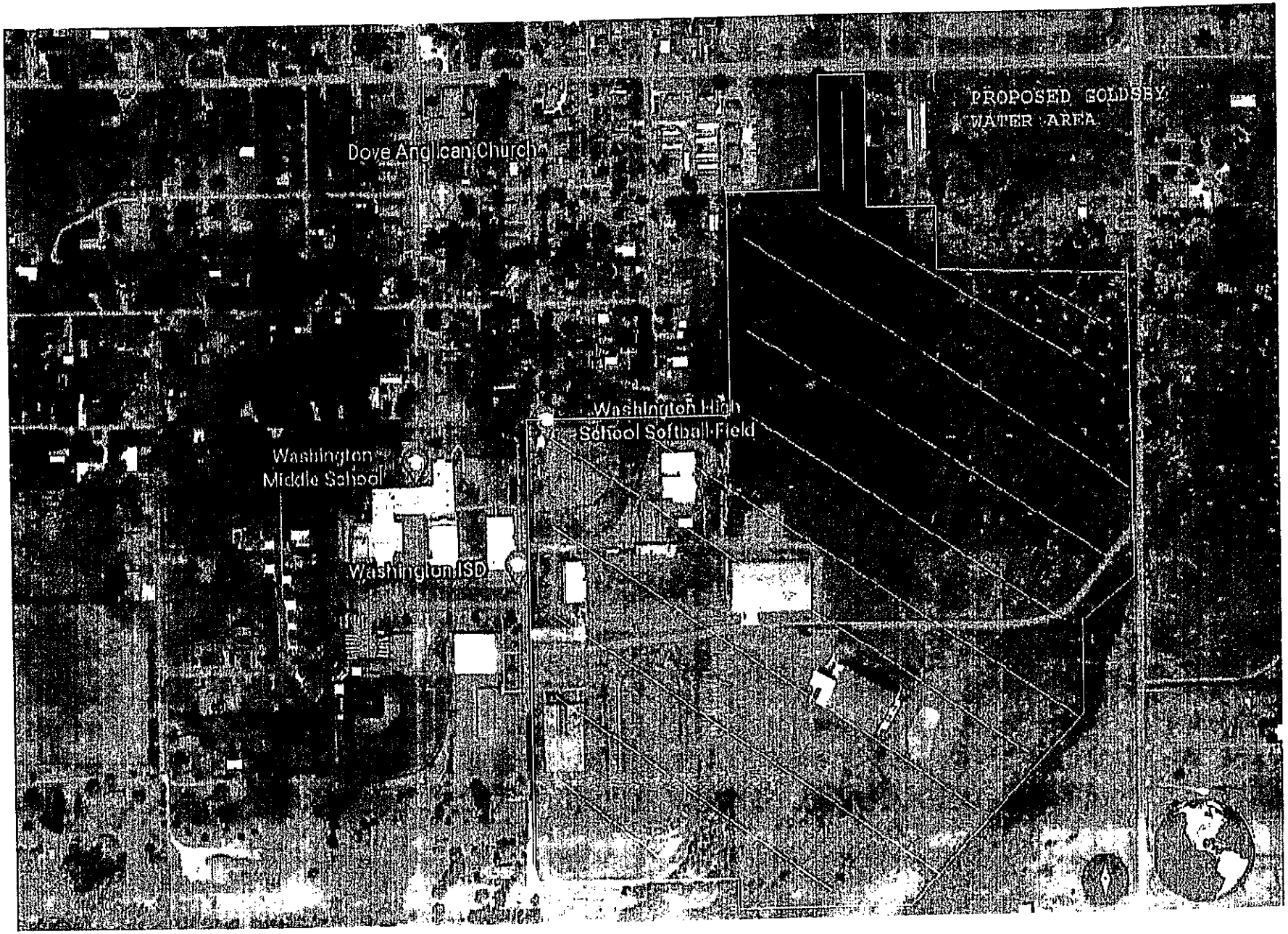

PROPOSED GOLDSBY
WATER AREA
Dove Anglican Church
Washington High
School Softball Field
Washington
Middle School
Washington ISD

EXHIBIT A


PROPOSED GOLDSBY
WATER AREA
Dove Anglican Church
Washington High
School Softball Field
Washington
Middle School
Washington ISD

PASSED, APPROVED, AND ADOPTED and this 11th day of January, 2022.

TOWN OF WASHINGTON

[SEAL]

MAYOR

ATTEST:

TOWN CLERK

TOWN OF WASHINGTON RESOLUTION NO 24-2024-9.5

WASHINGTON PUBLIC WORKS AUTHORITY RESOLUTION NO 24-2024-9.5

A JOINT RESOLUTION OF THE TOWN OF WASHINGTON, OKLAHOMA AND OF THE WASHINGTON PUBLIC WORKS AUTHORITY ESTABLISHING AN ADMINISTRATIVE FREEZE ON ALL RESIDENTIAL AND COMMERCIAL DEVELOPMENTS AND ZONINGS; ALLOWING FOR PRELIMINARY PLATS UPON THE EXECUTION OF A DISCLAIMER; PROVIDING FOR THE DURATION OF SAID FREEZE; PROVIDING FOR CIRCUMSTANCCES TO WHICH THE FREEZE WILL NOT APPLY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY AND EFFECTIVE DATE.

WHEREAS, the Town of Washington is a governmental entity established under Title 11 of the Oklahoma Statutes; and

WHEREAS, the Town of Washington has an obligation to provide necessary services to all lots platted within corporate municipal limits; and

WHEREAS, the Town of Washington Board of Trustees and Washington Public Works Authority have determined that Washington does not currently have the capacity to provide necessary and lawful services, specifically water, sewer, and electrical service, to new and/or additional residential or commercial developments or inhabited structures; and

WHEREAS, the Town of Washington Board of Trustees and Washington Public Works Authority have further determined a freeze on new final plats, zonings, and developments, both commercial and residential, is necessary until such time as capacity has been increased or until such time as a plan of improvements has been approved for increased capacity of services;

WHEREAS, the Town of Washington Public Works Authority has the authority to adopt this resolution pursuant to the provisions of that trust creating the Washington Public Works Authority;

WHEREAS, the Town of Washington Board of Trustees has the authority to adopt this resolution pursuant to the ordinances of the Town of Washington.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON AND BY THE WASHINGTON PUBLIC WORKS AUTHORITY, STATE OF OKLAHOMA:

Section 1. Based on the above stated facts, a temporary suspension is placed upon the filing and processing of all final plats and/or final approval of new or additional residential and commercial development for a period of six (6) months from the date of this Resolution. Notwithstanding the foregoing, and for clarity, any and all final plats that are approved by the effective date of this Resolution are not impacted by this Resolution; and

Section 2. Preliminary platting may proceed if at the time of filing said preliminary plat the developer executes a disclaimer acknowledging the existence of this freeze and further agreeing that approving the preliminary plat creates no legal obligation on the party of the Town of Washington; and

Section 3. Said six (6) month period may be extended by the Board of Trustees and the Public Works Authority until such time as it is determined services can be provided to new and/or additional developments and improvements; and

Section 4. Further, that the matters contained herein do pertain to the public health, peace, safety, and welfare of the citizens of the Town of Washington whereby an emergency is declared to exist making this Resolution effective immediately from and after its passage and publication as required by law.

Section 5. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, except, that the effective date provision shall not be severable from the operative provisions of this Resolution.

PASSED, APPROVED, AND ADOPTED THIS Sept. 23, 2024.

TOWN OF WASHINGTON

By: _____ 9/23/24
Mayor Date

WASHINGTON PUBLIC WORKS AUTHORITY

By: _____ 9/23/24
Chairman Date

ATTEST: _____
Clerk/Secretary
(SEAL)

APPROVED AS TO FORM:

_____ 9/24/2024
City Attorney Date

Town of Washington

Town of Washington
Resolution 24 - 11.2

A RESOLUTION BY THE TOWN OF WASHINGTON PUBLIC WORKS AUTHORITY, REVISING UTILITY RATES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Whereas, the Town of Washington, in conjunction with data provided by the Oklahoma Rural Water Association, has realized that current utility rates do not adequately cover expenses, depreciation, and the establishment of reserves regarding the provision of water, sewer, and solid waste collection services; and,

Whereas, water and sewer rates were not adjusted from 2008-2023, with the adjustments in 2023 being less than recommended by ORWA; and

Whereas, ORWA's current recommendations were to raise rates approximately 100%, which the Town of Washington realizes is not feasible for our community but does recognize increases are needed to more adequately cover expenses and depreciation and assist in establishing reserve funds consistent with recommendations of the Government Finance Officers Association: NOW,

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE WASHINGTON PUBLIC WORKS AUTHORITY, STATE OF OKLAHOMA:

Section 1. Utility Rates. Effective January 1, 2025, the following rate tables will be in effect, which represent a flat rate increase of 33% in utility rates.

WATER RATES

Gallons Used	Charge
1000 gallons or less	$ 43.23
1001-2000 gallons	$ 53.20
2001-3000 gallons	$ 58.52
3001-4000 gallons	$ 63.84
4001-5000 gallons	$ 69.16
5001-6000 gallons	$ 74.81
6001-7000 gallons	$ 80.47
7001-8000 gallons	$ 86.45
8001-9000 gallons	$ 92.44
9001-10000 gallons	$ 98.75
10001-11000 gallons	$ 105.07
11001-12000 gallons	$ 111.72
12001-13000 gallons	$ 118.37
13001-14000 gallons	$ 125.02
14001-15000 gallons	$ 131.67

Per 1000 gallons over 15000	$ 10.00

SANITARY SEWER RATES

Gallons Used	Charge
1000 gallons or less	$ 22.28
1001-2000 gallons	$ 23.28
2001-3000 gallons	$ 24.27
3001-4000 gallons	$ 25.60
4001-5000 gallons	$ 26.93
5001-6000 gallons	$ 28.60
6001-7000 gallons	$ 30.26
7001-8000 gallons	$ 32.25
8001-9000 gallons	$ 34.25
9001-10000 gallons	$ 36.24
10001-11000 gallons	$ 38.24
11001-12000 gallons	$ 40.23
12001-13000 gallons	$ 42.56
13001-14000 gallons	$ 44.89
14001-15000 gallons	$ 47.22
Per 1000 gallons over 15000	$ 5.00

FLAT SERVICE SANITARY SEWER FEES
FOR CUSTOMERS THAT DON'T RECEIVE TOWN WATER

Flat Service Charge*	$30.00 inside town limits $45.00 outside town limits

* Applies to residential customers only. Outside Town service and volume charges will apply to non-residential customers.

SOLID WASTE CHARGES

Base Polycart Fee	$23.94
Additional refuse cart/month 96- gal size only	$19.95
Cart add/remove fee	$20.00
Cart Replacement	$155.00
Dumpster – 2 yard	$99.75
Dumpster – 4 yard	$113.05
Dumpster – 6 yard	$139.65
Dumpster – 8 yard	$159.60
Dumpster Lock Bar	$13.30

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this

APPENDIX C – LAW ENFORCEMENT

RESOLUTION NO. 2018-1

A RESOLUTION OF THE TOWN OF WASHINGTON, OKLAHOMA, TOWN BOARD OF TRUSTEES, PERMITTING THE USE OF ATV'S, GOLF CARTS, FOUR WHEELERS, (ECT.) TO BE DRIVEN ON TOWN STREETS. THESE TYPE VEHICLES MAY BE DRIVEN BY LICENCED DRIVERS ONLY, EXCEPT DURING PARADES OR OTHER CELEBRATIONS. SUCH VEHICLES ARE SUBJECT TO ALL TRAFFIC LAWS WITH VIOLATIONS SUBJECT TO CITATIONS AND FINES. ALL VEHICLES SHALL BE DRIVEN IN A SAFE MANNER AND NOT TO CREATE A NOISE NUISANCE. THIS RESOLUTION SUBJECT TO BE CHANGED OR ELIMINATION IF DEEMED NECCESARY BY THE TOWN BOARD OF TRUSTEES.

PASSED, APPROVED, AND ADOPTED THIS 1ST DAY OF OCTOBER 2018

ATTEST:

Susan Noel

SUSAN NOEL

MAYOR

(SEAL)

TOWN OF WASHINGTON OFFICIAL SEAL OKLAHOMA

RESOLUTION NO. 22 - 1

A RESOLUTION APPROVING STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION SCHOOL ZONE SPEED LIMIT MODIFICATION

WHEREAS, the Town of Washington has been requested by the Oklahoma Department of Transportation (hereafter referred to as "the Department") to amend and change the school zone speed limits and/or the permanent speed zone limits on SH 24 near the school; and,

WHEREAS, the Town of Washington agrees that the school zone speed limit will be reduced to 25 MPH only during regular school days, from 7:30 A.M. to 8:30 A.M. and from 3:00 P.M. to 4:00 P.M.; and agrees to program the flashers as such; and,

WHEREAS, if at a future time the hours of operation of the schools change, the boundaries of the schools change, or other circumstances change, the SPEED LIMIT(S) and/or the DISPLAY TIMES can only be altered through another approved commission action; and the Town of Washington will notify the Department to investigate, concur, and start the process; and,

NOW, THEREFORE, BE IT RESOLVED that the Town of Washington concurs with the school zone speed limits and/or the permanent speed zone limits proposed by the Department.

PASSED AND APPROVED at a regular meeting of the **Town of Washington** and duly signed by the Mayor this 3 day of January, 2022.

TOWN OF WASHINGTON

By: _____
Mayor or City Manager

ATTEST:

Susan Noel
City Clerk

(SEAL)

TOWN OF WASHINGTON OFFICIAL SEAL OKLAHOMA

Town of Washington

Town of Washington Resolution 2024-7

A RESOLUTION BY THE TOWN OF WASHINGTON, OKLAHOMA, AUTHORIZING THE POLICE CHIEF TO SURPLUS UNNEEDED POLICE DEPARTMENT VEHICLES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Whereas, the Town of Washington Police Department has four vehicles that are no longer in use; and,

Whereas, the Town has identified Purple Wave Auctions as a commonly used surplus service which will allow the vehicles to be removed from Town property and generate a small amount of surplus revenue.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, STATE OF OKLAHOMA:

Section 1. The Police Chief is authorized to surplus the four unused vehicles and may execute any necessary paperwork. Surplus vehicles include the following as identified by VIN (2G1WS553689100019, 1D7HA18236S612577, 2C3CDXATXCH190400, AND 2C3CDXATXDH587882). Surplusing includes the selling of the vehicles to Purple Wave Auctions, allowing Purple Wave auctions to sell the vehicles on behalf of the Town of Washington, or returning the vehicles to a donating governmental entity if the vehicle is not owned by the Town of Washington.

Section 2. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, except, that the effective date provision shall not be severable from the operative provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 3 day of September, 2024.

TOWN OF WASHINGTON

Joe Siria, Mayor

ATTEST:

Kasey Lesher, City Clerk

APPENDIX D – ADDITIONAL SUPPLEMENTAL ORDINANCES

ORDINANCE NO. 2002-1

AN ORDINANCE OF THE TOWN OF WASHINGTON, OKLAHOMA, ADOPTING AND ENACTING THE (2002) "WASHINGTON CODE OF ORDINANCES"; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE TOWN BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE TOWN; ALSO REPEALING ALL ORDINANCES OF A PERMANENT AND GENERAL NATURE NOT INCLUDED IN THE CODE; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE CODE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Town Board of Trustees of Washington, Oklahoma:

SECTION 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled "Washington Code of Ordinances" is hereby adopted and enacted for the Town of Washington, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the Town, adopted on or before February 4, 2002, to the extent provided in Sections 2 and 3 hereof. Said Code may also be cited as the "Washington Town Code" or other appropriate title.

SECTION 2. Ordinance Provisions Adopted.

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

SECTION 3. Certain Permanent and General Ordinances Are Repealed.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code but not included in this Code, are hereby repealed at the time this Code goes into effect, including Ordinance Number 1989-02, which adopted the previous Code of Ordinances on February 6, 1989.

SECTION 4. Temporary or Special Ordinances Omitted from Code Remain Effective.

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

SECTION 5. Addition and Amendments to Code.

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

SECTION 6. Emergency.

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

PASSED, APPROVED AND ADOPTED this 4th day of February, 2002.

Monty C. Mayer
Mayor

ATTEST:
Peggy Graham
Town Clerk-Treasurer (SEAL)

FILED IN OFFICE
COUNTY CLERK
PURCELL, OKLA.
FEB - 8 2002
at 1:15 o'clock P M
LOIS HAWKINS, County Clerk
By ____, Deputy

RESOLUTION NO. 2002-1

A RESOLUTION OF THE TOWN OF WASHINGTON, OKLAHOMA, NOTIFYING THE RESIDENTS OF SAID TOWN OF THE ADOPTION OF A NEW "CODE OF ORDINANCES" FOR SAID TOWN OF WASHINGTON, OKLAHOMA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF OKLAHOMA.

WHEREAS, Section 672.1, Title 11, Oklahoma Statutes, 1991, requires the Town to compile and publish copies of its penal Ordinances every ten (10) years; and

WHEREAS, the Town Board of Trustees of the Town of Washington, Oklahoma, has caused to be prepared and printed copies of a new "Code of Ordinances" for Washington, Oklahoma; and

WHEREAS, said Town Board has, on February 4, 2002, by Ordinance, duly adopted said Code as its new Code of Ordinances, effective February 4, 2002; and

WHEREAS, said Town Board has caused copies of said Code and this Resolution to be forwarded for recording to the Offices of the McClain County Law Library and County Clerk, and has copies available at the Washington Town Hall for sale.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Trustees of the Town of Washington, Oklahoma, that said Town Board does hereby notify the residents of the Town of Washington, Oklahoma, that it has fulfilled its statutory duties with respect to the compilation of Ordinances.

PASSED, APPROVED AND ADOPTED this 4th day of February, 2002.

Monty C Mercer
Mayor

ATTEST:

Peggy Graham
Town Clerk-Treasurer

(SEAL)

Approved

DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF LYLA GLEN

THIS DECLARATION is made on the date hereinafter set forth by IKBI LLC, an Oklahoma Limited Liability Company, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in McClain County, Oklahoma, which is more particularly described as:

> The Northwest Quarter of the Northwest Quarter of Section 26, Township Seven (7) North, Range Three (3) West, I. M.., McClain County, Oklahoma, platted or to be platted as Lyla Glenn Addition to McClain County, Oklahoma.

NOW THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

Section 1. "Association" shall mean and refer to Lyla Glen Home Owners Association, Inc. its successors and assigns.

Section 2. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 3. "Properties" shall mean and refer to that certain real property hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 4. "Common Area" shall mean all real property (including the improvements thereto) owned by the Association for the common use and enjoyment of the owners.

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 6. "Declarant" shall mean and refer to IKBI L.L.C., its successors and assigns.

ARTICLE II
PROPERTY RIGHTS

Section 1. Owners' Easements of Enjoyment. Every owner shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument agreeing to such dedication or transfer signed by 2/3rds of the members has been recorded.

ARTICLE III
MEMBERSHIP AND VOTING RIGHTS

Section 1. Every owner of a lot shall be a member of the Association. Membership shall be appurtenant to and may not separated from ownership of any Lot which is subject to assessment.

Section 2. The Association shall have one class of voting membership: All Owners shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

ARTICLE IV
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. Each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided.

The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them. The Developer shall not be liable for assessments.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to for the improvement and maintenance of the Common Area.

Section 3. Maximum Annual Assessment. At the first meeting of the association, the maximum annual assessment shall be determined.

(a) The maximum annual assessment may be increased each year not more than 5% above the maximum assessment for the previous year without a vote of the membership.

(b) The maximum annual assessment may be increased above 5% by a vote of two-thirds (2/3) of the members who are voting in person or by proxy, at a meeting duly called for this purpose.

(c) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of the members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 5. Notice and Quorum for Any Action Authorized Under Sections 3 and 4. Written notice of any meeting called for the purpose of taking any action authorized under Section 3 or 4 shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of the membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (½) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly basis.

Section 7. Date of Commencement of Annual Assessments: Due Dates. The annual assessments provided for herein shall commence as to all Lots on the first day of the month following the conveyance of the Common Area. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a lot is binding upon the Association as of the date of its issuance.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date

at the rate of 6 percent per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE V
ARCHITECTURAL CONTROL

Subsequent to the sale of all lots by Developer, no building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

ARTICLE VI
GENERAL PROVISIONS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of ten (10) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first ten (10) year period by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners. Any amendment must be recorded.

Section 4. Annexation. Additional residential property and Common Area may be annexed to the Properties with the consent of two-thirds (2/3) of the members.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this 7 day of November, 2005

Lyla Glen L.L.C.

By: _____
Jim Simpson, Managing Member

STATE OF OKLAHOMA)
) ss:
COUNTY OF CLEVELAND)

The foregoing instrument was acknowledged before me this 7th day of November, 2005, by Jim Simpson, Manager of Lyla Glen, L.L. C., an Oklahoma Limited Liability Company.

My Commission Expires:

_____
Notary Public

NOTARY PUBLIC 03005234 IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Cheryl Clayton
Cleveland County
Commission Expires Apr. 17, 2007

Times need to be added

Resolution 2008-3

Whereas the Town Of Washington allows the firing and discharging of fireworks be allowed on the 3rd and 4th of July as stated in Article 3 Section 7-20-2. Be it resolved that these dates be extended by two (2) days. Therefore allowing the firing and discharging within the city limits now be July 3rd through July 6th.

Passed and approved this 4th day of August 4, 2008.

Tony Null

Mayor, Tony Null

Dorothy A. Thomas

Trustée, Dorothy Thomas

Trustee, Paul Ratliff

Attest: Susan Noel

Susan Noel, Clerk/ Treasurer

SECTION 2. Citation.

This Resolution shall be known and may be cited as the Town of Washington, Oklahoma, "Use Tax Resolution".

SECTION 3. Penalty.

Any violation of this Resolution shall be liable for a fine not to exceed two hundred dollars ($200.00) per day, or the maximum legal limit.

SECTION 4. Effective Date.

This Resolution shall take effect on and after the 4th day of August, 2008.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2008.

Tony Hall
Mayor

ATTEST:

Susan Noel

ORDINANCE NO. 1 (2007)

An Ordinance Rezoning A Part of Sections Twenty Three (23) and Twenty Two (22), Township Seven (7) North, Range Three (3) West, of the Indian Meridian, McClain County, Oklahoma to R-2 Single Family Residential District and Declaring an Emergency.

Be it ordained by the Trustees of the Town of Washington, Oklahoma:

Section 1. Rezoning.

The following described real property located in the limits of the Town of Washington, Oklahoma, is hereby rezoned R-2 Single Family Residential District to-wit:

A piece or parcel of land located in the SW/4 SW/4 of Section 23 and the SE/4 of Section 22, Township Seven (7) North, Range Three (3) West, I.M. McClain County, Oklahoma, more particularly described as follows:

Beginning at the Southwest Corner of said Section Twenty Three (23); Thence N $0^0$26'50" E along the Section line between said Section 23 and said Section 22, a distance of 659.84 feet, thence N $89^0$44'55" W a distance of 661.12 feet; Thence N $0^0$26'50" E a distance of 656.88 feet; Thence S $89^0$45'10" E a distance of 8.69 feet; Thence N $9^0$51'21" E a distance of 1044.27 feet; Thence S $62^0$57'24" E a distance of 538.72 feet; Thence S $0^0$26'50" W a distance of 787.53 feet; Thence S $89^0$42'08" E a distance of 647.63 feet; Thence S $0^0$13'44" W a distance of 657.74 feet; Thence N $89^0$26'40" W a distance of 208.00 feet; Thence S 1 ^{0}6'55" E a distance of 299.39 feet; thence S $0^0$16'57" W a distance of 309.93 feet to a point on the South line of said Section 23; Thence N $89^0$41'56" W a distance of 451.25 feet to the point of beginning.

FILED IN OFFICE
COUNTY CLERK
PURCELL, OKLA.
MAR 26 2008
at 11:30 o'clock A M
LOIS HAWKINS, County Clerk
By _____, Deputy

Section 2. Repealer.

Any Ordinance or part thereof in conflict with this Ordinance is hereby repealed.

Section 3. Severability.

If any of the provisions of this Ordinance are determined to be unconstitutional or unlawful by any Court of competent jurisdiction, the remainder shall be severable and unaffected.

Section 4. Emergency.

It being immediately necessary that this Ordinance go into effect after the same is published as required by law and it be declared an emergency.

Tony S. Null
TONY NULL, MAYOR

ATTEST:

Peggy Graham
SECRETARY - CLERK

APPROVED AS TO LEGALITY:

Bill Pipkin
WM. A. BILL PIPKIN
TOWN ATTORNEY

Attachment : A

LEGAL DESCRIPTION - Harold Hayes Property

A piece or parcel of land located in the SW/4 SW/4 of Section 23 and the SE/4 of Section 22, Township 7 North, Range 3 West, I.M., McClain County, Oklahoma, more particularly described as follows:

Beginning at the Southwest Corner of said Section 23; Thence N 0°26'50" E along the Section line between said Section 23 and said Section 22, a distance of 659.84 feet, Thence N 89°44'55" W a distance of 661.12 feet; Thence N 0°26'50" E a distance of 656.88 feet; Thence S 89°45'10" E a distance of 8.69 feet; Thence N 9°51'21"E a distance of 1044.27 feet; Thence S 62°57'24"E a distance of 538.72 feet; Thence S 0°26'50" W a distance of 787.53 feet; Thence S 89°42'08" E a distance of 647.63 feet,

Thence S 0°13'44" W a distance of 657.74 feet, Thence N 89°26'40" W a distance of 208.00 feet; Thence S 1°06'55" E a distance of 299.39 feet; Thence s 0°16'57" w a distance of 309.93 feet to a point on the south line of said Section 23; Thence N 89°41'56" W a distance of 451.25 feet to the point of beginning.

ORDINANCE NO. 7 (2008)

An Ordinance repealing Ordinance No. 6 (2007) passed and approved as an Emergency Ordinance on December 3, 2007 and Declaring an Emergency.

Be it Ordained by the Mayor and the Trustees of the Town of Washington, Oklahoma.

Section 1. Ordinance No. 6 (2007) passed and approved as an emergency ordinance on December 3, 2007, is hereby repealed.

Section 2. Emergency

PASSED AND APPROVED THIS 7th day of January, 2008.

TOWN OF WASHINGTON, OKLAHOMA

Tony S Null

TONY NULL, MAYOR

ATTEST:

Peggy Graham

PEGGY GRAHAM, CITY CLERK

APPROVED AS TO LEGALITY:

Bill Pipkin

WM. A. BILL PIPKIN,
TOWN ATTORNEY

FILED IN OFFICE
COUNTY CLERK
PURCELL, OKLA.

MAR 2 6 2008

at 11:35 o'clock a M
LOIS HAWKINS, County Clerk
By DB, Deputy

ORDINANCE NUMBER 2013-1

ORDINANCE OF THE TOWN OF WASHINGTON, OKLAHOMA, ADOPTING AND ENACTING THE (2013)

"WASHINGTON CODE OF ORDINANCES, " COMPILED, REVISED, AND PUBLISHED BY THE AUTHORITY OF THE TOWN BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE TOWN; ALSO REPEALING ALL ORDINANCES OF A PERMANENT AND GENERAL NATURE NOT INCLUDED IN THE CODE; PROVIDING FOR ADDITIONS AND AMMENDMENTS TO THE CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. CODE ADOPTED AND ENACTED, TITLE.

The code of Ordinances entitled "Washington Code of Ordinances" is hereby adopted and enacted for the Town of Washington, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the Town, adopted on or before March 4, 2023, to the extent provided in sections 2 and 3 hereof. Said Code may also be cited as the "Washington Town Code "or other appropriate title.

SECTION 2. ORDINANCE PROVISIONS ADOPTED

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

SECTION 3. CERTAIN PERMANENT AND GENERAL ORDINANCES ARE REPEALED.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code, but not limited to this code, are hereby repealed at the time this code goes into effect.

SECTION 4. TEMPORARY OR SPECIAL ORDINANCES OMITTED FROM CODE REMAIN EFFECTIVE.

The continuances in effect of any temporary and/or special Ordinances omitted from this code. shall not be affected by such omission therefrom; the adoption of the Code shall be deemed to be incorporated in such Ordinance or parts of any ordinance omitted therefrom.

SECTION 5. ADDITION AND AMENDMENTS TO CODE.

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

SECTION 6. EMERGENCY

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

PASSED, APPROVED, AND ADOPTED this 4TH day of March 2013.

Mayor

ATTEST: Susan Hall

RESOLUTION NO. 2013-1

A RESOLUTION OF THE TOWN OF WASHINGTON, OKLAHOMA, NOTIFYING THE RESIDENTS OF THE ADOPTION OF A NEW "CODE OF ORDINANCE" FOR SAID TOWN OF WASHINGTON, OKLAHOMA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF OKLAHOMA.

WHEREAS, Section672.1, Title 11, Oklahoma Statutes,1991 requires the Town to compile and publish copies of its penal ordinances every ten (10) years; and

WHEREAS, the Town Board of Trustees of the Town of Washington, Oklahoma has caused to be prepared and printed copies of a new "Code of Ordinances" for Washington Oklahoma; and

Whereas, said Board of Trustees has, on March 4, 2013, by Ordinance, duly adopted said Code of its new "Code of Ordinances", effective March 4, 2013; and

Whereas, said Town Board has caused copies of said Code and this Resolution to be forwarded for recording to the Offices of the McClain County Law Library and County Clerk, has copies available at the Washington Town Hall for sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD of TRUSTEES of the Town OF Washington, Oklahoma, that said Town Board does hereby notify the residents of the Town of Washington, Oklahoma, that it has fulfilled its statutory duties with respect to the compilation of Ordinances.

PASSED, APPROVED, AND ADOPTED THIS 4TH DAY OF March, 2013

Mayor

ATTEST:

Town Clerk

TOWN OF WASHINGTON RESOLUTION NO 2022-1

A RESOLUTION OF THE TOWN OF WASHINGTON, OK SETTING FORTH THE POLICY OF THE TOWN OF WASHINGTON, OK WITH RESPECT TO CONTRACTING FOR SERVICES RELATED TO RESIDENTIAL, COMMERICAL, AND INDUSTRIAL PLANS REVIEW AND INSPECTIONS; RESCINDING ALL RESOLUTIONS IN CONFLICT WITH THE MATTERS CONTAINED HEREIN; PROVIDING FOR SEVERABILITY, REVIEW AND AN EFFECTIVE DATE

WHEREAS, Washington, OK is responsible for services to its citizens. residents. business owners. builders and developers related to residential, commercial. and industrial plans review and inspections as well as implementing policies for the most efficient and safe manner in carrying out those responsibilities: and

WHEREAS, Washington. OK has determined that the plans review and inspections for some residential. commercial. and industrial construction may not only be time consuming and therefore not efficient for Washington employees to complete and some may in addition thereto be beyond the capabilities of the Washington Code Enforcement office to handle; and

WHEREAS, Washington. OK has further determined that it is in the best interest of the Town of Washington and it's citizens. residents. and business owners to set forth a policy allowing the Town of Washington to contract as needed with outside parties for those services when Code Enforcement determines that it does not have the time and/or capabilities to provide those services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PURCELL:

Section 1. Policy.
From and after February 14th. 2022. the Town of Washington. OK staff shall have the right. duty. and responsibility to enter into contracts as needed with outside. independent third parties for the services related to residential. commercial. and industrial plans review and inspection in those instances where code enforcement cannot perform those services due either to time constraints or such review and inspection is beyond the capabilities of current staff. This right to contract as needed for outside services shall include but not limited to the following. to-wit:

a. Annual Life safety inspections:
b. Building plan reviews and associated construction inspections:
c. Fire alarm plan reviews and associated construction inspections;
d. Fire sprinkler plan reviews and associated construction inspections;
e. Fire suppression plan reviews (also hood suppression) and associated construction inspections.

TOWN OF WASHINGTON
ORDINANCE NO. 2023- 1

AN ORDINANCE OF THE TOWN OF WASHINGTON, OKLAHOMA, EXTENDING THE CORPORATE LIMITS OF THE TOWN OF WASHINGTON, OKLAHOMA BY ANNEXING TERRITORY ADJACENT TO THE CITY ALL AS MORE FULLY DESCRIBED AS FOLLOWS:

The West Half (W/2) of the Northwest Quarter (NW/4) and the West Half (W/2) of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Twenty-Six (26), Township Seven (7) North, Range Three (3) West in McClain County, Oklahoma, LESS and Except a tract land described as follows: Beginning at the Northeast corner of NW/4 of NW/4; thence South 180 feet; thence West 104.87 feet; thence North 180 feet; thence East 104.87 feet to the Point of Beginning.

PURSUANT TO A PROPERLY NOTICED ANNEXATION PROPOSAL BY THE TOWN TRUSTEE BOARD OF THE TOWN OF WASHINGTON AND APPROVED BY THE TRUSTEE BOARD ON MARCH 23, 2023. THIS ORDINANCE IS TO BE IN FULL FORCE AND EFFECT AS ALLOWED BY LAW.

WHEREAS, pursuant to the authority conferred upon the Trustee Board by Section 12-106 of Title 11 of the Oklahoma Statutes, the Trustee Board of the Town of Washington, Oklahoma proposed to annex, by governing body action, certain territory adjacent to the Town of Washington; and

WHEREAS, in conformity with said statute, the Trustee Board of the Town of Washington on February 22, 2023, directed that notice of the proposed annexation of the territory be published in conformity with the requirements of the statutes of the State of Oklahoma, and thereafter caused said notice to be published in conformity with the requirements of said state statutes.

WHEREAS, it appears that the territory to be annexed is adjacent to the Town of Washington, and that in planning the future growth and development of the City, the Trustee Board has determined that it is in the interest of the Town of Washington, Oklahoma and the citizens and residents thereof that the territory be annexed to the Town of Washington;

NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEE BOARD OF THE TOWN OF WASHINGTON, OKLAHOMA, THAT:

Section 1. **ANNEXATION.** The corporate limits of the Town of Washington, Oklahoma shall be and the same are hereby extended to include the following designated or described lands and territory:

The West Half (W/2) of the Northwest Quarter (NW/4) and the West Half (W/2) of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Twenty-Six (26), Township Seven (7) North, Range Three (3) West in McClain County, Oklahoma, LESS and Except a tract land described as follows: Beginning at the Northeast corner of NW/4 of NW/4; thence South 180 feet; thence West 104.87 feet; thence North 180 feet; thence East 104.87 feet to the Point of Beginning.

and all of said lands and territory shall be and the same are hereby annexed to the Town of Washington.

PASSED, APPROVED AND ADOPTED this 4th day of March 2023.

TOWN OF WASHINGTON

Mayor

ATTEST:

City Clerk

Notary: Paul Aday

4/4/2023

PAUL ADAY
NOTARY PUBLIC
No. 20013129
EXP 10/22/2024
IN AND
FOR
STATE OF OKLAHOMA

APPROVED AS TO FORM:

Greg Dixon, City Attorney

STATE OF OKLAHOMA
McCLAIN COUNTY
FILED

APR 06 2023

2:30 o'clock P m
PAM BELLER, COUNTY CLERK

TOWN OF WASHINGTON
ORDINANCE NO. 23-2

AN ORDINANCE OF THE TOWN OF WASHINGTON, OKLAHOMA, EXTENDING THE CORPORATE LIMITS OF THE TOWN OF WASHINGTON, OKLAHOMA BY ANNEXING TERRITORY ADJACENT TO THE CITY ALL AS MORE FULLY DESCRIBED AS FOLLOWS:

See Exhibit "A" attached

PURSUANT TO THE INDIVIDUALLY OWNED ANNEXATION PROPOSAL BY THE TOWN TRUSTEE BOARD OF THE TOWN OF WASHINGTON AND APPROVED BY THE TRUSTEE BOARD ON MARCH 23, 2023. THIS ORDINANCE IS TO BE IN FULL FORCE AND EFFECT AS ALLOWED BY LAW.

WHEREAS, pursuant to the authority conferred upon the Trustee Board by Section 12-106 of Title 11 of the Oklahoma Statutes, the Trustee Board of the Town of Washington, Oklahoma proposed to annex, by governing body action, certain territory adjacent to the Town of Washington; and

WHEREAS, it appears that the territory to be annexed is adjacent to the Town of Washington, and that in planning the future growth and development of the City, the Trustee Board has determined that it is in the interest of the Town of Washington, Oklahoma and the citizens and residents thereof that the territory be annexed to the Town of Washington;

NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEE BOARD OF THE TOWN OF WASHINGTON, OKLAHOMA, THAT:

Section 1. **ANNEXATION.** The corporate limits of the Town of Washington, Oklahoma shall be and the same are hereby extended to include the following designated or described lands and territory:

See Exhibit "A" attached

and all of said lands and territory shall be and the same are hereby annexed to the Town of Washington.

PASSED, APPROVED AND ADOPTED this 4th day of March 2023.

TOWN OF WASHINGTON

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Greg Dixon, City Attorney

Notary
4/4/2023 Paul Aday

PAUL ADAY
NOTARY PUBLIC
No. 20013129
EXP. 10/22/2024
IN AND
FOR
STATE OF OKLAHOMA

STATE OF OKLAHOMA
McCLAIN COUNTY
FILED

APR 06 2023

2:30 o'clock P m
PAM BELLER, COUNTY CLERK

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

SEE EXHIBIT 'A' ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN

A tract of land in the Northwest Quarter (NW/4) of Section Twenty-Six (26), Township Seven (7) North, Range Three (3) West, of the Indian Meridian, McClain County, Oklahoma, more particularly described as follows: Commencing at the Northwest Corner of said Northwest Quarter (NW/4);
Thence S. 89°41'45" E. along the North line of said Northwest Quarter (NW/4) a distance of 300.20 feet;
Thence S. 00°00'59" W. a distance of 40.00 feet to the South right-of-way of State Highway 24 to the Point of Beginning;
Thence S. 00°00'59" W. a distance of 309.63 feet;
Thence S. 23°34'10" W. a distance of 166.81 feet;
Thence S. 29°08'42" E. a distance of 50.00 feet;
Thence S. 60°51'18" W. a distance of 50.01 feet;
Thence N. 89°41'45" W. a distance of 12.42 feet;
Thence S. 01°04'13" W. a distance of 50.00 feet;
Thence S. 89°41'45" E. a distance of 310.84 feet;
Thence N. 20°02'20" E. a distance of 221.19 feet;
Thence N. 15°48'02" E. a distance of 66.99 feet;
Thence N. 28°53'09" E. a distance of 292.19 feet;
Thence N. 00°18'15" E. a distance of 51.66 feet;
Thence N. 89°41'45" W. along the South right-of-way of State Highway 24 a distance of 446.83 feet to the Point of Beginning.

A.P.N. 0000-26-07N-03W-0-081-00

RESOLUTION
TOWN OF WASHINGTON NO. ~~24~~ 2024-9.6

A RESOLUTION OF THE TOWN OF WASHINGTON, OKLAHOMA, ESTABLISHING THE TOWN OF WASHINGTON GUIDING PRINCIPLES COMMITTEE, APPOINTING MEMBERS THERETO, AND SETTING FORTH RIGHTS AND RESPONSIBILITIES THEREOF.

WHEREAS, the Town of Washington is a municipal corporation organized and existing under and by virtue of the laws of the State of Oklahoma;

WHEREAS, the Washington Board of Trustees is imbued with broad authority to establish committees for particular purposes it deems in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, OKLAHOMA:

Section 1. **Establishment of The Town of Washington Guiding Principles Committee.**

There is hereby established a committee, which shall be henceforth known by and referred to as "The Town of Washington Guiding Principles Committee."

Section 2. **Membership.**

The following individuals are hereby appointed as initial members of The Town of Washington Guiding Principles Committee:

- Candace Tacker
- Bob Burris
- Blythe Wilson
- Kasey Lesher
- Ruben Ruiz
- Jordyn Priddy
- Monty Marcum
- Joel Siria
- TR Lesher
- Mica Lunt

Section 3. **Rights and Responsibilities.**

The purpose of The Town of Washington Guiding Principles Committee of the Town of Washington, Oklahoma, is to develop recommendations for vision and mission statements, core values, and short- and long-term goals for the Board of Trustee's consideration. The Town of Washington Guiding Principles Committee shall meet at least twice, at times as the members of the Committee may deem necessary, at an agreed upon location.

The Town of Washington Guiding Principles Committee is specifically instructed and empowered to:

(a) draft a vision statement, mission statement, and core values;

(b) Communicate with Town of Washington personnel, provided that no member of the Committee shall interfere with any Town employee's ability to perform his or her official duties;

(c) Research options for short- and long-term goals for the Town of Washington;

(d) Report to the Washington Board of Trustees the Committee's findings and proposed changes and actions related to the above.

Section 4. **Severability.**

If any section, sentence, phrase or portion of this resolution is for any reason held invalid by any court of competent jurisdiction, such provision shall be deemed an independent provision, and such holding shall not invalidate the remaining portions hereof.

Section 5. **Effective Date.**

This Resolution shall become effective on September 23, 2024.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____ 2024.

TOWN OF WASHINGTON

By: _____ 9/23/24
Mayor Date

ATTEST:

_____
Clerk/Secretary
(SEAL)

APPROVED AS TO FORM:

_____ 9/30/2024
Municipal Attorney Date

TOWN OF WASHINGTON RESOLUTION NO 24-11.1

A RESOLUTION OF THE TOWN OF WASHINGTON, OKLAHOMA APPOINTING CIVIL DEFENSE DIRECTOR AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Washington is a governmental entity established under Article III of Title 11 of the Oklahoma Statutes; and

WHEREAS, the Town of Washington Board of Trustees is empowered pursuant to 11 O.S. § 12-106 to create, change, and abolish offices, agencies, and other departments; and

WHEREAS, Chapter 4 Section 1-41 of the Washington Code of Ordinances establishes the office of Civil Defense Director appointed by the Mayor, with approval of the Town Board of Trustees; and

WHEREAS, the Civil Defense Director shall have the authority and responsibility to form an organization to prepare and implement a Civil Defense Program and promulgate rules and regulations necessary and incident to the protection of lives, health, and property of the citizens of the Town of Washington; and

WHEREAS, the Town of Washington Board of Trustees has the authority to adopt this resolution pursuant to the ordinances of the Town of Washington.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, STATE OF OKLAHOMA:

Section 1. Appointment of Civil Defense Director.

GILBERT KEITH, an individual nominated by the Mayor, is hereby appointed to the position of Civil Defense Director and is hereby empowered and charged with the authority and responsibility to:

(a) Form an organization to prepare and implement a Civil Defense Program;
(b) Form committees to perfect such an organization;
(c) Appoint the Chairman of such committees;
(d) Formulate plans, gather information and maintain records for the Civil Defense Department.

Section 2. Adoption of the McClain County Emergency Management Hazard Mitigation Plan.

The Office of Emergency Management in McClain County has a comprehensive Emergency Management & Hazard Mitigation Plan that the Town wishes to adopt.

Section 3. Effective Date.

This Resolution shall become effective on 12, NOVEMBER, 2024.

PASSED, APPROVED, AND ADOPTED THIS 12 NOVEMBER 2024

TOWN OF WASHINGTON

By: _____ 11/12/24
Mayor Date

ATTEST:
_____
Clerk/Secretary
(SEAL)

TOWN OF WASHINGTON OFFICIAL SEAL OKLAHOMA

APPROVED AS TO FORM:

_____ 11/12/24.
Municipal Attorney Date

Town of Washington

Town of Washington
Resolution 24 - 11.3

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, ESTABLISHING A COMPREHENISVE FEE SCHEDULE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

Whereas, the Town of Washington has not had a comprehensive fee schedule, and such fee schedules are common in municipalities to ensure the consistent application of fees and assist with budgeting; and,

Whereas, comprehensive fee schedules are easier to keep current and provide staff, citizens, and all customers with consistent guidance on fees levied by the Town: NOW,

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON, STATE OF OKLAHOMA:

Section 1. Adoption of Manual of Fees. Effective November 12, 2024, the attached "Town of Washington Manual of Fees" "Adopted Nov 2024" is adopted in its entirety and immediately in effect with the exception of fees for Water Rates, Sanitary Sewer Rates, Flat Service Sanitary Sewer Fees for customers that Don't Receive Town Water, and Solid Waste Charges go into effect January 1, 2025.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, except, that the effective date provision shall not be severable from the operative provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 12 day of NOVEMBER, 2024.

TOWN OF WASHINGTON

Joel Siria, Mayor

ATTEST:

Kasey Lesher, City Clerk

Resolution, except, that the effective date provision shall not be severable from the operative provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 12 day of NOVEMBER, 2024.

TOWN OF WASHINGTON

Duane Brantham

Printed Name, Chairperson

ATTEST:

Kasey Lesher

Kasey Lesher, City Clerk

ORDINANCE NO. 25-3.4

AN ORDINANCE ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE **TOWN OF WASHINGTON AND WASHINGTON PUBLIC WORKS AUTHORITY**, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE TOWN OF WASHINGTON AND WASHINGTON PUBLIC WORKS AUTHORITY, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR NON-ALIENATION OF BENEFITS; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF WASHINGTON AND WASHINGTON PUBLIC WORKS AUTHORITY, OKLAHOMA:

Section 1. That 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 City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of **July 1, 2025,** the funded Plan designated "Employee Retirement System of Town of Washington and Washington Public Works Authority, Oklahoma, Defined Contribution Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joinder Agreement) and Exhibit "B" (Master Defined Contribution Plan) and attached hereto as part hereof.

Section 2. ADMINISTRATION. For the purpose of administration the System there is hereby established a Committee, which shall be the members of the Board of Trustees of Town of Washington and Washington Public Works Authority, Oklahoma, as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the Committee shall be as set forth in the System instrument attached hereto as Exhibit "B".

Section 3. 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 City. 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 City 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 nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

Section 4. APPROPRIATIONS. The Town of Washington and Washington 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 Washington and Washington 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 Contribution 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.

Section 5. EXECUTION. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the 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. The counterpart attached hereto as Exhibit "A" and Exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Committee is hereby authorized and directed to proceed immediately on behalf of the Town of Washington and Washington 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.

Section 6. REPEALER. Any Ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 7. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A" and Exhibit "B", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or

clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

Section 8. EMERGENCY. Whereas, in the judgment of the Board of Trustees of the Town of Washington and Washington Public Works Authority, Oklahoma, the public peace, health, safety, and welfare of the Town of Washington and Washington Public Works Authority , Oklahoma, and the inhabitants thereof demand the immediate passage of this Ordinance, an emergency is hereby declared, the rules are suspended, and this Ordinance shall be in full force and effective on its passage, approvals and publication.

*****END*****

The undersigned hereby certifies that the foregoing Ordinance was introduced before the Board of Trustees of Town of Washington and Washington Public Works Authority on the 4th day of March, 2025, and was duly adopted and approved by the Mayor and Board of Trustees, on the 4th day of March, 2025, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on 4th of March, 2025.

CITY ATTORNEY

KASEY LESHER
Notary Public, State of Oklahoma
Commission # 24010416
My Commission Expires 08-19-2028

Exhibit A

OKLAHOMA MUNICIPAL RETIREMENT FUND
MASTER DEFINED CONTRIBUTION PLAN
JOINDER AGREEMENT

Town of Washington and Washington Public Works Authority [a municipality or authority chartered, incorporated or formed under the laws of Oklahoma], a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at Washington, Oklahoma, hereby establishes a Defined Contribution Plan to be known as **Town of Washington and Washington Public Works Authority Plan** (the "Plan") in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

1. **Dates.**
   - [X] **This instrument is a new Plan effective July 1, 2025 ("Effective Date")** [such date may not be earlier than the first day of the Plan Year in which it is executed].
   - [ ] This instrument is an amendment, restatement, and continuation of the Previous Plan, which was originally effective __. The effective date of this Joinder Agreement is __ ("Effective Date") [date may not be prior to Plan Year of the date of execution], except as otherwise stated in the Plan and the Joinder Agreement.
2. **Employee.**

   The word "Employee" shall mean:
   - [X] **Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.**
   - [ ] Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
   - [ ] Any person who, [ ] on or after the Effective Date, [ ] as of , holds the position of:
     - [ ] City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
     - [ ] Assistant City Manager [ ] Chief of Police [ ] Fire Chief
     - [ ] Department Head or Department Manager [ ] Finance Director or Chief Financial Officer
     - [ ] General Counsel or Municipal Attorney [ ] Municipal Judge [ ] (specify position)

   The word "Employee" shall not include:
   - [X] **Any person who is currently accruing benefits under any other state or local retirement system.**
   - [ ] Any person in the following position and who is covered under another retirement program or system approved by the City:
     - [ ] City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
     - [ ] Assistant City Manager [ ] Chief of Police [ ] Fire Chief
     - [ ] Department Head or Department Manager
     - [ ] Finance Director or Chief Financial Officer
     - [ ] General Counsel or Municipal Attorney [ ] Municipal Judge [ ] __ (specify position)
     - [ ] Any person who _ [description may include a position but not the name of an individual].

3. **Entry Date.**
Eligible Employees shall commence participation in the Plan: (Select only one)

[ ] months (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee in Section 2 hereof was met, provided that the individual has met the definition of Employee in Section 2 hereof throughout such period.

[X] **On the Employee's Employment Commencement Date. (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).**

4. **Definition of Compensation.**
Compensation shall exclude the item(s) listed below:

[ ] No exclusions.
[X] **Overtime pay.**
[ ] Bonuses.
[ ] Commissions.
[ ] Longevity pay.
[ ] Severance pay.
[ ] Fringe benefits, expense reimbursements, deferred compensation and welfare benefits.
[ ] Accrued vacation or sick leave paid upon termination of employment and moving expenses.
[ ] Other: [must be definitely determinable]

5. **Plan Design.**
The Employer hereby elects the following Plan design:

[ ] **Pick-up Option**. Each Employee shall be required to contribute to the Plan % of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.

[X] **Thrift Plan Option**. 6%

[X] **A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than 10.00% of his Compensation ("Mandatory Contributions"). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee.**

[X] **The Employer shall contribute to the Fund an amount equal to 100.00% of the total Mandatory Contributions contributed by Participants.**
The Employer contribution shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period. Forfeitures attributable to Employer contributions under the Thrift Plan Option of this Section 5 shall be used to reduce Employer contributions under such Option.

[ ] **Fixed Option**. The Employer shall contribute to the Fund an amount equal to % of the total covered Compensation of all Participants for the Valuation Period. The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

[ ] **Variable Option**.

[ ] The Employer intends to make a contribution to the Plan for the benefit of the Participants for each Valuation Period. The contribution may be varied from year to year by the Employer. (Select one option below)

[ ] Option A: The Employer contribution shall be allocated in the proportion that each such Participant's total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.

[ ] Option B: The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

[ ] Option C: A combination of Options A and B in the following ratios: % for Option A, and % for Option B.

[ ] **401(k) Option.**
(This Option available only if elected prior to May 1, 1986)

[ ] Participant Deferral Elections shall be allowed under the provisions of Section 4.8 of the Plan. Participants shall be allowed to defer no more than % of their Compensation for each election period.

[ ] Section 4.8(d) of the Plan ("Roth Elective Deferrals") shall apply to contributions after (enter a date later than January 1, 2006, but not earlier than the date the Roth option was initially adopted), and the Plan will accept a direct rollover from another Roth elective deferral account under an applicable retirement plan as described in Code Section 402A(e)(1).

[ ] **Matching Contribution Option.** The Employer shall contribute to the Fund an amount equal to % of the Participant's contributions under the Employer's Section 457(b) Deferred Compensation Plan. The Employer matching contribution shall be limited to % of the Participant's Compensation. Forfeitures attributable to Employer matching contributions under this Matching Contribution Option of Section 5 shall be used to reduce Employer matching contributions under such Option.

[ ] **No Employer Contribution Option.**

6. **Other Participant Contribution Options.**
   [X] **Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.4 of the Plan.**
   [ ] A Participant may not withdraw Voluntary Nondeductible Contributions.
   [ ] Participants shall not contribute to the Plan.

7. **Self-Directed Investments.**
   [X] **Are permitted.**
   [ ] Are not permitted.

8. **Allocation of Forfeitures Available.**
   Forfeitures of Employer contributions attributable to the Fixed Option or Variable Option under Section 5 hereof:
   [ ] Shall be added to Employer contribution under such Option for the calendar quarter following the Participant's Break in Service.
   [ ] Shall reduce the Employer contribution under such Option for the current or next following Plan Year.

9. **Service for Worker's Compensation Period.**
   If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant
   [X] **shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.**
   [ ] shall not be credited with Service for such period.

10. Vesting.

For purposes of vesting under Section 6.4 of the Plan, the Employer hereby elects the following Option:

[ ] Option A

Years of Service	Vested Percentage	Forfeited Percentage
less than 1	0%	100%
at least 1 but less than 2	10%	90%
at least 2 but less than 3	20%	80%
at least 3 but less than 4	30%	70%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

[ ] Option B

Years of Service	Vested Percentage	Forfeited Percentage
Less than 3	0%	100%
at least 3 but less than 4	20%	80%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	60%	40%
at least 6 but less than 7	80%	20%
7 or more	100%	0%

[ ] Option C

Years of Service	Vested Percentage	Forfeited Percentage
less than 5	0%	100%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
10 or more	100%	0%

[ ] Option D

Years of Service	Vested Percentage	Forfeited Percentage
Immediate 100% Vesting	100%	0%

[X] Option E

The Schedule indicated below (the sum of the Vested Percentage and Forfeited Percentage at each Year of Service must equal 100%) the vesting schedule must be at least as favorable as one of the safe harbor pre-ERISA schedules. The safe harbor vesting schedules are:

a. 15-year cliff vesting schedule: The plan provides that a participant is fully vested after 15 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).

b. 20-year graded vesting schedule: The plan provides that a participant is fully vested based on a graded vesting schedule of 5 to 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).

c. 20-year cliff vesting schedule for qualified public safety employees: The plan provides that a participant is fully vested after 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service). This safe harbor would be available only with respect to the vesting schedule applicable to a group in which substantially all of the participants are qualified public safety employees (within the meaning of Section 72(t)(10)(B)).

Years of Service	Vested Percentage	Forfeited Percentage
less than 1	0%	100%
at least 1 but less than 2	33%	67%
at least 2 but less than 3	66%	34%
3 or more	100%	0%

[ ] Option F

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Code Section 3121(b)(7)(F), Participants who are part-time, seasonal or temporary Employees will have immediate vesting.

(If this Option F is elected, one of the other Options above must also be elected for Participants who are not part-time, seasonal or temporary Employees).

11. Participant Loans.

[ ] Participant loans shall be offered pursuant to Section 6.13 of the Plan.

[X] **Participant loans shall not be offered.**

12. Direct Transfer to Other Retirement Plan.

[X] **Direct transfer of a Participant's accounts to another defined contribution plan sponsored by the Employer is not permitted.**

[ ] The Accounts of any Participant who (i) is 100% vested in his Accounts in this Plan; (ii) has ceased to be eligible for participation in this Plan; and (iii) who becomes eligible for participation in another defined contribution retirement plan sponsored by the Employer (the "Other Retirement Plan"), shall be directly transferred to the Other Retirement Plan as soon as practicable after the Plan Administrator provides written direction to the Trustee to such effect in a form acceptable to the Trustee.

13. Valuation Date. Except with respect to any Special Valuation Date determined in accordance with Section 5.10, the Valuation Date for the Plan shall be on each business day of the Plan Year for which Plan assets are valued on an established market.

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14. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.

IN WITNESS WHEREOF the Town of Washington and Washington Public Works Authority has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this 4th day of March, 2025.

Town of Washington and Washington Public Works Authority

By: _____

Title: Mayor

Attest:

_____

Title: CLERK

(SEAL)

KASEY LESHER
Notary Public, State of Oklahoma
Commission # 24010416
My Commission Expires 08-19-2028

The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this _____ day of _____, _____.

OKLAHOMA MUNICIPAL RETIREMENT FUND

By:_____

Title:_____

Attest:

_____
Secretary

(SEAL)

Required Disclosures. This Joinder Agreement is to be used only with the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan. Failure to properly complete this Joinder Agreement may result in failure of the Plan to qualify under Code Section 401(a). In accordance with IRS Rev. Proc. 2017-41, the Provider (as defined in Rev. Proc. 2017-41) who has obtained Internal Revenue Service approval of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan has authority under the Plan document to amend the Plan on behalf of adopting employers for certain changes in the Code, regulations, revenue rulings, other statements published by the Internal Revenue Service, including model, sample or other required good faith amendments. The Provider will inform adopting employers of any such amendments or of the discontinuance or abandonment of the Pre-Approved Plan document. The name, address and telephone number of the Provider is: McAfee & Taft A Professional Corporation, 211 N. Robinson, Oklahoma City, OK 73102, telephone (405) 552-2231. Any inquiries by the adopting employer regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the Internal Revenue Service advisory letter on the Pre-Approved Plan may be directed to the Provider.

Reliance on Sponsor Opinion Letter. The Provider has obtained from the IRS an Opinion Letter (as defined in Rev. Proc. 2017-41) specifying the form of this Joinder Agreement and the basic plan document satisfy, as of the date of the Opinion Letter, Code §401. An adopting Employer may rely on the Preapproved Plan Sponsor's IRS Opinion Letter only to the extent provided in Rev. Proc. 2017 41. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter and in Rev. Proc. 2017 41 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, the Employer must apply for a determination letter to Employee Plans Determinations of the IRS.

AN ORDINANCE OF THE **TOWN OF WASHINGTON AND WASHINGTON PUBLIC WORKS AUTHORITY**, OKLAHOMA

ORDINANCE NO. 25-10.2

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, **DEFINED CONTRIBUTION PLAN FOR THE TOWN OF WASHINGTON AND WASHINGTON PUBLIC WORKS AUTHORITY**, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE **TOWN OF WASHINGTON AND WASHINGTON PUBLIC WORKS AUTHORITY**, OKLAHOMA; **PERTAINING TO DEFINITION OF COMPENSATION** PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY BOARD OF TRUSTEES OF THE TOWN OF WASHINGTON AND WASHINGTON PUBLIC WORKS AUTHORITY, OKLAHOMA.

Section 1. **AMENDATORY.** The Employee Retirement System, Defined Contribution Plan, of the **Town of Washington and Washington Public Works Authority**, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **October 1, 2025.**

Section 2. **EXECUTION AUTHORIZATION.** The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. **SEVERABILITY.** If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 4. **REPEALER.** Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. **EMERGENCY.** Whereas, in the judgment of the Board of Trustees of the **Town of Washington and Washington Public Works Authority,** Oklahoma, the public peace, health, safety, and welfare of the **Town of Washington and Washington Public Works Authority,** Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance,

an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the Board of Trustees on the 14 day of October, 2025, and was duly adopted and approved by the Mayor and Board of Trustees on the 14 day of October, 2025, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on 14, October, 2025.

CITY ATTORNEY

OKLAHOMA MUNICIPAL RETIREMENT FUND
MASTER DEFINED CONTRIBUTION PLAN
JOINDER AGREEMENT

Town of Washington and Washington Public Works Authority [a municipality or authority chartered, incorporated or formed under the laws of Oklahoma], a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at Washington, Oklahoma, hereby establishes a Defined Contribution Plan to be known as **Town of Washington and Washington Public Works Authority Plan** (the "Plan") in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

1. **Dates.**
   [ ] This instrument is a new Plan effective __ ("Effective Date") [such date may not be earlier than the first day of the Plan Year in which it is executed].
   [X] This instrument is an amendment, restatement, and continuation of the Previous Plan, which was originally effective July 1, 2025 . The effective date of this Joinder Agreement is **October 1, 2025** ("Effective Date") [date may not be prior to Plan Year of the date of execution], except as otherwise stated in the Plan and the Joinder Agreement.
2. **Employee.**
   The word "Employee" shall mean:
   [X] Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
   [ ] Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
   [ ] Any person who, [ ] on or after the Effective Date, [ ] as of , holds the position of:
      [ ] City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
      [ ] Assistant City Manager [ ] Chief of Police [ ] Fire Chief
      [ ] Department Head or Department Manager [ ] Finance Director or Chief Financial Officer
      [ ] General Counsel or Municipal Attorney [ ] Municipal Judge
      [ ] _ (specify position)

   The word "Employee" shall not include:
   [X] Any person who is currently accruing benefits under any other state or local retirement system.
   [ ] Any person in the following position and who is covered under another retirement program or system approved by the City:
      [ ] City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
      [ ] Assistant City Manager [ ] Chief of Police [ ] Fire Chief
      [ ] Department Head or Department Manager
      [ ] Finance Director or Chief Financial Officer
      [ ] General Counsel or Municipal Attorney [ ] Municipal Judge
      [ ] __ (specify position)
   [ ] Any person who _ [description may include a position but not the name of an individual].

3. **Entry Date.**
Eligible Employees shall commence participation in the Plan: (Select only one)

[ ] months (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee in Section 2 hereof was met, provided that the individual has met the definition of Employee in Section 2 hereof throughout such period.

[X] On the Employee's Employment Commencement Date. (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).

4. **Definition of Compensation.**
Compensation shall exclude the item(s) listed below:

[ ] No exclusions.
[ ] Overtime pay.
[ ] Bonuses.
[ ] Commissions.
[ ] Longevity pay.
[ ] Severance pay.
[X] **Fringe benefits, expense reimbursements, deferred compensation and welfare benefits.**
[ ] Accrued vacation or sick leave paid upon termination of employment and moving expenses.
[ ] Other: [must be definitely determinable]

5. **Plan Design.**
The Employer hereby elects the following Plan design:

[ ] **Pick-up Option**. Each Employee shall be required to contribute to the Plan % of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.

[X] **Thrift Plan Option**.

[X] A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than **6.00%** of his Compensation ("Mandatory Contributions"). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee.

[X] The Employer shall contribute to the Fund an amount equal to **100.00%** of the total Mandatory Contributions contributed by Participants.
The Employer contribution shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period. Forfeitures attributable to Employer contributions under the Thrift Plan Option of this Section 5 shall be used to reduce Employer contributions under such Option.

[ ] **Fixed Option**. The Employer shall contribute to the Fund an amount equal to % of the total covered Compensation of all Participants for the Valuation Period. The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

[ ] **Variable Option**.

[ ] The Employer intends to make a contribution to the Plan for the benefit of the Participants for each Valuation Period. The contribution may be varied from year to year by the Employer. (Select one option below)

[ ] Option A: The Employer contribution shall be allocated in the proportion that each such Participant's total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.

[ ] Option B: The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

[ ] Option C: A combination of Options A and B in the following ratios: % for Option A, and % for Option B.

[ ] **401(k) Option.**
(This Option available only if elected prior to May 1, 1986)
[ ] Participant Deferral Elections shall be allowed under the provisions of Section 4.8 of the Plan. Participants shall be allowed to defer no more than % of their Compensation for each election period.
[ ] Section 4.8(d) of the Plan ("Roth Elective Deferrals") shall apply to contributions after (enter a date later than January 1, 2006, but not earlier than the date the Roth option was initially adopted), and the Plan will accept a direct rollover from another Roth elective deferral account under an applicable retirement plan as described in Code Section 402A(e)(1).

[ ] **Matching Contribution Option.** The Employer shall contribute to the Fund an amount equal to % of the Participant's contributions under the Employer's Section 457(b) Deferred Compensation Plan. The Employer matching contribution shall be limited to % of the Participant's Compensation. Forfeitures attributable to Employer matching contributions under this Matching Contribution Option of Section 5 shall be used to reduce Employer matching contributions under such Option.

[ ] **No Employer Contribution Option.**

6. **Other Participant Contribution Options.**
[X] Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.4 of the Plan.
[ ] A Participant may not withdraw Voluntary Nondeductible Contributions.
[ ] Participants shall not contribute to the Plan.

7. **Self-Directed Investments.**
[X] Are permitted.
[ ] Are not permitted.

8. **Allocation of Forfeitures Available.**
Forfeitures of Employer contributions attributable to the Fixed Option or Variable Option under Section 5 hereof:
[ ] Shall be added to Employer contribution under such Option for the calendar quarter following the Participant's Break in Service.
[ ] Shall reduce the Employer contribution under such Option for the current or next following Plan Year.

9. **Service for Worker's Compensation Period.**
If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant
[X] shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.
[ ] shall not be credited with Service for such period.

10. Vesting.

For purposes of vesting under Section 6.4 of the Plan, the Employer hereby elects the following Option:

[ ] Option A

Years of Service	Vested Percentage	Forfeited Percentage
less than 1	0%	100%
at least 1 but less than 2	10%	90%
at least 2 but less than 3	20%	80%
at least 3 but less than 4	30%	70%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

[ ] Option B

Years of Service	Vested Percentage	Forfeited Percentage
Less than 3	0%	100%
at least 3 but less than 4	20%	80%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	60%	40%
at least 6 but less than 7	80%	20%
7 or more	100%	0%

[ ] Option C

Years of Service	Vested Percentage	Forfeited Percentage
less than 5	0%	100%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
10 or more	100%	0%

[ ] Option D

Years of Service	Vested Percentage	Forfeited Percentage
Immediate 100% Vesting	100%	0%

[X] Option E

The Schedule indicated below (the sum of the Vested Percentage and Forfeited Percentage at each Year of Service must equal 100%) the vesting schedule must be at least as favorable as one of the safe harbor pre-ERISA schedules. The safe harbor vesting schedules are:

a. 15-year cliff vesting schedule: The plan provides that a participant is fully vested after 15 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).

b. 20-year graded vesting schedule: The plan provides that a participant is fully vested based on a graded vesting schedule of 5 to 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).

c. 20-year cliff vesting schedule for qualified public safety employees: The plan provides that a participant is fully vested after 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service). This safe harbor would be available only with respect to the vesting schedule applicable to a group in which substantially all of the participants are qualified public safety employees (within the meaning of Section 72(t)(10)(B)).

Years of Service	**Vested Percentage**	**Forfeited Percentage**
less than 1	**0%**	**100%**
at least 1 but less than 2	**33%**	**67%**
at least 2 but less than 3	**67%**	**33%**
3 or more	**100%**	**0%**

[ ] Option F

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Code Section 3121(b)(7)(F), Participants who are part-time, seasonal or temporary Employees will have immediate vesting.

(If this Option F is elected, one of the other Options above must also be elected for Participants who are not part-time, seasonal or temporary Employees).

11. **Participant Loans.**
    [ ] Participant loans shall be offered pursuant to Section 6.13 of the Plan.
    [X] Participant loans shall not be offered.

12. **Direct Transfer to Other Retirement Plan.**
    [X] Direct transfer of a Participant's accounts to another defined contribution plan sponsored by the Employer is not permitted.
    [ ] The Accounts of any Participant who (i) is 100% vested in his Accounts in this Plan; (ii) has ceased to be eligible for participation in this Plan; and (iii) who becomes eligible for participation in another defined contribution retirement plan sponsored by the Employer (the "Other Retirement Plan"), shall be directly transferred to the Other Retirement Plan as soon as practicable after the Plan Administrator provides written direction to the Trustee to such effect in a form acceptable to the Trustee.

13. **Valuation Date.** Except with respect to any Special Valuation Date determined in accordance with Section 5.10, the Valuation Date for the Plan shall be on each business day of the Plan Year for which Plan assets are valued on an established market.

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14. **The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.**

IN WITNESS WHEREOF the Town of Washington and Washington Public Works Authority has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this 14 day of October, 2025.

Town of Washington and Washington Public Works Authority

By: _____

Title: Chairman

Attest:

_____

Title: Clerk

(SEAL)



The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this _____ day of _____, _____.

OKLAHOMA MUNICIPAL RETIREMENT FUND

By:_____

Title:_____

Attest:

_____
Secretary

(SEAL)

Required Disclosures. This Joinder Agreement is to be used only with the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan. Failure to properly complete this Joinder Agreement may result in failure of the Plan to qualify under Code Section 401(a). In accordance with IRS Rev. Proc. 2017-41, the Provider (as defined in Rev. Proc. 2017-41) who has obtained Internal Revenue Service approval of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan has authority under the Plan document to amend the Plan on behalf of adopting employers for certain changes in the Code, regulations, revenue rulings, other statements published by the Internal Revenue Service, including model, sample or other required good faith amendments. The Provider will inform adopting employers of any such amendments or of the discontinuance or abandonment of the Pre-Approved Plan document. The name, address and telephone number of the Provider is: McAfee & Taft A Professional Corporation, 211 N. Robinson, Oklahoma City, OK 73102, telephone (405) 552-2231. Any inquiries by the adopting employer regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the Internal Revenue Service advisory letter on the Pre-Approved Plan may be directed to the Provider.

Reliance on Sponsor Opinion Letter. The Provider has obtained from the IRS an Opinion Letter (as defined in Rev. Proc. 2017-41) specifying the form of this Joinder Agreement and the basic plan document satisfy, as of the date of the Opinion Letter, Code §401. An adopting Employer may rely on the Preapproved Plan Sponsor's IRS Opinion Letter only to the extent provided in Rev. Proc. 2017 41. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter and in Rev. Proc. 2017 41 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, the Employer must apply for a determination letter to Employee Plans Determinations of the IRS.