ANADARKO, OKLAHOMA

CODE OF ORDINANCES
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TITLE 1 – ADMINISTRATION

Chapter 1. Incorporation, Governing, Authority

Section 1-1-1. Incorporation.

The city of Anadarko, 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 "City of Anadarko, Oklahoma". It shall succeed to and possess all the property, rights, privileges, franchises, powers and immunities now belonging to the corporation known as the city of Anadarko, Oklahoma, and shall be liable for all debts and other obligations for which the corporation is now legally bound.

Section 1-1-2. Form of Government.

The municipal government provided for the city of Anadarko shall be the city council-city manager form of government, as established by the Anadarko city charter (approved by the voters on August 5, 1947). All powers of the municipality shall be exercised in the manner prescribed by this city code, future ordinances or state law; provided, that, this code and all future ordinances are not repugnant to the state constitution and laws.

Section 1-1-3. General Powers of City.

A. The city 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 powers necessary to carry into execution all the powers granted.

B. The city 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 to issue bonds, in accordance with the state constitution and laws. It shall have the power, in accordance 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 shall not be deemed to be exclusive or limiting. In addition to the powers enumerated herein or implied hereby, the city shall have all powers which, under the state· constitution and laws, it would be competent for this code specifically to enumerate.

Chapter 2. Official City Code

Section 1-2-1. Title.

Upon the adoption by the city council, this city code is hereby declared to be and shall hereafter constitute the official city code of Anadarko. This city code of ordinances shall be .known and cited as the ANADARKO CITY CODE and is hereby published by authority of the city council and shall be supplemented to incorporate the most recent legislation of the city as provided in section 1-2-5 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this city code by title in any legal documents.

Section 1-2-2. Acceptance of Code.

The city code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in section 1-3-1 of this title.

Section 1-2-3. Adoption of Codes; Standards by Reference.

The city council, 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; provided, that three (3) copies are filed and kept in the office of the city clerk.

Section 1-2-4. Ordinance Codification; Code Supplementation.

A. Periodic Recodification:

1. Every ten (10) years, the city shall compile and publish its effective penal ordinances in a permanent form.

2. Two (2) copies of the compilation of ordinances shall be deposited by the city in the .county law library.

B. Supplementation Of Code: Every two (2) years, the city 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 year prior to the latest compilation or supplement.

C. Resolution; Notice To Public: When the city has compiled and published its code of ordinances and succeeding supplements, the city council shall adopt a resolution notifying the public of such compliance and cause two (2) copies of the resolution, the city code and the supplements to be filed in the office of the Caddo County clerk and the county law library. (1988 Code § 1-280)

Section 1-2-5. Amendments or Additions to Code.

A. Council Authority: The city council shall have the power to repeal, alter or amend this code.

B. Drafting Of Ordinances: All ordinances passed subsequent to this code which amend, repeal, or in any way affect said code, may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, such repealed portions may be excluded from this code by omission thereof from reprinted pages. Such inclusion of ordinances passed subsequent to this code 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 and subsequent ordinances numbered or omitted, are readopted as a new city code by the city council.

C. Referencing Specific Code Sections: Amendments to any of the pro- visions of this code shall be made by amending such provisions by specific reference to the title, chapter and section numbers of this code in the following language: Section _ of chapter_, title _, of the city code, city of Anadarko, Oklahoma, is hereby amended to read as follows: _____.The new provisions shall then be set out in full as desired.

D. Adding Provisions: In the event a new section not heretofore existing in this code is to be added, the following language shall generally be used: The city code, city of Anadarko, Oklahoma, is hereby amended by adding a section to chapter _____of title _____, which section reads as follows: _____.. The new section shall then be set out in full as desired.

Section 1-2-6. Ordinances in Effect in Outlying Territory of City.

A. Provisions Extended: All provisions of this code and other ordinances of the city now in effect or adopted in the future are hereby extended to all real property belonging to, or under the control of, the city of Anadarko, Oklahoma, outside the corporate limits of said city, and shall be in full force and effect thereon insofar as they are applicable.

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

C. Traffic Regulations: The operation of motor vehicles and other traffic upon roads, streets and highways that form the boundary lines of the city shall be subject to all ordinances of the city.

Section 1-2-7. Code Alterations.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby; provided, that supplementation of this code by authorized persons shall be permitted. Any person violating this section shall be punished as provided in section 1-5-1 of this title.

Chapter 3. Saving Clause

Section 1-3-1. Certain Ordinances Not Affected By Code.

Nothing in this code 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 city authorizing the issuance of any municipal bonds or any evidence of the city's indebtedness.;

B. Appropriation ordinances, or ordinances providing for: 1) the levy of taxes; 2) an annual budget; 3) a special election; or 4) prescribing salaries for city officers and employees;

C. Ordinances which provide for the annexation or de-annexation of territory to or from the city;

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

E. Ordinances authorizing or otherwise relating to specific public improvements;

F. Ordinances vacating opening or dedicating specific streets and alleys;

G. Ordinances relating to specific street improvements and assessments therefor;

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

I. Ordinances naming or renaming specific streets;

J. Ordinances granting railroads or others the right to use specific streets, alleys or rights of way;

K. Ordinances changing the zoning district classification of a specific parcel of real property; or

L. Other temporary or special ordinances.

Section 1-3-2. Enumeration of State or Local Provisions.

A. State Law:

1. Provisions of state law which affect the city 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.

2. Provisions of state law which prescribe specific actions or laws for the city and its citizens may be included in this code for purposes of clarity.

3. Provisions of state law in matters of wider public concern which are not enumerated herein, but which affect the city and its citizens in a general way may not be enumerated herein, but may nevertheless be made a part of this code through adoption by reference.

B. Provisions Of Local Concern: All provisions which are of purely local concern may be specifically enumerated in this code. The regulations, rules, prohibitions, nuisances, offenses and other provisions which are of purely local concern, as provided by state law, and are specifically enumerated herein in detail, shall be enforced by the city. Duly authorized officers and agents of the city shall have all power, duties and responsibilities necessary to enforce the same.

Section 1-3-3. Effect on Prior Offenses or Rights.

Nothing in this code 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 1-3-4. Separability Clause.

A. It is hereby declared to be the intention of the mayor and city council that the sections, paragraphs, sentences, clauses and phrases of this code are separable and if any phrase, clause, sentence, paragraph or section of this 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 this code, since the same would have been enacted by the mayor and city council without the incorporation in this code of any such invalid phrase, clause, sentence, paragraph or section.

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

Chapter 4. Definitions; Interpretations

Section 1-4-1. Word Construction and Interpretation.

A. Number And Gender: Whenever any word in any section of this city code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this city code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this city code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

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

C. May, Shall: The word "may" is permissive; the word "shall" is mandatory.

D. Preceding, Following: Next before and next after, respectively.

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

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

Section 1-4-2. Definitions, General.

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

A. Agent: A person acting on behalf of another with authority conferred, either expressly or by implication.

B. Chief of Police or Police Chief: The chief of police or the police officer in charge of the police force of the city of Anadarko, Oklahoma.

C. City: The city of Anadarko, in Caddo County, Oklahoma.

D. City Attorney, Municipal Counsellor or Municipal Attorney: The city attorney of the city of Anadarko, Oklahoma.

E. City Clerk: The city clerk of the city of Anadarko, Oklahoma.

F. City Council or Council: The governing body of the city of Anadarko, Oklahoma.

G. City Treasurer or Treasurer: The city treasurer of the city of Anadarko, Oklahoma.

H. CLEET: Council on law enforcement and education training.

I. Code: Reference to “this code” or “the code” shall mean the code of ordinances of the city of Anadarko, Oklahoma.

J. Computation of Time: Whenever notice is required to be given (for 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 had, shall be included.

K. County: The county of Caddo, state of Oklahoma.

L. Court or Municipal Court: The municipal court of the city of Anadarko, Oklahoma.

M. Employees: Whenever reference is made in this code to a city employee by title only, this shall be construed as though followed by the words “of the city of Anadarko, Oklahoma”

N. Fiscal Year: Effective July 1, 2016, the fiscal year for the city of Anadarko, Oklahoma shall begin on July 1 of each year and end on June 30 of each year.

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

P. Health Officer or Health Department: The Caddo County sanitarian or Caddo County health department, unless specific reference is made to the appointed health officer of the city of Anadarko, Oklahoma.

Q. Highway: Shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the city of Anadarko, Oklahoma, dedicated or devoted to public use.

R. Joint Authority: Words purporting to give 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.

S. Judge: The judge of the municipal court of the city of Anadarko, Oklahoma, including the acting judge and/or alternate judge thereof, as provided by Oklahoma statutes and this city code.

T. Judicial District: The district court judicial district of the state of Oklahoma, wherein the situs of government of the city of Anadarko, Oklahoma, is situated.

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

V. Mayor: The chief executive officer of the city of Anadarko, Oklahoma.

W. Month: A calendar month.

X. OS: Oklahoma Statutes.

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

Z. Officers, Agencies: Whenever reference is made in this code to a city officer, department, board, commission or other agency by title only, this reference shall be construed as though followed by the words "of the city of Anadarko, Oklahoma".

AA. Owner: As 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 a part of such building or land.

BB. 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" , as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

CC. Personal Property: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

DD. Police Officer: The chief of police or any police officer of the city of Anadarko, Oklahoma.

EE. Property: Shall include real and personal property.

FF. Right of Way: The privilege of the immediate use of the roadway or other property.

GG. Roadway: That portion of a street improved, designed or ordinarily used for vehicular traffic.

HH. Sidewalk: 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.

II. Signature or Subscription: Shall include a mark when a person cannot write.

JJ. State: The state of Oklahoma.

KK. Statutory References: References to statutes of the state of Oklahoma as they now are or as they may be amended to be.

LL. Street: Shall include any highway, alley, street, avenue, public place, underpass or overpass in the city, dedicated or devoted to public use.

MM. Written or in Writing: Shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

NN. Year: Unless otherwise designated, shall mean a calendar year.

Section 1-4-3. Catchlines.

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

Chapter 5. General Penalty

Section 1-5-1. General Penalty; Judicial Relief.

A. Penalty: Whenever, in this code or any ordinance of the city, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in this code 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 provision of this code or of any such ordinance shall be punishable by a fine in any amount not exceeding the limits established in section 1-10-24 of this title. 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. Judicial Relief: No penalty imposed by, and pursuant to, this code shall interfere with the right of the city also to apply to the proper courts of the state of Oklahoma for a mandamus, an injunction or other appropriate action against such person, firm or corporation.

Section 1-5-2. Application of Provisions.

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

B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

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

Section 1-5-3. Liability of Officers.

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

Chapter 6. Wards and Boundaries

Section 1-6-1. Municipal Wards.

A. Ward Boundaries Established: The boundaries of the five (5) wards within the city shall be as follows:

1. Ward One: The area of the City of Anadarko lying east of the following point: Beginning at a point on the Anadarko city limit boundary which lies on the south section line of Section 29, T7N R10W; thence following North and north-easterly along the city limit boundary till it intersects Central Blvd. in the NW quarter of section 21, T7N R10W; thence east along Central Blvd till it intersects W 9th St; thence south along W 9th St. till it intersects London Dr, one block south of W Colorado Ave; thence east one block on London Dr to SW 8th St; thence south on SW 8th St to Mission Dr; thence east on Mission Dr to SW 8th St; thence south on SW 8th St to Mission Pl; thence east on Mission Pl to Mission Rd; thence north on Mission Rd to Mission Dr; thence east on Mission Dr to S Mission St (US Hwy 62); thence south on S Mission St (US Hwy 62) to College St; thence east one block on College St to W 5th St; thence south half block (about 150 Ft.) on W 5th St to a Nonvisible Linear Legal/Statistical Boundary (TLID: 92441818); thence southeasterly along said Boundary to a point on the intersection of the northbound SW 2nd St, said point being about 850 Ft. north of W Petree Rd; thence south on northbound SW 2nd St to the intersection of W Petree Rd; thence east on W Petree Rd to the west right-of-way of the railroad lines which is also the Anadarko City limit boundary; thence following along the Anadarko city limit boundary south and west and north till you get to a point on the boundary close to the southeast corner of Section 29, T7N R10W; thence west following along the city limit boundary and along the south section line of section 29 to the point of beginning.

2. Ward Two: The area of the City of Anadarko lying north and east of the following point: Beginning at a point on the Anadarko city limit boundary where it intersects with W Central Blvd.; thence northerly and easterly and southerly along the Anadarko city limit boundary till it intersects with the south right-of-way of the railroad lines along the east section line of section 14, T7N R10W; thence following westerly along the south right-of-way of the railroad lines till it intersects with N Country Club Rd; thence slightly south on N Country Club Rd to Watson Dr; thence westerly on Watson Dr till it intersects with NE 7th St which is also the west section line of Section 14, T7N R10W; thence south on NE 7th St to the intersection of eastbound lanes of E Central Blvd. (US Hwy 62); thence west following along the eastbound lanes of E Central Blvd. (US Hwy 62) and W Central Blvd. (US Hwy 62) to SW 6th St in section 21, T7N R10W; thence north on SW 6th St going past W Broadway St to the north block boundary (which is also the Alley lane); thence west along that block boundary (Alley lane) to SW 7th St; thence south on SW 7th St to the intersection of eastbound lanes of W Central Blvd.; thence west along said eastbound W Central Blvd. to a point on the Anadarko city limit boundary, which is also the point of beginning.

3. Ward Three: The area of the City of Anadarko lying north and west of the following point: Beginning at a point on the Anadarko city limit boundary which is also the SE corner of section 22, T7N R10W and also the intersection W Petree Rd (E 1350 Rd) and SE 7th St (Hwy 8); thence following north on SE 7th St (Hwy 8) to E Georgia Ave; thence west on E Georgia Ave to the west right-of-way of the railroad lines; thence southerly along the west right-of-way of the railroad lines to the Alley lane between E Alabama Ave and E Louisiana Ave; thence west on the Alley lane to S Mission St (US Hwy 62); thence south on S Mission St (US Hwy 62) to College St; thence east one block on College St to W 5th St; thence south half block (about 150 Ft.) on W 5th St to a nonvisible Linear Legal/Statistical Boundary (TLID: 92441818); thence south-easterly along said Bou8ndary to a point on the intersection of the northbound SW 2nd St, said point being about 850 Ft. north of W Petree Rd; thence south on the northbound SW 2nd St to the intersection of W Petree Rd; thence east on W Petree Rd (E 1350 Rd) to the SE corner of Section 22, T7N R10W, which is also the point of beginning.

4. Ward Four: The area of the City of Anadarko mostly lying south and west of the following point: Beginning at a point on the Anadarko city limit boundary which also lies at intersection of the east section line of section 14, T7N R10W and the south right-of-way of the railroad lines; thence following westerly along the south right-of-way of the railroad lines till it intersects with N Country Club Rd; thence slightly south on N Country Club Rd to Watson Dr; thence westerly on Watson Dr till it intersects with NE 7th St which is also the west section line of Section 14, T7N R10W; thence south on NE 7th St to the intersection of eastbound lanes of E Central Blvd. (US Hwy 62); thence west following along the eastbound lanes of E Central Blvd. (US Hwy 62) till it intersects with the railroad lines; thence southerly along the railroad lines to E Georgia Ave; thence east on E Georgia Ave to SE 7th St (Hwy 8); thence south on SE 7th St (Hwy 8) to E Petree Rd (E 1350 Rd), this point being the SW corner of section 23, T7W R10W and also on the Anadarko city limit boundary; thence following easterly and northerly along the Anadarko city limit boundary till it reaches a point on the south right-of-way of the railroad lines, which is also the point of beginning.

5. Ward Five: The area of the City of Anadarko mostly lying east and south of the following point: Beginning at a point which is at the intersection of W Central Blvd. and W 9th St; thence south along W 9th St till it intersects London Dr, one block south of W Colorado Ave; thence east one block on London Dr to SW 8th St; thence south on SW 8th St to Mission Dr; thence east on Mission Dr to SW 8th St; thence south on SW 8th St to Mission Pl; thence east on Mission Pl to Mission Rd; thence north on Mission Rd to Mission Dr; thence east on Mission Dr to S Mission St (US Hwy 62); thence north on S Mission St (US Hwy 62) to a point midway between W Louisiana Ave and W Alabama Ave, which is also the Alley lane between these two roads; thence east along this Alley lane all the way till it intersects with the west right-of-way of the railroad lines; thence northerly along the said west right-of-way of the railroad lines to E Georgia Ave; thence slightly east on E Georgia Ave till it intersects with the railroad lines; thence northerly along the railroad lines till it intersects with the eastbound lanes of W Central Blvd.; thence west following along the eastbound lanes of E Central Blvd. (US Hwy 62) and W Central Blvd. (US Hwy 62 to SW 6th St; thence north on SW 6th St going past W Broadway St to the north block boundary (which is also the Alley lane); thence west along that block boundary (Alley lane) to SW 7th St; thence south on SW 7th St to the intersection of eastbound lanes of W Central Blvd.; thence west along eastbound W Central Blvd. to W 9th St, which is also the point of beginning.

B. Annexation For New Territories:

1. When new territory is annexed to the city, it shall automatically become a part of the ward or wards to which it is adjacent. The streets, boulevards and avenues named above shall be extended north, south, east and west, as the case may be, as ward boundaries, as new territory is annexed at the points where said streets, boulevards and avenues touch the city limits, so that the extensions of said streets, boulevards and avenues shall become a part of the ward boundaries of territory annexed adjacent thereto.

2. References to streets, boulevards and avenues shall mean the centerlines thereof.

Section 1-6-2. Corporate Boundaries Map.

A. Maintained In Clerk's Office: A map depicting the current boundaries of the city shall be maintained and displayed in the office of the city clerk.

B. Annexations: This map shall reflect all current annexation and de-annexation ordinances and orders, all plat and/or street vacation orders, all official street names, and shall represent the official map of the corporate boundaries of the city.

C. Zoning Districts; Streets: This map may be combined with the official zoning districts map (see section 1-6-3 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 redrawn by the methods provided by Oklahoma Statutes.

D. Map Available For Public Inspection: This map shall be available for public inspection.

Section 1-6-3. Zoning District Boundaries Map.

A. Maintained In Clerk's Office: A map showing the boundaries of all current zoning districts within the entire corporate boundaries of the city shall be maintained in the office of the city clerk, if a zoning ordinance is in effect within the city.

B. Zoning Provisions: This map shall reflect all current zoning ordinance provisions (see title 1O of this code) and all current ordinances rezoning land, and shall represent the official zoning districts map for the city.

C. Combining With Corporate Limits Map: This map may be combined with the official map of the corporate limits of the city (see section 1-6-2 of this chapter).

D. Map Available For Public Inspection: This map shall be available for public inspection.

Chapter 7. Mayor and City Council

Section 1-7-1. City Council.

See articles II, III, IV and X of the city charter.

Section 1-7-2. Mayor and Vice Mayor.

See article IV of the city charter.

Section 1-7-3. Municipal Policy and Business.

A. Policy Setting Authority: The city council shall set policy for the efficient administration of municipal government, 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 city charter and this code.

B. Nondiscrimination Policy: 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, national origin or age in employment or other activities sponsored directly or indirectly by the city, with uniformed departments exempted.

C. Voting Responsibility; Conflict Of Interest: Every member of the city council who shall be present when the opportunity or· need arises to vote upon a question shall vote· thereon, unless excused by the unanimous consent of those city council members present, or unless he is directly or indirectly interested in the question, in which event he shall disclose his interest to the city council and it shall be made a matter of record.

Section 1-7-4. City Council Meetings.

A. Regularly Scheduled Open, Public Meetings: Municipal business shall be conducted at regularly scheduled open and public meetings held in the city hall (or agreed upon place which is open to the public), on the second Monday of each month, or the next following day which is not a holiday, beginning at six o'clock (6:00) P.M.

B. Special Or Emergency Meetings: Special or emergency city council meetings may be called by the mayor, or by a majority of the council, upon the serving of notice, as required by current state law.

Section 1-7-5. Removal of Council Members; Vacancies.

A. Removal: The mayor or any council member may be removed from office for any cause specified by, and the methods prescribed and specified by, applicable state law for the removal of officers, including 22 Oklahoma Statutes section 1181 et seq., as amended, or article XVII of the city charter.

B. Vacancies: Vacancies in the membership of the city council shall be filled according to applicable provisions of the city charter.

Section 1-7-6. Ordinances; General Provisions.

A. Enacting Clause: The enacting clause of all ordinances passed by the city council shall be: "Be it Ordained by the City Council of the City of Anadarko, Oklahoma", and of all ordinances proposed by the voters under their power of initiative, "Be it Ordained by the People of the City of Anadarko, Oklahoma".

B. Consideration And Vote: All proposed ordinances shall be considered at a public meeting of the city council. A vote of a majority of all members of the city council shall be required for the final passage of an ordinance. (Ord. 1037, 8-3-1992)

C. Mayor, No Veto Power: The mayor shall have no power to veto any ordinance.

D. Publication Or Posting: Every ordinance, except those excepted by state law, shall be published by title, or in full, within fifteen (15) days after its passage, in a newspaper of general circulation within the city or county, or posted in ten (10) public places within the city

E. Effective Date: Every ordinance, except an emergency ordinance, shall become effective thirty (30) days after its final passage, unless it specifies a later date.

F. Emergency Ordinance: An emergency ordinance is an ordinance which, in the judgment of the city council, is necessary for the immediate preservation of the 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 city council shall vote on the emergency section separately and must adopt the emergency section by a vote of at least three-fourths (314) of all the members of said city council. An emergency ordinance shall take effect upon passage, unless it specifies a later date.

Chapter 8. City Elections

Section 1-8-1. Absentee Voting.

A. General Provisions:

1. The secretary of the state election board shall prescribe all forms to be used in administering absentee ballot provisions of the law.

2. The secretary of the state election board shall prescribe instructions for voting by absentee ballot. A copy of said instructions shall be mailed to each voter requesting an absentee ballot.

3. The secretary of each county election board shall provide a list of all voters in a precinct who gave requested absentee ballots to the precinct election board prior to election day.

4. Copies of said lists shall be publicly posted at the office of the county election board on the day preceding the election.

5. Absentee ballots shall be provided for all primary, general and special elections in the city of Anadarko, Oklahoma.

6. Absentee ballots must be requested no later than five o'clock (5:00) P.M. on the Wednesday preceding primary, general and special city elections.

7. Absentee ballots shall be returned to the secretary of the county election board no later than seven o'clock (7:00) P.M. on the day of the city election.

8. A registered voter who swears or affirms that he intends to be absent from the county wherein he is registered on the day of the election may apply for an absentee ballot either in person at the county election board or by United States mail. The secretary of the state election board shall

prescribe a form to be used for said application, although any written application setting forth substantially the same facts shall be valid.

9. When such application is received by the secretary of the county election board, it shall be his duty to verify the registration of said votes and to transmit by United States mail, ballots which said voter has requested and is entitled to receive.

10. Said ballots must be accompanied by:

    i. A plain opaque envelope in which voted ballots must be placed by the voter;

    ii. An envelope bearing an affidavit stating that the voter is qualified to vote, that he or she has personally marked the ballots, and has not exhibited the marked ballots to any other person; and

    iii. A return envelope addressed to the secretary of the county election board.

11. The voter shall be required to mark his ballot in ink, seal the ballots in the plain opaque envelope, fill out completely and sign the affidavit (such signature to be notarized by a notary public), seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail to the county election board. (1988 Code § 1-14)

B. Incapacitated Voters:

1. A registered voter who swears or affirms that he is physically unable to vote in person at his precinct on the day of the election because he is physically incapacitated or he is charged with the care of another person who is physically incapacitated and who cannot be left unattended, may apply for an absentee ballot by United States mail. The secretary of the state election board shall prescribe a form to be used for said application, although any written application setting forth substantially the same facts shall be valid.

2. When such application is received by the secretary of the county election board, it shall be his duty to verify the registration of said voter and to transmit, by United States mail, ballots which said voter has requested and is entitled to receive.

3. Said ballots must be accompanied by:

    i. A plain opaque envelope in which voted ballots must be placed by the voter;

    ii. An envelope bearing an affidavit stating that the voter is qualified to vote, that he or she has personally marked the ballots, and has not exhibited the marked ballots to any other person; and

    iii. A return envelope addressed to the secretary of the county election board.

4. The voter shall be required to mark his ballots in ink, seal the ballots in the plain opaque envelope, fill out completely and sign the affidavit (such signature to be witnessed by two (2) persons whose signature and address shall appear on the affidavit), seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail to the county election board. (1988 Code § 1-15)

C. Voters Confined To Nursing Homes:

1. If the secretary of the county election board receives a request from an incapacitated elector confined to a nursing home or convalescent hospital outside the county of his jurisdiction, the secretary shall provide ballots and material in the manner hereinbefore prescribed.

2. If the secretary of the county election board receives a request from an incapacitated elector confined to a nursing home or convalescent hospital within the county of his jurisdiction, the secretary shall cause to be implemented the following procedures:

    i. The secretary shall designate one or more absentee voting boards, to be composed of two (2) members each, with each member to be of a different political affiliation. No later than August 1, 1974, and each two (2) years thereafter, the chairman of the county central committees of the two (2) political parties having the highest number of registered voters in the county shall each submit a list of ten (10) names to the secretary. Said lists shall contain names of registered voters of the county, who may be members of the county election board, except the secretary, or precinct election boards or counters. The secretary shall be confined to said list in designating membership on the absentee voting board or boards, unless all persons on said lists are ineligible or unwilling to serve. In the event the chairman of the county central committee of a political party fails to submit a list as herein provided, the secretary shall appoint membership to said board· or boards from the ranks of registered voters of said party within the county; provided, further, that, in the event the list of names of either or both parties is exhausted and additional absentee voting boards are needed, the secretary shall appoint additional members to said boards from the ranks of said party or parties in the county.

    ii. On the Friday, Saturday or Monday preceding the election, said absentee voting board shall deliver to each registered voter who is confined to a nursing home or convalescent hospital and who requested ballots for an incapacitated voter, said ballots and materials as may be necessary to vote same.

iii. The voter must mark his ballots in the manner hereinbefore provided, in the presence of the absentee voting board, but in such a manner as to make it impossible for any person other than the voter to ascertain how said ballots are marked. Insofar as is possible, the voting procedure shall be the same as if the voter were casting his vote in person at a precinct.

iv. The voter shall then seal said ballots in the plain opaque envelope and shall seal said plain opaque envelope bearing an affidavit. The voter must complete said affidavit, and his signature on same must be witnessed by the members of the absentee voting board.

v. The envelope bearing an affidavit then must be sealed in the return envelope, which shall be returned by the absentee voting board to the secretary of the county election board on the same day said affidavit was executed.

vi. Members of an absentee voting board shall be reimbursed for their expenses at the rate of twenty dollars ($20.00) per day. One member of each such board shall also be allowed mileage reimbursement at the rate prescribed for travel by state employees.

D. Physically Incapacitated Voters:

1. A registered voter who, because of a physical incapacity which originates after five o'clock (5:00) P.M. on Tuesday preceding an election, is unable to vote in person at his precinct on the day of the election, may make a written request signed by him, or signed by a witness at the voter's direction if the voter is unable to sign his name, and transmit said request to the secretary of the county election board. The person transmitting said request on behalf of the voter may be anyone of the voter's choosing at least sixteen (16) years of age, provided said person is not employed by, nor related within the third degree of consanguinity or affinity to, any person whose name appears on the ballot. Said person becomes the voter's agent for purposes of voting by absentee ballot. The voter's request must be accompanied by a sworn statement by a duly licensed physician. Said statement must attest to the fact that the voter is in fact unable to vote in person at his precinct on the day of the election because of a physical incapacity and that said physical incapacity originated after five o'clock (5:00) P.M. on Tuesday preceding an election. Upon receipt of the voter's request and accompanying sworn statement, the secretary of the county election board shall issue to the voter's agent the appropriate ballots and envelopes required for voting by incapacitated voters. Said ballots must be returned by the agent to the secretary of the county election board no later than seven o'clock (7:00) P.M. on the day of the election.

2. No person may be the agent for more than one voter at any election.

3. Upon return of the absentee ballots, the secretary of the county election board shall cause said ballots to be processed in the same manner as is prescribed for other absentee ballots.

E. Voters In Armed Forces:

1. Any qualified elector who is in the armed forces of the United States, or in the merchant marines of the United States, and the spouse or officially-accredited dependent of such elector, or a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, and who is absent from the place of his residence, may make written application to the secretary of the county election board of his residence for an absentee ballot at any election for which absentee ballots are authorized, and shall be entitled, without being registered, if a qualified elector in the precinct of his residence, to receive said. absentee ballots.

2. Said electors may apply for absentee ballots by using standard form 76, post card application for absentee ballot, as provided for in the federal voting assistance act of 1955, as amended, or by letter setting forth substantially the same facts. Said application shall be transmitted by United States mail to the secretary of the county election board of the elector's residence.

3. When such application is received by the secretary of a county election board, it shall be his duty to transmit, by United States mail, ballots which said elector has requested and is entitled to receive.

4. Said ballots must be accompanied by:

i. A plain opaque envelope in which voted ballots must· be placed by the voter;

ii. An envelope bearing an affidavit stating that the voter is qualified to vote, that he or she has personally marked the ballots, and has not exhibited the marked ballots to any other person; and

iii. A return envelope addressed to the secretary of the county election board.

5. The voter shall be required to mark his ballots in ink, seal the ballots in the plain opaque envelope, fill out completely and sign the affidavit (such signature to be attested to by a commissioned or warrant officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to so attest), seal the plain opaque envelope inside the envelope bearing the affidavit, and return both envelopes, sealed inside the return envelope by United States mail.

6. Any person eligible to register, who has been honorably discharged from the armed forces of the United States, or who has been terminated in his service or employment overseas and returned home too late to register at the time when, and at he place where, registration is

required, to vote at the next ensuing election, shall be entitled to vote at such election in the precinct in which he is a qualified elector without being registered. Such person shall be entitled to vote upon satisfying the precinct inspector that he is entitled to vote at such election.

F. Handling And Counting Ballots:

1. When received, the secretary of the county election board shall cause envelopes containing absentee ballots to be placed in a ballot box, locked with three (3) locks, in a secure place.

2. At ten o'clock (10:00) A.M. on Saturday preceding the election, or at such time thereafter as the county election board may desire, the county election board may meet and publicly remove the outer envelopes from all absentee ballots then received, examine the affidavits in a ballot box, locked with three (3) locks. Said procedure shall be repeated until such time as all ballots have been received.

3. The secretary of the county election board shall appoint absentee counters as authorized by the state election board, said absentee counters shall meet all qualifications required of precinct counters.

4. At seven o'clock (7:00) A.M. on the day of the election, or at such later time that day as the secretary of the county election board may prescribe, the absentee counters shall meet at the county courthouse or at the offices of the county election board if located elsewhere to count absentee ballots in the following manner:

   i. The ballot box containing the properly-executed envelopes bearing affidavits shall be opened and the envelopes bearing affidavits shall be removed;

   ii. The plain opaque envelopes shall be placed in a ballot box locked with three (3) locks; and

   iii. The ballot box shall be taken to mix the plain opaque envelopes, after which the box shall be opened, the envelopes removed, and the ballots counted according to law.

5. The procedure described in this subsection F shall be repeated as is necessary until all ballots have been counted. In no event shall fewer than twelve (12) ballots be counted at any time, unless fewer than twelve (12) ballots are received in total or after the first count is made. The results of said absentee ballots shall not be announced earlier than seven o'clock (7:00) P.M. on the day of the election.

6. In the event no absentee counters are authorized, the county election board shall conduct the count of absentee ballots in the manner hereinbefore authorized.

Section 1-8-2. Filing and Conduct of Elections.

Pursuant to the charter changes of sections 10.1 and 10.2 adopted June 20th 2020 in a special election, the election procedure to conduct the filing period for candidacy for a municipal office and the procedures for holding and conducting elections shall follow the requirements in Title 26 of the Oklahoma Statutes under section Chapter 13 Sections 101-111.

Chapter 9. Financial Provisions

Section 1-9-1. Purchasing and Sales.

A. Opportunity For Competitive Bidding: The city council shall contract for and purchase, or issue purchase authorization for, all supplies, materials and equipment for the operation of the municipal government. Before the purchase of, or contract for, any supplies, materials or equipment, or the sale of any surplus or obsolete supplies, materials or equipment, ample opportunity for competitive bidding, under such regulations and with such exceptions as said city council may prescribe, shall be given.

B. Contractual Services: “Contractual service”, for the purposes of this chapter, shall mean services performed for the city by persons not in the employ of the city and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. "Contractual services” shall include travel, freight, express, parcel post, postage, telephone, telegraph, utilities, rents, printing and binding, repairs, alterations and maintenance of buildings, equipment, streets, bridges and other physical facilities of the city.

C. Surplus Or Obsolete Materials:

1. Report Required: All city departments and agencies shall submit to the city manager at such times and in such form as he shall prescribe, reports showing stocks of all nonessential supplies and property, however acquired, which are no longer used or which have become obsolete, worn out or scrapped. No transfer or sale shall be made under subsection C2, “Disposition Of Property Generally", of this section until the city council has declared the supplies, materials or equipment involved to be surplus or obsolete.

2. Disposition Of Property Generally:

   i. Transfer: The city manager shall have the authority to transfer and/or sell such surplus stock and property to other city departments and agencies or other political subdivisions or nonprofit organizations as recognized under the U.S. internal revenue code for their use.

   ii. Sale: The city manager shall have the authority to sell, through public auction or sealed competitive bid conducted by the city, all such supplies or property which are no longer needed by the city, or to exchange the same for new supplies or property. The city manager may choose to scrap materials

or supplies and sell at market value to a business licensed by the state if the sale will be in the best interest of the city or could bring more value sold as scrap rather than by selling at public auction or sealed competitive bid. All monies received from such sales shall be placed back into the general fund.

3. Notice Requirements: Ten (10) days before the sale of such non-essential city stock and/or property, the city manager shall cause to be posted in at least four (4) public places in the city (one of which shall be the bulletin board in city hall) notices of the time, place and manner of the sale, and a general description of the property to be sold. The city manager shall also cause at least one published notice to be given in a newspaper of general circulation within the city. This notice shall include information as to the time, place and manner of the sale, and a general description of the property to be sold.

4. Exceptions; Property Taken From Accused Persons; Stolen Property: All personal property in the custody of the police department which was taken from an accused, found, or stolen and thereafter acquired by the police department, shall be disposed of as follows:

   i. All personal property which has been "found", “stolen" or taken from the possession of any prisoner or person suspected of or charged with a crime which comes into the possession of any police officer and is not known to belong to some person laying claim there- to shall be delivered to the chief of police by the police officer who came into possession of the personal property. The chief of police shall make a permanent record in a record book to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found.

   ii. The personal property record provided for herein shall disclose the subsequent disposal thereof, giving the date the property was returned to its owner and his name and address; or the date, place and method of its destruction and the name of the officers witnessing the destruction; or the date of delivery to the next of kin or legally appointed representative of a deceased person, and the name and address of the next of kin or legal representative; or··the date of delivery to the city manager as directed herein.

   iii. Any unclaimed personal property, or property whose owner- ship is not satisfactorily established, other than animals, which has remained in the possession of the chief of police for a period of sixty (60) days or more shall be delivered to the city manager as directed herein. The city manager shall retain the unclaimed property for an additional thirty (30) days after which time said unclaimed property shall become the property of the city subject to all the requirements and regulations outlined by this code.

   iv. Any personal property found by a person other than a public official which is delivered to any police officer for identification and which is not claimed or identified within sixty (60) days, shall, within ten (1O) additional days thereafter, if requested by the finder, be returned to the finder, and a record of such disposal shall be made.

5. Contraband:

   i. Any unclaimed personal property, other than animals, which has remained in the possession of the chief of police for a period of ninety (90) days and is in the nature of contraband, or is property which would constitute a health hazard if stored for a long period, or is an unsafe, or an illegal weapon, or is a partially filled container of liquor, or beer, or cannot be used by any department of the city, or is of minimal value in the opinion of the city manager, shall be destroyed on order of the chief of police.

   ii. Ten (10) days before the destruction of such unclaimed property, the chief of police shall sign and have posted in at least four (4) public places in the city (one of which shall be the front door of the police station) notices of the time, place and manner of such destruction, and a general description of the property to be destroyed.

   iii. The destruction of any personal property under the provisions of this subsection shall be witnessed by at least three (3) members of the city police department, and these witnesses must sign a certificate of destruction which shall list all property destroyed, a general description of same, and the date, time, place and manner of the destruction. Said certificate shall remain on file in the property room of the police station for a period of five (5) years.

6. Unclaimed Or Confiscated Weapons:

   i. Unclaimed or confiscated weapons which have been in the possession of the police department for one hundred twenty (120) days or more may be traded by the chief of police, with the approval of the city manager, for new weapons for use by the police department. Said unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the chief of police and the city manager, are reputable.

   ii. In trading such unclaimed or confiscated weapons, the chief of police shall, with the approval of the city manager, advertise for bids for such trade. Such advertisement for bids shall be done in accordance with

prevailing and established bid procedure as formulated by the city manager. However, in no case may the fair market value of the weapons received in such trade exceed two thousand dollars {$2,000.00) unless such trade is accomplished pursuant to formal bid procedure.

iii. The value of such unclaimed and confiscated weapons, as hereinabove discussed, shall, in all cases, be determined by the fair market value of the new weapons received in such trade.

7. Property Of Deceased Persons: 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 his 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 district 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 to the effect that he is the person entitled to 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

D. City Manager Authority; Council Approval:

1. The city manager, subject to any regulations which the city council may prescribe, shall contract for and purchase, or issue purchase

2. Every such contract or purchase exceeding fifteen thousand dollars ($15,000.00) shall require the prior approval of the Mayor or the Vice Mayor, in the absence of the Mayor. Every such contract or purchase exceeding twenty thousand dollars shall require the approval of the Mayor and Vice Mayor. Any contract or purchase that exceeds $24,999.00 shall require city council approval. The City manager may also transfer to or between offices, departments and agencies obsolete materials and equipment or surplus and sell such items, subject to such regulations as the city council may prescribe.

E. Payment Of Municipal Obligations: The city council does hereby authorize the city manager to approve payment of any claims or invoices for payroll, supplies, materials or equipment submitted to the city for payment. The city manager shall establish an internal control structure adequate to provide reasonable assurances against the unauthorized or illegal payment of invoices. Such system of internal control should include the following control procedures:

1. Proper authorization of transactions and activities;

2. Adequate segregation of duties;

3. Adequate documents and records;

4. Adequate safeguards over access to, and use of, assets and records; and

5. Independent checks on performance.

F. Elements Of Control: Elements of the internal control structures, which are the control environment and the accounting system, must be included. The control environment shall consist of the overall attitude, awareness and actions of the governing body and management, including a foresighted management policy toward financial reporting. The methods and records of an effective accounting system shall result in:

1. Identification and recording of all valid transactions;

2. Description on a timely basis of the type of transaction in sufficient detail to permit proper classification of the transaction for financial reporting;

3. Measurement of the transaction's value in a manner that permits recording of its monetary value in the financial statements;

4. Determination of the time period in which the transaction occurred to permit recording of the transaction in the proper accounting period;

5. All claims paid before council approval shall be brought forth on the next council meeting for information and approval.

Section 1-9-2. Competitive Bidding.

A. Invitation To Bid:

1. Except as otherwise provided in subsection B of this section, before the city council makes any purchase of, or contract for, supplies, materials, equipment or contractual services, it shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation or invitation to bid and specifications, to give them opportunity to bid.

2. As an alternative, said city council may publish notice of the proposed purchase in a newspaper of general circulation within the city or county.

3. The city council shall favor a person, firm or corporation in the city when this can be done without additional cost to the city, but they shall submit requests for quotation to those outside the city when necessary to secure bids or to create competitive conditions, or when they think that they can make a saving for the city.

4. All bids shall be sealed and opened in public at a designated time and place.

5. The city council may repeatedly reject all bids and may again submit to the same or other persons, firms or corporations, the request for

quotations or invitation to bid, or again publish notice of the proposed purchase.

6. The city council shall purchase from the bidder whose bid is most advantageous to the city, considering price, quality, date of delivery and the like. In the event of a tie, said city council may cast lots to determine from whom to make a purchase, or may divide the purchase among those bidding, always accepting the bid or bids most advantageous to the city.

B. Purchases Allowed Without Bid: The city council may purchase, or authorize the purchase of, the following without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services of a nonprofessional nature, the cost of which does not exceed twenty four thousand nine hundred ninety nine dollars ($24,999.00) in a single transaction;

2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which has a uniform price wherever bought;

3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers (including war surplus);

4. Contractual services (gas, electricity, telephone service, etc.) purchased from a public utility corporation, commission or other government authority; or

5. Contractual services of a professional nature such as engineering, legal, architectural and medical services, subject to other policies adopted by the city council governing such procurement.

Section 1-9-3. Insurance.

A. Municipal Property: The city council 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. Negligent Operation Of Vehicles, Equipment: The city council 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 city.

Section 1-9-4. Depositories Designated; Funds Deposited.

A. Depositories: Bank of Commerce, First State Bank, and MidFirst Bank, are hereby designated as depositories for the funds of the city. The city treasurer shall deposit daily all public funds received by him/her in these banks. Funds may be transferred from one depository to the other one as the city council may direct, by motion or resolution. For monies dedicated to Funds held within the depository bank of the Pool Cash account, the Treasurer shall be authorized to transfer monies from/to the depository banking accounts that holds the respective Funds.

B. Securing Of Deposits: The deposits of the city shall be secured as provided by state law.

C. Creation of Budgetary Reserve Fund: There is hereby established a Budgetary Reserve Fund or Rainy Day Fund for the City of Anadarko and the Anadarko Public Works Authority. The fund is established to provide financial stability for the City/Authority and to have the flexibility to meet any emergency situation that could threaten the public health, welfare and safety of the citizens of the City of Anadarko. The City Council/Board of Trustees may direct the City Manager by resolution to deposit unencumbered revenue from the General Revenue Fund or the Anadarko Public Works Authority into the Budgetary Reserve Fund at the closing of the books of the city/authority for the fiscal year or by special appropriations from other revenue sources at any time. The Budgetary Reserve Fund may only be accessed by a two-thirds vote of the Council and only for a specific purpose of budget stabilization or emergency.

Section 1-9-5. Affidavit Required on Certain Invoices.

A. Notarized Statement: On every invoice submitted to the state, county or local subdivision of the state, for payment to an architect, contractor, engineer or supplier of services of one thousand dollars ($1,000.00) or more shall be the following signed and notarized statement:

STATE OF OKLAHOMA)
COUNTY OF _____)

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

_____
(Architect, Contractor, Supplier or Engineer)

_____
Notary Public (or Clerk or Judge)

B. Application Of Provisions: The above subsection shall not apply to monthly billings submitted to the state for public utility companies or telephone companies whose services are regulated by the Oklahoma corporation commission, but will apply to said utility companies or telephone companies for billings pertaining to installations or changes in service.

Section 1-9-6. Claims.

Claims against the city shall be made and processed as provided by applicable provisions of law.

Section 1-9-7. Restricted Funds and Usage Limited.

A. The City of Anadarko and the Anadarko Public Works Authority hereby authorize the creation of certain funds that shall be restricted in use for the necessary operations and maintenance of services for the residents of the City of Anadarko and the customers of the Anadarko Public Works Authority. The identity and the purpose of such funds shall be outlined in the City Code. The funds are not subject to annual appropriations, however, funds may be accessed for the purposes as defined in the City Code.

B. The following funds are established as restricted funds and are limited in their usage:

1. Budgetary Reserve Fund: There is hereby established a Budgetary Reserve Fund or Rainy Day Fund for the City of Anadarko. The fund is established to provide financial stability for the City and to have the flexibility to meet any emergency situation that could threaten the public health, welfare and safety of the citizens of the City of Anadarko. The City Council may direct the City Manager by resolution to deposit unencumbered revenue from the general revenue fund or the Anadarko Public Works Authority fund into the Budgetary Reserve Fund at the closing of the books of the city/authority for the fiscal year or by special appropriations from other revenue sources at any time. The Budgetary Reserve Fund may only be accessed by a two-thirds vote of the Council and only for a specific purpose of budget stabilization or emergency.

2. Western Farmers Revenue Rebate Fund: There is hereby established a Western Farmers Revenue Rebate Fund of the Anadarko Public Works Authority. All rebates from Western Farmers Electric Cooperative or any other electric wholesale contract shall be deposited into the fund for the purposes of capital improvements or emergency needs of the Anadarko Public Works Authority to the electric system. The Authority by majority vote can access the funds as it deems necessary for improvements and maintenance that may fall outside normal operational expenses and functions. The Authority may by a two-thirds vote access the account for other capital improvements or emergencies of the Authority, however, the money shall not be transferred for non-Authority purposes.

3. Engineering Construction Fund: There is hereby created the Engineering Construction Fund of the Anadarko Public Works Authority. The purpose of the fund is to be the depository of revenue from the contract from the electric wholesale entity for the purpose of engineering services for the electric system of the Anadarko Public Works Authority. The fund shall only be accessed for the purpose of engineering services specifically for the electrical system.

4. Generator Fuel Charge Fund: There is hereby created the Generator Fuel Charge Fund of the Anadarko Public Works Authority. The fund shall be the depository for a portion of the revenue from the fuel cost adjustment. The fund may be accessed for the cost of primarily providing fuel but may at times be used for maintenance to the generators of or owned by the Anadarko Public Works Authority.

5. Public Works Authority Capital Improvement fund. There is hereby created the Anadarko Public Works Authority Capital Improvement fund for the Anadarko Public Works Authority. It shall be the depository for all the revenue generated by a portion of the meter charge per account for water, sewer, and electrical services as outlined by the Anadarko City Code in Section 8-1-19B. The purpose of the fund is to be used for capital improvements of the Anadarko Public Works Authority or financing of improvements of the Authority. The funds deposited in this account may not be accessed for any other non-Authority purpose.

6. Anadarko Public Works Authority Round-Up Fund: There is hereby created the Anadarko Public Works Authority Round-Up Fund. It shall be depository for all the revenue generated from the Round-up program fee assessed on the utility bills of the Authority. The fund shall only be used for the purpose outlined in the Anadarko City Code Section 8-1-24. The funds shall not be transferred for any other non-Round-up program purpose.

7. Armory Renovation Fund: There is hereby created the Armory Renovation Fund of the City of Anadarko. It shall be the depository of all the funds designated for the purpose of renovation of the National Guard Armory owned by the City of Anadarko or a capital improvement of the Miller Theater property. Revenue directed to the fund may include money from grants provided by other governmental entities, earmarked revenue from sales tax or fees generated, or other sources as determined by the City Council. The funds shall not be used for any normal operational expenses.

8. Combination Capital Improvement Fund: There is hereby created the Combination Capital Improvement Fund for the City of Anadarko and Anadarko Public Works Authority capital improvements. It shall serve as the depository of funds appropriated by the City Council and the Anadarko Public Works Authority. The revenue is deposited into the account yearly with the unencumbered funds remaining at the end of each fiscal year. The fund is to be used for capital improvements for both entities and shall not be used for general operations of the city or authority.

9. Fire Equipment Fund: There is hereby created the Fire Equipment Fund. It shall be the depository of the funds appropriated year-to-year to purchase fire equipment that cannot be funded in one fiscal year and any other money that is granted or gifted for the purpose of purchasing specific equipment. The fund cannot be used for yearly operational expenses or for any other equipment outside the fire service.

10. FEMA Storm Damage Fund: There is hereby created the FEMA Storm Damage Fund that shall serve as the depository of all FEMA Re-imbursement monies owed to the City or the Anadarko Public Works Authority. The funds shall only be expended to repair damage, pay for clean-up or rebuild infrastructure, or repay the general fund/authority for man hours needed during an emergency declared by the Governor/or Presidential proclamation.

11. Indian Health Service Fund: There is hereby created the Indian Health Service Fund which shall serve as the depository for all funds granted to the City of Anadarko or the Anadarko Public Works Authority for the purpose of improving public health. The funds shall be used to improve the public health by helping to fund either improvements or repairs to the public water and sewer system that serves customers of those services. This fund cannot be used for any services outside water and waste water.

12. City of Anadarko Insurance General Fund: There is hereby created a City of Anadarko Insurance Fund which shall be the depository for insurance re-imbursement funds from claims filed on behalf of the City. The fund shall only be used to pay for projects or expenses that result from claims that have been made and paid by the City's insurance policy carrier. The monies can be paid to a vendor for services or re-imbursement to the City's general fund for expenses incurred due to claims. The fund shall not be used for general obligations or operations.

13. Anadarko Public Works Authority Insurance Fund: There is hereby created a Anadarko Public Works Authority Insurance Fund which shall be the depository for insurance re-imbursement funds from claims filed on behalf of the Authority. The fund shall only be used to pay for projects or expenses that result from claims that have been made and paid by the Authority's insurance policy carrier. The monies can be paid to a vendor for services or re-imbursement to the Authority's general fund for expenses incurred due to claims. The fund shall not be used for general obligations or operations.

14. EMS Sales Tax Fund: There is hereby created the EMS Sales Tax Fund for the operations, maintenance and capital improvements for the Emergency Medical Services of the City of Anadarko. This fund shall serve as the depository of the funds and shall be limited to the funding of services, supplies and equipment to properly operate the service. The funds shall not be transferred for any other purpose.

15. AEDA Revolving Loan Fund. There is hereby created the Anadarko Economic Development Authority fund and shall serve as the depository for all revenue generated by interest paid to the fund for loans granted by the Authority or other money deposited for the purpose of providing loans for economic development. The fund should only be used for economic development purposes such as loans for business development or other economic development projects or operations designated by the authority. Funds shall not be used not non-authority items or operations.

16. APWA Revolving Loan Fund: There is hereby created the Anadarko Public Works Authority Revolving Loan Fund that shall serve as the depository for the Anadarko Public Works Authority revenue to service the outstanding debt on bonds issued for the Authority. The fund shall only be used for debt service. In the event that the fund has excess funds needed to meet its debt obligations, the remainder of the fund shall only be used for capital improvements specifically authorized by the Authority. The funds shall not be used for operational expenses for the Authority or any other non-authority entity.

17. Shop With a Cop Fund: There is hereby established a restricted fund to be known as the "Shop with a Cop Fund." The purpose of this fund is to receive, hold, and disburse all monetary donations and contributions made for the benefit of the Shop with a Cop program operated by the Anadarko Police Department Fraternal Order of Police (FOP). All monies deposited into this fund shall consist of: Donations from individuals, businesses, organizations, and community partners; Proceeds from fundraising events specifically designated for the Shop with a Cop program. Permitted uses include, but are not limited to: Purchasing gifts, clothing, or essential items for children participating in the program; Covering event-related costs such as food, transportation, and supplies; and Supporting activities that directly promote or facilitate the Shop with a Cop program. The funds shall not be used for any normal operational expenses of the Anadarko Police Department or for any purpose unrelated to the Shop with a Cop program.

Chapter 10. Municipal Court

Section 1-10-1. Application of Chapter.

A. Governing Authority: This chapter shall govern the organization and operation of the municipal court of the city as put into operation and continued by resolution duly passed and filed in accordance with state law, on and after February 3, 1969.

B. Controlling Provisions: To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of the city, the provisions of this chapter shall control.

Section 1-10-2. Jurisdiction of Court.

A. City Code Violations: The municipal court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of this code or of any other ordinance of the city is charged, including any such prosecutions transferred to said court, in accordance with applicable laws.

B. Traffic Violations: The municipal court of the city may elect to have and possess original jurisdiction to hear and determine any violations of the traffic ordinances of any person of any age.

Section 1-10-3. Judge; Alternate Judge; Acting Judge.

A. Reference Provisions: See title 2 of this code, and article VIII of the city charter.

B. Compensation: The compensation of the judge and the alternate or acting judge of the municipal court shall be as determined by resolution of the city council.

C. No Change Of Venue; Disqualification Of Judge:

1. 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 his disqualification or he may be disqualified from sitting, under the terms, conditions and procedures provided by law for courts of record.

2. If the municipal judge is disqualified, the matter shall be heard by an alternate or acting judge, appointed as provided in this code.

Section 1-10-4. Chief of Police.

CHIEF OF POLICE: All writs or processes of the municipal court shall be directed to the chief of police who shall be the principal officer of the court.

Section 1-10-5. City Attorney.

A. Prosecuting Officer Of Court: The city attorney (municipal counsel- or), or a duly designated assistant, shall be the prosecuting officer of the municipal court. He shall be authorized to prosecute all alleged violations of the ordinances of the city, and to prosecute and resist appeals and proceedings in error and review from the court to any other courts of the state.

B. City Representative: The city attorney shall also be authorized to represent the city in all proceedings arising out of matters of the court.

Section 1-10-6. Clerk of Court.

A. Duties: The city clerk, or a deputy designated by said clerk, shall be the clerk of the court. Duties of the court clerk shall include the following:

1. He shall assist the municipal judge in recording the proceedings of the court and in preparing writs, processes and other papers;

2. He shall administer oaths required in proceedings before the court;

3. He shall enter all pleadings, processes and proceedings in the dockets of the court;

4. He shall perform such other clerical duties relating to the proceedings of the court, as the municipal judge shall direct;

5. He shall receive and receipt for forfeitures, fees, deposits and sums of money payable to the court; and

6. He shall be responsible for placing, or having placed, all monies so received by him (except such special deposits or fees as shall be received to be disbursed by him for special purposes), in the general fund of the city, or in such other fund and in such manner as the city council may direct, by motion or resolution.

B. Bond: The clerk of the court shall give bond to the city in the sum of twenty five thousand dollars ($25,000.00).

Section 1-10-7. Fines for Traffic and Nontraffic Offenses.

A. Fines Established:

1. Persons who are cited for violation of any traffic, nontraffic or other ordinance of the city may elect to pay a fine according to the fine schedule which is attached to the ordinance codified herein and made a part hereof by reference, which may be modified from time to time by the council and made available for public viewing in the office of the clerk of court.

2. Nontraffic Offenses:

i.	Public Intoxication	$200.00
ii.	No rabies/city tags	$50.00
iii.	All other nontraffic offenses	$200.00

B. Rules; Payment Of Fine: The court may adopt 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 so to do, prosecution shall proceed under other provisions of this chapter.

Section 1-10-8. Traffic Violations.

A. Traffic Violations Bureau: A traffic violations bureau is hereby established as a division of the office of the clerk of the court, to be administered by said clerk, or by subordinates designated by him for that purpose.

B. Traffic Violations; Procedure:

1. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of the city, committed by any person, whether a resident of this state or a nonresident, 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:

i. 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 party jurisdiction of_ the nonresident violator compact;

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

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

iv. The violation does not constitute (1) A felony; (2) Negligent homicide; (3) Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances; (4) Eluding or attempting to elude a law enforcement officer; (5) Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation; (6) An arrest based upon an outstanding warrant; (7) A traffic violation coupled with any offense stated in subsections B(1)(iv)(1) through B(1)(iv)(6) of this section; (8) An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or (9) A violation relating to the transportation of hazardous materials.

2. If the arrested person is eligible for release on personal recognizance as provided for in subsection B1 of this section, then the arresting officer shall, in writing, in a form prescribed by the city council, or a duly designated delegate:

i. Designate the traffic charge;

ii. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing state, and expiration date;

iii. Record the motor vehicle make, model and tag information;

iv. Record the arraignment date and time on the citation; and

v. 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 if 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 nonresident's home state pursuant to the nonresident violator compact.

3. The court, or the court clerk, as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time; provided, however, 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 84 of this section.

4. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment, by indicating such plea on the copy of the citation furnished to him, or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the 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 section 1-10-7 of this chapter as bail for the violation.

5. If, pursuant to the provisions of subsection 84 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 twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the state department of public safety that:

i. 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;

ii. The defendant has failed to appear for arraignment without good cause shown;

iii. The defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation; and

iv. The citation has not been satisfied, as provided by law.

6. Additionally, the court clerk shall request the state department of public safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendants driver's license in accordance with the provisions of the nonresident violator compact. Such notice and request shall be on a form approved or furnished by the state department of public safety.

7. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

   i. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case; or

   ii. 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

   iii. The violation related to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

   iv. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

8. The municipal court clerk shall maintain a record of each request for driver's license suspension submitted to the state department of public safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation, or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant, as listed on the citation, if such jurisdiction is a member of the nonresident violator compact, and shall, in all other cases, notify said department of the resolution of the case. The form of proof and the· procedures for notification shall be approved by the state department of public safety; provided, however, 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, but duplicate proof shall be furnished to the person entitled thereto, upon request.

9. If a resident of the city is arrested by a law enforcement officer for the violation of any traffic ordinance for which subsections 81 through 88 of this section 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 injury to himself or 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 chapter.

10. If the arrested resident is not released by being permitted to sign a citation as provided for in subsection 89 of this section, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. A fi e 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.

11. If a nonresident of the city is arrested by a law enforcement officer for a violation of any ordinance for which subsections 81 through 88 of this section do not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

12. The amount and conditions of bail granted pursuant to the provisions of subsections 89, 810 and 811 of this section shall be determined by the judge who shall prescribe rules for the receipt of bail and for 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 his 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 his designated representative is authorized, subject to such conditions as shall be prescribed by the judge, to release a resident of the city on personal recognizance.

13. If the defendant is not eligible for release upon personal recognizance as provided for in subsections 81 through 89 of this section, or is eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be placed in the custody of the appropriate municipal jailor or custodian, to be held until a magistrate is available, or bail is posted as provided for by ordinance before or after arraignment.

14. If a resident or nonresident is arrested for any overweight violation, a violation of a special permit exceeding authorized permit weight, or a 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 for in section 1-10-7 of this chapter, except currency.

15. In the event the defendant is additionally arrested for any violation for which personal recognizance is authorized pursuant to subsections 81 through 88 of this chapter, the arresting officer, for such additional violation, may either release the defendant upon such recognizance, or require bail as provided for in this subsection.

16. If the defendant is unable to post bail with the arresting officer, then the officer shall proceed as otherwise provided for· in this section.

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

    i. Place a juvenile into custody as provided for in this section; or

    ii. Place any other traffic offender into custody: (1) Who is injured, disabled or otherwise incapacitated; or (2) Whose custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo or items requiring special maintenance or care; or (3) Where, if extraordinary circumstances exist in the judgment of the arresting officer, custodial arrest should not be made.

    iii. 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.

    iv. The provisions of this subsection shall not be construed to: (1) Create any duty on the part of the officer to release a person from custody; (2) 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 (3) 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

18. 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 with such variation as the circumstances require. The operator of the vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally.

Section 1-10-9. Style of Prosecutions.

All prosecutions for violation of this code or other ordinances of the city shall be styled "The City of Anadarko, 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 1-10-10. Summons.

A. Issuance: Upon the filing of a complaint charging a violation of this code or other ordinances of the city, the municipal judge, unless he determines to issue a warrant of arrest, unless the defendant previously has been issued a citation, or unless he has been arrested and given bond for his appearance, shall issue a summons, naming the person charged, specifying his address or place of residence (if known), stating the offense with which he is charged and giving him notice to answer the charge in the 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 upon him, containing a provision for the official return of the summons and including such other pertinent information as may be necessary.

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

Section 1-10-11. Complaints Against Corporation.

A. Issuance Of Summons: Upon complaint against a corporation being filed with the municipal judge of the city, said judge shall issue a summons in a form as outlined in this chapter, signed by him with his title of office, requiring the corporation to appear before him at a specific time and place to answer the complaint.

B. Time Of Serving Summons: 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. Consideration Of Complaint: 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 him.

D. Collection Of Fine: When a fine is imposed upon conviction, it may be collected by the municipal judge making a transcript of his proceedings thereof, together with the judgment 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 1-10-12. Warrant of Arrest.

A. Form Of Warrant: Except as may otherwise be provided in this code, upon the filing of a complaint, approved by the endorsement of the city attorney or by the municipal judge, there shall be issued a warrant of arrest in substantially the following form:

The City of Anadarko, Oklahoma, to the Chief of Police of the Municipal Court of Anadarko, Oklahoma:

Complaint upon oath having this day been made by _____ that the offense of_____has been committed and accusing thereof, you are commanded therefore forthwith to arrest the above-named (defendant or defendants) and bring (him. her, them) before me at my office at the Anadarko, Oklahoma, Municipal Court Room.

Witness my hand this _____day of 20___.

Judge of the Municipal Court of the City of . Anadarko, Oklahoma

B. Execution Of Warrant: It shall be the duty of the chief of police to execute such warrant as promptly as possible, either: 1) personally; 2) through a duly constituted member of the police force of the city; or 3) through any other person lawfully authorized to act.

Section 1-10-13. Bail; Temporary Bonds.

A. Residents:

1. Whenever a resident of the city is arrested for a violation of any ordinance by a police officer of the city, the officer shall immediately release such person if he acknowledges receipt of a citation by signing it, unless it reasonably appears to the officer that the person may cause injury to himself or 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, a warrant shall be issued for his arrest and his appearance in court shall be compelled.)

2. Whenever a resident of the city is arrested by a police officer of the city for the violation of any ordinance, and is not released by being permitted to sign a citation as provided in subsection A1 of this section, said resident shall be admitted to bail either before or after arraignment, or released on his own recognizance.

B. Nonresidents: Whenever a nonresident of the city is arrested by a police officer of the city for a violation other than a traffic violation, the defendant shall be eligible to be admitted to bail either before or after arraignment.

C. Traffic Violations; Posting Bail: The city may require any person who is arrested by a police officer of the city 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 "guaranteed 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 his hearing; provided, that said date shall not exceed twenty (20) days from the date of arrest.

D. Amount And Conditions Of Bail:

1. 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.

2. In the event of arrests at night, other emergencies, or when the municipal judge is not available, the chief of police (or his 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.

3. 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 city on his own recognizance.

Section 1-10-14. Arraignment.

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

Section 1-10-15. Postponement of Trial.

Before a trial commences in the municipal court, either party, upon good cause shown, may obtain a reasonable postponement thereof.

Section 1-10-16. 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 1-10-17. Contempt.

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

B. Contempt Of Court An Offense: It shall be an offense to be in contempt, directly or indirectly, of the municipal court of the city and of its orders.

Section 1-10-18. Defendant Presence at Trial; Failure to Appear.

A. Presence Mandatory: The defendant must be present in person at the trial of his case in the municipal court.

B. Failure To Appear:

1. Forfeiture Of Bond: If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, the 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 judgment docket and shall have the full force and effect of a district court judgment. At such time as the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the applicable provisions of state statutes.

2. Guilty Of Offense: Any person who is charged with a violation of this code and who, having been duly issued a summons, or having been arraigned and released on recognizance, or having made a promise to appear, and violates such recognizance, or fails to answer the summons, or fails to honor a promise to appear and does not voluntarily appear before the municipal court on the appointed date and time, regardless of the disposition of the charge for which the citation was originally issued, shall be guilty of an offense.

Section 1-10-19. Judgment.

A. Judgement Rendered And Recorded: 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 his docket.

B. Discharge Upon Acquittal: If the judgment of the municipal court is of acquittal and the defendant is not to be detained for any other legal cause, he must be discharged at once.

C. Guilty Plea Or Conviction; Fixing Penalty: If the defendant pleads guilty or is convicted after trial, the municipal court must render judgment thereon, fixing the penalty within the limits prescribed by this code or other applicable ordinance, and imposing sentence accordingly.

Section 1-10-20. Costs Upon Judgment of Conviction.

A. Taxing Of Costs: If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, in a sum not to exceed one hundred dollars ($100.00), including the fees and mileage of witnesses, but not including court costs.

B. Court Costs: Court costs shall be no more than thirty dollars ($30.00) per case, and shall be added on top of any fine. All monies collected shall be deposited in the appropriate fund.

C. CLEET (Council On Law Enforcement Education And Training): Nine dollars ($9.00). Monies that are earmarked for the purpose of basic academic training and continuing education programs, and for operating and building a state law enforcement training facility conducted by CLEET (council on law enforcement education and training). The municipal court will retain eight cents ($0.08) as an administrative fee for the penalty assessment. The authority to retain this amount by the municipal court is 20 Oklahoma Statutes section 1313.2.

D. AFIS (Automated Fingerprint Identification System): Five dollars ($5.00). Monies from this fee are for the Oklahoma state bureau of investigation and earmarked for updates and maintenance of equipment. The municipal court will retain eight cents ($0.08) as an administrative fee for the penalty assessment. The authority to retain this amount by the municipal court is 20 Oklahoma Statutes section 1313.3.

E. Forensic Science Improvement Assessment Fee: Five dollars ($5.00). Monies from this fee are for the Oklahoma state bureau of investigation and will be used to upgrade laboratory facilities, equipment, and personnel. The municipal court is authorized to retain five percent (5%) of the amount collected as the administrative fee. The authority to retain this amount by the municipal court is 20 Oklahoma Statutes section 1313.4.

F. Cost Increases: The amount of the costs and assessments provided for in subsections 8, C, D and E of this section shall be subject to increase without further action upon the amendment of 11 Oklahoma Statutes section 27-126 or applicable provisions of 20 Oklahoma Statutes.

Section 1-10-21. Imprisonment for Failure to Pay Fine; Inability to Pay.

A. Imprisonment For Failure To Pay Fine: If a defendant 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 twenty five dollars ($25.00) per day if they do not work and the rate of fifty dollars ($50.00) per day if they do work.

B. Inability To Pay Fine: If the defendant is without means to pay the fine or costs, the municipal judge of the city 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 judgment. Thereupon, the same remedies shall be available for the enforcement of said judgment as are available to any other judgment creditor.

Section 1-10-22. Suspension of Sentence; Community Service.

A. Suspension Of Sentence: After conviction and sentence of a defendant in the municipal court of the city, the municipal judge may suspend sentence in accordance with the provisions of, and subject to the conditions and procedures imposed by, applicable provisions of 11 Oklahoma Statutes, as amended.

B. Order For Community Service: 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 1-10-23. Witness Fees.

A. Payment Allowed: Witnesses in any proceeding in the municipal court, other than police officers or peace officers, shall be entitled to five dollars ($5.00) for each day of attendance, plus ten cents ($0.1O} 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 city. No witness shall receive fees or mileage in more than one case for the same period of time or the same travel.

B. Deposit From Defendant; Indigents Excepted:

1. A defendant seeking to subpoena witnesses must deposit, with. the clerk of the court, a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned.

2. Such deposit shall not be required from an indigent defendant who files an affidavit setting out:

   i. The names of no more than three (3) witnesses;

   ii. That the defendant, by reason of his poverty, is unable to provide fees and mileage allowed by law;

   iii. That the testimony of such witnesses is material; and

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

3. The fees of witnesses in such cases (subsection B2 of this section) shall be paid by the city.

Section 1-10-24. Penalty.

A. If the judge of the municipal court of the city is a licensed attorney and the trial is to the court, the maximum fine or deferred fee in lieu of a fine for traffic related offenses related to speeding or parking shall not exceed two hundred dollars ($200.00) or such sum as may be provided for by 11 Oklahoma Statutes section 14-111 as it may be amended so long as said penalty is not greater than that estab- lished by statute for the same offense. The maximum fine or deferred fee in lieu of a fine for alcohol related or drug related offenses shall not exceed five hundred dollars ($500.00). For all other offenses, the maximum fine or deferred fee in lieu of a fine shall not exceed five hundred dollars ($500.00). (Ord. 1238, 10-21-2015)

B. If the judge is not a licensed attorney, the court may impose a fine not to exceed fifty dollars ($50.00).

TITLE 2 – PERSONNEL AND MANAGEMENT AGENCIES

Chapter 1. Officers and Employees

Section 2-1-1. Number, Classes and Compensation.

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

B. Fees Collected Paid To Clerk: Neither the municipal judge nor any other officer or employee of the city government may receive as compensation any fee of any kind except as may be specifically provided by ordinance passed hereinafter. All fees and other monies collected for the city by an officer or employee shall be paid to the city clerk.

Section 2-1-2. Personnel Manual Adopted.

A. Manual Adopted; Sections Listed: The Anadarko Personnel Policies and Procedures Manual (1996)", prepared by and under the super- vision of the city manager, under the direction and authority of the city council, consisting of the following sections, is hereby adopted by reference, and incorporated as fully as if set out completely herein:

Section 100. Employment:
101. Employment established by charter
102. Nature of employment
103. Administration
104. Equal employment opportunity policy
105. Eligibility for employment
106. Employment categories
107. Competitive examinations
108. Use of eligible list
109. Job posting
110. Disqualification of applicants
111. Promotions
112. Probationary period
113. Access to personnel files
114. Personnel data changes
115. Performance evaluation

Section 200. Pay, Hours Of Work, And Overtime:
201. Pay policy
202. Responsibility
203. Rewards, gifts, special considerations
204. Timekeeping
205. Paydays
206. Pay rate upon promotion
207. Pay rate upon demotion
208. Pay rate upon transfer
209. Hours of work and overtime
210. Automobile allowance
211. Military leave pay
212. Pay during jury duty
213. Special assignment pay for police officers
214. Incompatible work or activities
215. Satisfactory performance increases (SPI)
216. Eligibility for SPI
217. Eligibility for SPI after promotion
218. Request for pay changes
219. Pay rate for acting supervisors
220. Chain of command
221. Duplication of policies

Section 300. Separations, Disciplinary Actions, Grievances:
301. Prohibition against removal for political beliefs
302. Reduction for economy, abolition of position
303. Employee conduct and work rules
304. Progressive discipline ·
305. Problem resolution

Section 400. Leave:
401. Leave policy
402. Types of leave
403. Vacation benefits
404. Maximum accrual
405. Expenditure of vacation leave
406. Effect of status change on vacation leave accrual
407. Effect of transfers on vacation leave accrual
408. Effect of separation on vacation leave accrual
409. Holidays
410. Sick leave
411. Effect of transfer on sick leave
412. Other factors concerning sick leave
413. Compensatory leave
414. Use of compensatory leave
415. Compensatory time at separation
416. Official representation leave
417. Leave of absence without pay
418. Factors concerning leave without pay
419. Military leave
420. Court leave/jury duty
421. Unauthorized absences
422. Injury leave
423. Compensation for injury leave
424. Employee report of injury
425. Supervisory responsibility upon injury
426. Limitations upon eligibility for injury leave
427. Extended injury leave
428. Family medical leave act provisions
429. Workers' compensation insurance
430. Benefits continuation (COBRA)

Section 500. Americans With Disabilities Act:
501. Policy of nondiscrimination
502. Definitions
503. Reasonable accommodation
504. Applicants
505. Employees requesting reasonable accommodation
506. Employees who are not performing the job
507. Employees who reject reasonable accommodation
508. Miscellaneous provisions
509. Life-threatening illnesses in the workplace

Section 600. General Provisions:
601. Attendance and punctuality
602. Personal appearance
603. Return of property
604. Use of phone and mail systems
605. Use of equipment and vehicles
606. Business travel expenses
607. Visitors in the workplace
608. Computer and e-mail usage
609. Workplace monitoring

B. Effective Date; Copies Filed With Clerk: Said manual, herein enacted for the city, shall go into effect on November 19, 1996. No less than three (3) copies

have been and now are filed in the office of the city clerk.

C. Other Manuals Repealed: All other manuals, ordinances or parts of ordinances in conflict herewith are hereby repealed.

D. Pay Plan Adopted: The "City of Anadarko Employee Pay Plan" is hereby adopted by reference as prescribed by the "Anadarko Personnel Policies and Procedures Manual (1996)".

Section 2-1-3. Bonds of Officers.

A. Bond Amounts For Certain Officers: The city manager, city clerk and the city treasurer shall each be bonded by the city within ten (10) days after their election or appointment, in the following amounts:

City manager	$50,000.00
City clerk	$50,000.00
City treasurer	$50,000.00
Finance director	$100,000.00
Assistant finance director	$100,000.00
Utility billing clerks	$25,000.00
Court clerk	$25,000.00
Ambulance billing clerk	$25,000.00

B. Other Officers And Employees; Premium Paid By City: The city council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded. The premiums on such bonds shall be paid by the city.

Section 2-1-4. Succession in Government.

A. Ordinances: All ordinances, insofar as they are not inconsistent with the city charter and this code, shall continue in effect until they are repealed or until they expire by their own limitations.

B. Officers And Employees: All officers and employees of the city, under any and all previous ordinances, shall continue in the offices and employments which they respectively hold, after this code goes into effect.

C. Books, Properties Delivered To Successor: All books, monies or other property belonging to the city and in charge or possession of any officer of the city, shall be delivered to his successor.

Section 2-1-5. Nepotism; Compatibility of Offices.

A. Council Members: No member of the city council nor any other authority of the municipal government, may appoint, or vote for the appointment of, any person related to himself by affinity or consanguinity within the third degree, to any office or position of profit in the municipal government.

B. Relatives Listed: The following relatives shall be considered as within the third 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, daughter-in-law, grandson-in-law·, granddaughter-in-law, great grandson-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, _grandmother-in-law, grand uncle-in-law, grand aunt-in-law, great grandfather-in-law, great grandmother-in-law, grand nephew, grand niece, grand nephew-in-law, stepson, stepdaughter, stepfather or stepmother; a divorce decree shall be deemed to dissolve all relationships arising by that marriage.

C. Holding More Than One Position: Except as may be otherwise provided by ordinance, the same person may hold more than one office or position in the municipal government.

Section 2-1-6. Social Security.

A. Extension Of Benefits: It is hereby declared to be the policy and purpose of the city to extend to the employees and officials thereof, not excluded by law or this section, 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 thereto, including public law 734 - 81st congress. In pursuance of such policy and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations.

B. Execution Of Agreements: The mayor of the city is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the state department of public welfare as agent or agency, to secure coverage of employees and officials as provided in subsection A of this section.

C. Withholdings From Salaries: Withholdings from salaries or wages of employees and officials for the purpose provided in subsection A of this section 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 designated by such laws and regulations.

D. Contributions By City: There shall be appropriated by the city 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 system of federal old age and survivors insurance. Such funds shall be paid over to the state or federal agency designated by said laws or regulations.

E. Records And Reports: The city shall keep such records and make such reports, relative to the system of federal old age and survivors insurance, as may be required by applicable state or federal laws or regulations.

F. Excluded' Officers And Employees:

1. There is hereby excluded from this section 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 city.

2. There is hereby excluded from this section 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.

Section 2-1-7. Employee Retirement System.

A. Employee Retirement System Authorized And Created: Pursuant to the authority conferred by the city, the city charter, as amended, and by the laws of the state of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of the city employees and thereby promoting public efficiency, there is hereby authorized, created, established, approved and adopted, effective as of January 1, 1978, the funded pension plan designated the "Employee Retirement System of Anadarko, Oklahoma" (hereinafter called "system"), an executed counterpart of which is on file in the office of the city clerk.

B. Administration: For the purpose of administration of the system, there is hereby established a board of trustees, which shall be the members of the city council, as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the board of trustees shall be as set forth in the system instrument on file in the office of the city clerk.

C. 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 treasurer, who shall be the treasurer. of the system. The city treasurer shall hold such contributions in the form received, and from time to time pay over and transfer same to the city's authorized agent, 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. The 'fund and system shall be valued every other year for actuarial soundness by a qualified actuarial firm.

D. Appropriations: The city is hereby authorized to incur the necessary expenses for the establishment, operation and administration of the system and to appropriate and pay the same. In addition, the city is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the system and the fund 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 and shall be paid to the city's authorized agent as authorized by the board of trustees, through the city treasurer.

E. Execution:·

1. 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 on file in the office of the city clerk, which has been duly executed as aforesaid simultaneously with the passage of this section and made a part hereof, is hereby ratified and confirmed in all respects.

2. The city council is hereby authorized and directed to proceed immediately on behalf of the city to negotiate a contract with other incorporated cities and towns of the state of 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. The city council shall manifest approval of such contract and the execution thereof by the mayor and city clerk, by a formal resolution.

Article A. City Manager

Section 2-1A-1. Chief Administrative Officer; Powers.

The city manager shall be the chief administrative officer of the city. He shall have all powers and duties prescribed for him by article V of the city charter, by other provisions of the charter, and by ordinance, and shall have the power to appoint and remove all department heads, subordinates and employees.

Section 2-1A-2. Assistant City Manager.

The city manager, or acting city manager, is hereby authorized to appoint an assistant city manager, who shall perform such duties as the city manager shall assign to him or her, and who shall receive a salary to be fixed by the city council.

Section 2-1A-3. Administrative Department.

The assistant city manager, with such other city employees as may be assigned by ordinance, shall constitute the administrative department of the city.

Section 2-1A-4. Building Policy.

The City Manager shall have the authority to establish policies for all municipal owned buildings and properties to ensure the efficient and safe operations to include polices to protect the health and safety of municipal employees and the general public. The City Manager shall provide notice to the Mayor if a policy has changed and the requirements shall be posted in plain view for the public. The City Council by majority vote can reverse the policies if it so deems necessary.

Article B. Municipal Judge

Section 2-1B-1. Appointment.

There shall be one judge of the municipal court and he shall be appointed by the city council. See title 1, chapter 10 of this code, and article VIII of the city charter.

Section 2-1B-2. Qualifications; Restrictions.

A. Qualifications: The municipal judge shall be a resident of the city (unless he is a licensed attorney), have a high school education (or the equivalent) and be of good moral character.

B. Licensed Attorney; Other Employment: A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as 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. Not A Licensed Attorney; Limitations: 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 nonpayment of fines or costs. See also section 1-10-24 of this code.

Section 2-1B-3. Rules of Conduct.

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

Section 2-1B-4. Alternate and Acting Judges.

A. Appointment: There may be appointed an alternate judge of the municipal court, possessed of the same qualifications as the municipal judge, as set out in section 2-18-2 of this article.

1. His appointment shall be for the same term and made in the same manner as the municipal judge. He shall sit as acting judge of the municipal court in any case if 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 city council may appoint some person possessing the qualifications required by this article 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.

B. Compensation: An alternate judge or an acting judge shall be paid, as prescribed by the city council, for each month devoted to the performance of his duties, except that, for any month, the total payments so calculated shall not exceed the salary of the municipal judge in whose stead he sits. An alternate or acting judge who sits for an entire month shall receive the same amount as the salary of the municipal judge in whose stead he sits.

Section 2-1B-5. Removal From Office; Vacancies.

A. Removal: Judges shall be subject to removal from office by the city council, for the causes prescribed by the state constitution and laws for the removal of public officers. Provisions of the Oklahoma administrative procedure act governing individual proceedings (75 Oklahoma Statutes sections 308 through 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.

B. Vacancies: 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 city council shall appoint a successor to complete the unexpired term, using the same procedure as for an original appointment.

Article C. City Attorney

Section 2-1C-1. Appointment.

The city attorney shall be appointed by the city council, on a contractual basis. See article IX of the city charter.

Section 2-1C-2. Powers and Duties.

A. Legal Advice Regarding City Officials: It shall be the duty of the city attorney to give legal advice on questions submitted to him by the city council, when the subject matter concerns the powers of any municipal officials or employees, or the performance of their duties.

B. Draft Ordinances, Legal Documents: The city attorney shall draw such ordinances, resolutions, notices, forms, leases, deeds, papers or other documents as may be required of him by the city council.

C. Proceedings In Court: The city attorney shall be authorized to appear, prosecute and defend all actions wherein the city is a party, and he shall institute proceedings in courts of law upon the order of the city council.

D. Other Duties: The city attorney shall perform such other duties as the city council may require; provided, that such duties are included within the scope of the contractual arrangement.

Section 2-1C-3. Traveling Expenses.

The city attorney shall be allowed actual and necessary traveling and hotel expenses while outside the city and on official business for the city; provided, that his business has been approved and directed by the city council.

Article D. Fire Officials

Section 2-1D-1. Fire Chief.

A. Office Established; Appointment: There is hereby created the office of the chief of the fire department, who shall be appointed by the city manager for an indefinite term, and be removable by said city manager. The fire chief shall be an officer of the city. See chapter 2, article C of this title; title 4, chapter 5 of this code; and article V of the city charter.

B. Duties: Duties of the fire chief shall include:

1. Supervision and control of the fire department, subject to the state law, the provisions of this chapter, other ordinances of the city and the city charter. He shall diligently perform the duties imposed upon him by law and ordinance.

2. Responsibility 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. Inspecting, or causing to be inspected by members of the department, the fire hydrants and water supply sources of the city at least once each year.

4. Maintaining a library or file of publications on fire prevention and fire protection.

5. Attending all fires and directing and having complete charge of the officers and members of the fire department in the performance of their duties.

6. Ensuring that the city manager, the city council and the city's citizens are kept informed on fire hazards in the community and on the activities of the fire department.

7. Seeing that each fire is carefully investigated to determine its cause and, in the case of incendiarism, shall notify proper authorities, secure and preserve all possible evidence for future use in the case and file the appropriate fire loss reporting forms with the office of the state fire marshall, as required by current state law.

8. Seeing that complete records are kept of all fires, inspections, apparatus, equipment, personnel and other information about the work of the fire department.

Section 2-1D-2. Assistant Fire Chief; Other Officers.

A. Act During Absence Of Fire Chief: 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 2, article C of this title; and title 4, chapter 5 of this code.

B. Selection Of Officers: The officers of the fire department shall be selected upon their ability to lead others and their knowledge of firefighting and firefighting equipment.

Section 2-1D-3. Bureau of Fire Prevention.

A. Enforcement Of Fire Prevention Code: The adopted fire prevention code shall be enforced by the bureau of fire prevention in the Anadarko fire department. Said bureau shall be operated under the supervision of the chief of the fire department.

B. Bureau Chief: The chief of the fire department shall be ex officio chief of the bureau of fire prevention.

C. Appointment Of Inspectors: The chief of the fire department may detail such members of the fire department as inspectors, as shall from time to time be necessary, and the city manager may appoint such inspectors as the city council may authorize.

D. Annual Report: A report of the bureau of fire prevention shall be made annually and transmitted to the city manager. Said report shall contain all proceedings under this code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the fire prevention code which in his judgment shall be desirable.

Article E. Animal Control Officer

Section 2-1E-1. Appointment; Term.

The city manager may appoint a person, persons or other entity to serve as the animal control officer(s) for the city. Said officer(s) shall be appointed for an indefinite term, and may be removed by the city manager.

Section 2-1E-2. Pay Level.

The pay level for the animal control officer(s) may be either on a salary basis or a contractual fee system related to enforcement activities.

Chapter 2. Departments, Boards, Committees and Officials

Article A. Departments, Boards and Committees

Section 2-2A-1. Finance Department; City Clerk and City Treasurer.

A. City Clerk:

1. There shall be a department of finance, the head of which shall be the city clerk, appointed by the city manager for an indefinite term, and removable by said manager.

2. The city clerk is an officer of the city, and has supervision and control of the department of finance.

3. The city clerk shall collect or receive revenue and other money for the city, and shall deposit the same daily with the city treasurer, or for the city treasurer, in an account or accounts maintained by the city treasurer in a depository or depositories.

4. The city clerk shall maintain a general accounting system for the city government, and shall have such other powers, duties and functions as may be prescribed by the city charter, state law or by ordinance. See article V of the city charter.

B. City Treasurer:

1. Within the department of finance, there shall be a city treasurer who is an officer of the city, appointed by the city council for an indefinite term, and removable by that body.

2. The city treasurer shall deposit daily all funds received for the city in such depositories as the city council may designate, and shall disburse

such funds in the manner provided by applicable laws or ordinance.

3. He shall have such other powers, duties and functions as may be prescribed by the city charter, by state law or by ordinance. See article V of the city charter.

Section 2-2A-2. Building Inspection Department; Building Inspector.

A. Building Inspection Department:

1. Department Established: There shall be a building inspection department, the head of which shall be the city building inspector. The city building inspector shall have supervision and control of the department, including the plumbing inspector, the gas inspector and the electrical inspector.

2. Duties: The building inspection department shall see that all laws, ordinances and other regulations relating to building, plumbing and electrical installations are properly enforced, except as may be otherwise provided by applicable law or ordinance.

B. Building Inspector:

1. Appointment; Term: There is hereby created the office of city building inspector within the administrative structure of the city. The city building inspector shall be appointed by the city manager for an indefinite term, and his appointment shall continue during good behavior and satisfactory service. Removal from office shall be only for cause, after full opportunity has been given him to be heard on specific charges.

2. Qualifications: The city building inspector shall be in good health and shall be physically capable of performing the duties of his office.

3. Powers And Duties: The powers and duties of the city building inspector shall be as follows:

i. To enforce all provisions of the codes adopted by this city code;

ii. To receive and process applications required by such codes or this city code;

iii. To review building permit applications, other permit applications and issue required certificates (see title 9 of this code);

iv. To examine premises for which permits have been issued under such codes or this city code and make necessary inspections to see that the provisions of the codes or this city code are complied with and that construction is done safely;

v. To investigate, when requested by the city manager or city council, or when the public interest so requires, matters referred to in such codes and render written reports on the same;

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

vii. To make inspections required under the provisions of the codes adopted by this city code, or to ensure that inspections are made by his duly appointed assistant.

4. Acting Building Inspector: During the temporary absence or disability of the city building inspector, the city manager may designate an acting building inspector. The city clerk shall serve as acting building inspector, unless the city manager designates another person as such.

5. Right Of Entry: The city building inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises for the purpose of making any inspection or test of the construction or equipment contained therein or its installation.

6. Serve As Other Inspectors: The city building inspector may also serve as the mechanical, electrical or plumbing inspector, if eligible and qualified, and so designated by the city manager.

Section 2-2A-3. Water Plant Department; Superintendent.

A. Appointment; Authority: There shall be a water plant department, the head of which shall be the superintendent of the water plant, appointed by the city manager for an indefinite term, and removable by the said manager. He shall be an officer of the city and shall have supervision and control of the water plant department.

B. Duties: It shall be the duty of the water plant department, among others, to secure, pump and process water, and to furnish it for distribution to users, to have charge of and maintain the necessary facilities used therein, and to have charge of, maintain and operate the municipal sewer system.

Section 2-2A-4. Street Department; Superintendent of Streets.

A. Appointment; Authority: There shall be a street department, the head of which shall be the superintendent of streets, appointed by the city manager for an indefinite term, and removable by said manager. He shall be an officer of the city, and shall have supervision and control of the street department.

B. Duties: It shall be the duty of the street department, among others, to construct, repair, maintain and improve streets, alleys and other public ways, streets and traffic lights, signs, markings and signals. See article V of the city charter.

Section 2-2A-5. Building and Subdivision Review Committee.

A. Membership: There is hereby created a building and subdivision review committee for the city, the membership of which shall be made up of the city manager and one representative of each of the following agencies, as applicable, and such other public officials as the mayor may designate:

Police department
Planning commission
Appropriate public utility companies Utilities staff
Fire department
City (county) health department

B. Responsibilities: It shall be the responsibility of the building and subdivision review committee to meet together, on call of the mayor, who shall serve as chairman, to review preapplication plans, to study the suitability of any proposed subdivision for the purposes for which it is intended and to submit their findings and recommendations to the planning commission at the time the preliminary plat is to be reviewed by the planning commission.

Section 2-2A-6. Cemetery Board; Cemetery Department.

A. Appointment; Terms; Compensation:

1. There shall be a cemetery board,. which shall be the governing body of the cemetery department. It shall consist of five (5) members appointed by the mayor, with the approval of the city council, for overlapping periods of two (2) years and to serve until their respective successors have been appointed and qualified. The terms of three (3) members shall expire at seven thirty o'clock (7:30) P.M. on the first Monday in May in every odd numbered year; and the term of two (2) members shall expire at seven thirty o'clock (7:30) P.M. on the first Monday in every even numbered year.

2. The mayor, with the approval of the city council, may remove a member for the good of the cemetery department and may fill vacancies for unexpired terms.

3. Members shall serve without compensation. See article XII of the city charter.

B. Officers; Meetings:

1. Every year, at the time prescribed for the beginning of the terms of new members or as soon thereafter as practicable, the cemetery board shall elect a chairman, vice. chairman and a secretary; the secretary need not be a member of the board.

2. The board shall also determine the time and place of its regular meetings. The mayor, the chairman or any three (3) members may call special meetings of the board.

C. Duties: The cemetery board shall have control and management of the municipally owned cemeteries, as provided by the city charter, article XII (1988 Code § 1-66) Control and management of the department means acting as a governing body by recommending policies and actions to the city manager subject to the approval of the City Council. Control and management shall not be interpreted as controlling the budget nor directing the employees of the department.

Section 2-2A-7. Park Board; Park Department.

A. Appointment; Terms; Compensation:

1. There shall be a park board, which shall be the governing body of the park department. It shall consist of five (5) members appointed by the city manager with the approval of the city council for overlapping terms of two (2) years, to serve until their respective successors have been appointed and qualify. The terms of three (3) members shall expire at seven thirty o'clock (7:30) P.M. on the first Monday in May in every odd numbered year; and the terms of two (2) members shall expire at seven thirty o'clock (7:30) P.M. on the first Monday in May in every even numbered year.

2. The city manager, with the approval of the city council, may remove a member for the good of the service, and may fill vacancies for the unexpired terms.

3. Members shall serve without compensation.

B. Officers; Meetings:

1. Every year, at the time prescribed for the beginning of the terms of new members or as soon thereafter as practicable, the park board shall elect a chairman, a vice chairman and a secretary; the secretary need not be a member of the board.

2. The board shall determine the time and place of its regular meetings. The city manager, the chairman or any three (3) members may call special meetings of the board.

C. Duties: The park board shall have control and management of the municipally owned parks and playgrounds, as provided by the city charter, article XIII. (1988 Code § 1-66) Control and management of the department means acting as a governing body by recommending policies and actions to the city manager subject to the approval of the City Council. Control and management shall not be interpreted as controlling the budget nor directing the employees of the department.

Section 2-2A-8. Library Board; Library Department.

A. Appointment; Terms; Compensation:

1. There shall be a library board, which shall be the governing body of the library department. It shall consist of five (5) members appointed by the mayor, with the approval of the city council, for overlapping terms of two (2) years and to serve until their respective successors have been appointed and qualify. The terms of three (3) members shall expire at seven thirty o'clock

(7:30) P.M. on the first Monday in May in every odd numbered year; the terms of two (2) members shall expire at seven thirty o'clock (7:30) P.M. on the first Monday in May in every even numbered year.

2. The mayor, with the approval of the city council, may remove a member for the good of the service, and may fill vacancies for the unexpired terms.

3. Members shall serve without compensation.

B. Officers; Meetings:

1. Every year, at the time prescribed for the beginning of the terms of new members, or as soon thereafter as practicable, the library board shall elect a chairman, a vice chairman and a secretary; the secretary need not be a member of the board.

2. The board shall determine the time and place of its regular meetings. The mayor, the chairman, or any three (3) members shall call special meetings of the board.

C. Duties: The library board shall have control and management of the public library or libraries of the city, as provided by the city charter, article XI. Control and management of the department means acting as a governing body by recommending policies and actions to the city manager subject to the approval of the City Council. Control and management shall not be interpreted as controlling the budget nor directing the employees of the department.

D. Department Created: There shall be a library department, which shall be under the governing control of the library board, as provided in this code and the city charter, article XI.

Section 2-2A-9. Hospital Department.

Whenever, and if, the city has control of the operation of the municipally owned hospital, the city council, by ordinance, shall adopt additional provisions governing the hospital department hereby created to administer it, under the direction of the city manager.

Section 2-2A-10. Capital Improvements Planning Committee.

A. Committee Created: There is hereby created a local capital improvements planning committee for the city, in compliance with the provisions of the Oklahoma capital improvements planning act.

B. Appointment; Qualifications; Compensation: 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 city council. All members must be residents or employees of the city, and shall serve without salary.

C. Terms; Removal: Terms of the members shall be established in the same manner as for those of the city planning commission, and removal procedures for the committee shall also be the same· as for said city planning commission.

D. Planning Commission Serve As Committee: Unless the city council, at their discretion, specifically designates a separate group of persons, the city planning commission shall serve as the local capital improvements planning committee.

E. General Responsibility: The local capital improvements planning committee has the general responsibility to assist the city council in planning for the future development, growth and improvement of the city, 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.

F. Duties: The committee shall also:

1. Prepare the city's capital improvements plan;

2. Make recommendations to the city council regarding the adoption of the plan;

3. Serve in an ongoing advisory capacity to the city council regarding implementation of the plan, particularly in the annual update phase of the planning process;

4. Conduct public hearings and solicit and encourage citizen 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 city'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 council (the association of south central Oklahoma governments, ASCOG), in order to ensure that the statutory requirements for integrating the city's plan into the ASCOG regional capital improvements plan, each year, are fully met, to the benefit of the city of Anadarko and the state of Oklahoma.

Article B. Police Department

Section 2-2B-1. Department Created; Chief; Mutual Aid.

A. Department Created; Chief Appointed: There is hereby created a police department for the city, the head of which shall be the chief of police. The chief of police shall be appointed by the city manager, for an indefinite term, and removable by the city manager.

B. Officers Of City: The chief of police and all police officers shall be officers of the city, and shall possess the powers, and be subject to the liabilities possessed and conferred by law upon sheriffs, in executing the

orders of the city manager and city council, or enforcing this city code.

C. Enforcement Authority: It shall be the duty of the police department, 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 processes, properly directed and delivered to him.

D. Assisting Other Municipalities: Upon request of the mayor or his designee, or the chief of police or his designee, of any municipality, members of the regular police department of the city may serve as police officers in the municipality requesting their assistance. While so serving in another municipality, such officers shall have the same powers and duties as though employed by the municipality where such duties are performed. Salaries, insurance and other benefits in such instances are to be provided in the regular manner by the city of Anadarko.

E. Request Assistance From Other Municipalities: The mayor or his designee, or the chief of police of Anadarko, or his designee, are hereby authorized to request the assistance of police officers of other municipalities. The assisting police officers of the other municipalities shall have the same powers and duties as though employed by the police department of the city of Anadarko; however, salaries, insurance and other benefits shall be provided in the regular manner by the municipality in which said police officers are regularly employed.

F. Serve For Other Law Enforcement Agencies: Members of the regular police department of the city of Anadarko, upon request of a county sheriff ·or his designee, or upon request by a member of the Oklahoma highway patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma highway patrol. While so serving, such officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits will be provided in their regular manner by the city of Anadarko.

G. Other Duties: The chief of police and each police officer shall perform all other duties prescribed by law or ordinance (see subsections 1-9-1C4 through C7 of this code).

Section 2-2B-2. Volunteer Police Unit.

A. Appointment; Qualifications:

1. The chief of police is authorized and empowered to establish and organize volunteer police unit for the city, and to appoint "qualified" persons as members of the volunteer police unit. This unit shall be under the direct control of the chief of police. The number of members of this unit shall be determined by the chief of police. Its members shall not be considered permanent members of the police force.

2. A "qualified" person shall be at least twenty one (21) years of age, in good ·physical condition. They must meet all guidelines of the application process, and the minimum requirements set forth by the council on law enforcement education and training.

B. Course Of Training: The prescribed course of training necessary to qualify as ·a member of the volunteer police unit for the city shall be those prescribed to meet the minimum requirements of the council on law enforcement education and training. Additional training shall be at the direction and approval of the chief of police.

C. Duties: The duties of the volunteer police unit are as follows:

1. To assist the members of the Anadarko police force in directing traffic at sporting events, fairs, parades and other public and private meetings, as prescribed by the chief of police; and

2. To assist the members of the Anadarko police force in the performance of other duties, under their direct supervision.

D. Arrest Powers: The members of the Anadarko volunteer police unit shall have the powers of arrest as prescribed by state law.

E. Carry Weapons: Members of the Anadarko volunteer police unit shall be allowed to carry weapons as prescribed by state law, and at the direction or approval of the chief of police.

F. Operate Patrol Unit: Members of the Anadarko volunteer police unit shall be authorized to operate a patrol unit and ride alone upon:

1. Meeting all prescribed criteria in other areas of this section;

2. Completion of a field training officer (FTO) program; and

3. Approval of the chief of police.

G. Conduct: The conduct of the members of the volunteer police unit shall be the same as that required of the regular officer. Each shall follow the guidelines set forth in the city personnel policies and procedures manual, and those contained in the Anadarko police department policies and procedures manual.

H. Complaint Procedure On Misconduct: Any member accused of misconduct shall be given ten (10) days' notice of the charges to be heard before a review board consisting of members as listed in subsection 2-2B-3A1 of this article. The complainant and the accused will be permitted to represent witnesses and present arguments to the members of the board, who shall determine by a majority vote whether the accused shall remain a member in good standing of the volunteer police unit, or be subjected to other discipline.

I. Attend Meetings: Volunteer members will be required to attend scheduled meetings. They are further

required to devote a minimum of sixteen (16) hours per month to volunteer duty.

Section 2-2B-3. Policemen's Board of Review.

A. Board Established; Qualifications:

1. There is hereby created for the city a policemen's board of review to hear appeals concerning the discharge of police officers. The policemen's board of review shall consist of the mayor (ex officio, who shall be a voting member), two (2) police officers (retired or active), one attorney and one physician who are residents of the city.

2. Whenever persons having the qualifications above specified are unavailable, the mayor may appoint members of the city council to serve on the board.

3. Neither the police chief nor any person having direct appointive authority for police personnel shall be eligible for appointment.

B. Appointment: The mayor, or acting mayor, as the case may be, shall appoint the members of the policemen's board of review, with the approval of the majority of the city council. The appointive members of the policemen's board of review shall serve at the pleasure of the appointing official.

C. Discharge Police Officers; Appeal:

1. No police officer may be discharged without cause.

2. Any police officer who is discharged may appeal his case to the policemen's board of review within fifteen (15) days from the date of the discharge, by filing with the board a written statement setting forth the grounds of objection to· the discharge. Appeals from the decision of the policemen's board of review may be taken to the district court of Caddo County, and thereafter to the supreme court of Oklahoma, and the decision of the supreme court shall be final. Said appeal shall be governed in all respects by the provisions of the statutes of the state of Oklahoma, relating to appeals from such policemen's board of review to the district court and the supreme court of Oklahoma.

Article C. Fire Department

Section 2-2C-1. Department Created; Membership; Duties.

A. Department Established: There is hereby established for the city a fire department under the applicable provisions of the Oklahoma Statutes and article V of the city charter (see section 2-1D-3 of this title).

B. Probation: All new members shall be on probation for one year after their appointment to the department and shall not become regular members of the department upon completion of their probation period, until the approval by the majority of the regular members of the Anadarko fire department.

C. Bylaws: The fire department shall adopt bylaws (a copy of which shall be deposited with the city clerk), which shall include the following:

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

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

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

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

5. Volunteer firefighters leaving the city for an extended period of time shall notify the fire chief in advance;

6. All volunteer firefighters refusing to attend training classes provided for him will be dropped; and

7. Any member of the fire department shall be dropped from the rolls upon the recommendation of the fire chief, for any of the following offenses: a) conduct unbecoming a firefighter; b) insubordination; c) neglect of duty; d) violation of rules and regulations governing the department; or e) conviction of a felony.

D. Documents Submitted To State Insurance Commissioner: Copies of this city code and any amendments thereto relating to the fire department of the city shall be submitted to the state insurance commissioner.

E. Fire Prevention Code Enforcement; Variances:

1. Enforcement: The fire prevention code adopted by the city council shall be enforced by the fire department under the supervision of the fire chief. Members of said department may be detailed as inspectors by the fire chief, if he deems it necessary. (See also title 9 of this code.)

2. Variances: The chief of the fire department 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 his duly authorized agent), when there are practical difficulties in carrying out 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.

Section 2-2C-2. Rural Fire Protection.

A. Rural Service Authorized; Right Of Way:

1. Contract For Fire Protection: The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state of Oklahoma for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

2. Charges For Use Of Fire Apparatus, Personnel: Any contract entered into by the city with an individual owner, firm, private corporation or private or nonprofit association, for outside aid or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, private or nonprofit association, or political subdivision to the city for such fire apparatus and personnel at the rate of no less than two hundred fifty dollars ($250.00) per hour. All monies received from said calls shall be deposited into the city's general fund and be appropriated for maintenance and replacement of fire equipment.

3. Department Response To Outside Calls: The fire department of the city is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station, or a greater distance if determined necessary by the fire chief, unless, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the city, broken apparatus, impassable or dangerous highways, or other physical conditions.

4. Outside Calls Considered Regular Duty: All firefighters of the fire department of the city attending or serving at fires, or doing fire prevention work outside the corporate limits of the city shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city and said firefighters shall be entitled to all the benefits of any firefighter's pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the city.

5. Considered Agent Of State: The fire department of the city answering any fire alarm or call, or performing any fire prevention services outside the corporate limits of the city, shall be considered as an agent of the state of Oklahoma, and acting solely and alone in a governmental capacity, and said city 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 subsection A1, A2, A3 or A4 of this section.

6. Right Of Way Of Equipment: All motorized equipment of the fire department of the city shall have the right of way over all other commercial and pleasure vehicles.

B. Charges For Fire Calls:

1. Fees Established: The city shall charge the following fees to persons or property owners involved, for fire calls outside the corporate boundaries of the city:

   i. Fire calls made outside of the corporate limits of the city shall cost a minimum of five hundred dollars ($500.00) for the first hour, or portion thereof, with an additional hourly charge of two hundred dollars ($200.00) for each additional hour or portion thereof.

   ii. Oil field fires, ·including tank battery, wells and pipelines, and grass fires shall cost a minimum of one thousand dollars ($1000.00) for the first hour, with an additional hourly charge of five hundred dollars ($500.00) for each additional hour or portion thereof, plus the city's cost for any chemicals used in the fire.

2. Mileage: Mileage and distances shall be based on actual miles traveled. The city shall also have the capacity to prepare supplemental billing costs for use of special equipment or materials.

Section 2-2C-3. Intergovernmental Cooperation Authorized.

A. Provide Assistance To Other Communities: The city, in an effort to improve the quality of fire protection within the 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 city are authorized to assist the fire departments of Chickasha, Verden, Gracemont, Fort Cobb or any Grady, Caddo or Comanche 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 Anadarko fire department shall respond to said request for assistance.

B. Request Assistance From Other Communities: In an attempt to increase the effectiveness of fire protection within the corporate limits of the city, and to provide for the health, welfare and safety of the citizens of said community, the city does hereby authorize any or all fire department personnel of the towns of Chickasha, Verden, Gracemont, Fort Cobb or of Grady, Caddo or Comanche County, to respond to a request for assistance by the city of Anadarko, within said community. Notification shall be given by the mayor, chief of police, fire chief or the dispatcher of the city of Anadarko, and the fire department officers extending said aid shall have full powers to act within the corporate limits of the city of Anadarko while under a request for assistance.

Article D. Emergency Management Department

Section 2-2D-1. Purpose.

The purpose of this article is to create an emergency management department for the city of Anadarko to prepare for, and to function in the event of emergencies

which endanger the lives and property of the citizens of this jurisdiction. It shall be the duty of the emergency management department to protect the health, safety, and lives of the citizens of the city of Anadarko, Oklahoma, and to protect both public and private property and property rights, and to perform all functions necessary to fulfill the obligations imposed herein.

Section 2-2D-2. Established.

There is hereby established, under the executive branch of government, for the city of Anadarko, a department of emergency management, which shall consist of:

A. An emergency management director, who shall be appointed by, report directly to, and serve at the pleasure of the city manager of the city of Anadarko.

B. Emergency management volunteers, who shall serve at the pleasure of the emergency management director, to support the efforts and purpose of the emergency management department as established herein.

Section 2-2D-3. Emergency Management Director.

A. The emergency management director shall be the executive head of the department of emergency management and shall be responsible for carrying out the emergency management programs of the city of Anadarko. The emergency management director may be reimbursed for expenses incurred in the performance of his/her duties. It shall be the duty of the emergency management director, as soon as practical after appointment, to develop an efficient organization designed to carry out the purposes set forth in this article. The emergency management director shall be empowered with the necessary powers and authority to form committees and other bodies as may be necessary to consummate the emergency management department. The emergency management director shall further have the duties and responsibilities to coordinate the actions of all emergency response organizations and the use of available resources whether such activities or resources belong to this jurisdiction or are those provided through mutual aid agreements with other organizations and/or jurisdictions. Such activities shall include, but not be limited to, coordination with fire, police, emergency medical services, public works, and mutual aid departments. The emergency management director will coordinate and cooperate with emergency management organizations of other governmental entities, including the Oklahoma department of civil emergency management (ODCEM), and as necessary, the federal emergency management agency (FEMA).

B. The emergency management director is hereby authorized to formulate written plans, collect and organize pertinent information, and maintain written records thereof, to govern the functions of the emergency management' department.

C. In the event of an emergency or disaster, the emergency management director shall be empowered with the authority to enforce all rules and regulations relating to emergency management, for the purposes of carrying out the duties and responsibilities set forth herein. In carrying out his/her responsibilities to protect the population of this jurisdiction, the emergency management director shall cooperate in every way with the activities of other governmental agencies, including emergency management organizations beyond the jurisdictional boundaries of this entity.

D. Emergency management directors (EMO) shall meet the qualifications promulgated by the Oklahoma department of emergency management (OEM). The minimum qualifications include:

1. U.S. citizenship;

2. High school diploma or equivalent;

3. Valid Oklahoma driver's license;

4. Social security number;

5. Has not been convicted of a felony; and prior to employment, the employing agency shall obtain a name based background search by the Oklahoma state bureau of investigation to determine if the EMO has been convicted of a felony;

6. Within one year of appointment, the EMO must complete basic emergency management training provided by the OEM.

Chapter 3. Fire and Police Pension Boards; Funds

Article A. Firefighters Pension and Retirement Board

Section 2-3A-1. Board Created; Members; Terms.

A. Board Created; Membership: The mayor, the city clerk and the city treasurer are, in addition to the duties now required of them, hereby created and constituted, together with three (3) members from the fire department, a local firefighters pension and retirement board, which board shall be known as the local firefighters pension and retirement board.

B. Members Elected From Fire Department; Terms: The fire department shall elect, by ballot, three (3) members of such fire department, one of whom shall serve for the term of one year, one of whom shall serve for the term of two (2) years, and one for the term of three (3) years, and thereafter such fire department shall, every year, elect by ballot one of its members to serve for the term of three (3) years upon the local board.

Section 2-3A-2. Operation of Board.

The firefighter's pension and retirement system shall be operated in accordance with state law relating to said system and pensions and other benefits shall be paid as provided by state law.

Section 2-3A-3. Deductions from Salaries; Deposit of Funds.

A. Monthly Deductions: Each municipality having a paid member of a fire department shall deduct monthly from the salary of each member of the fire department of such municipality the following: Beginning January 1, 1983, an amount equal to thirteen percent (13%) of

the actual paid base salary of each member of the fire department. The deduction shall be considered the minimum deductions. The members of a fire department, by a majority vote of its paid members, may vote to increase the amount of the deduction. The city treasurer of each municipality shall deduct the authorized deductions from the salary of each paid member of the fire department. The city treasurer of the municipality shall deposit monthly in the system the amount deducted from the salary of each member of the fire department,

B. Deposits With State Board:

1. Paid Members: Each municipality having a paid member of a· fire department shall deposit monthly with the state board the following: commencing on January 1, 1984, an amount equal to thirteen percent (13%) of the total actual paid base salaries of the members of the fire department.

2. Volunteer Members:

i. Each municipality having a volunteer member of a fire department shall deposit yearly with the state board the following: commencing on July 1, 1985, sixty dollars ($60.00) for each volunteer member of the department.

ii. The above mentioned volunteer municipal contributions shall be reevaluated by the next scheduled actuarial study and the amounts adjusted so that in a nine (9) year period of time, the amounts would reflect the actuarial recommendations at that time.

C. Authority To Exceed Required Amount: The city is hereby authorized to exceed the amount of contribution required by this section.

D. State Law Requirement; Charter Superseded: The provisions of this section are required by state law and shall supersede any city charter provision in direct conflict with this section.

Article B. Police Pension and Retirement Board

Section 2-3B-1. Creation of Police Pension System.

There is hereby created, for the purpose of providing pension retirement allowances and other benefits for officers and the regular employees of the police department of the city and their beneficiaries, a police pension and retirement system.

Section 2-3B-2. Definitions.

The term "police officer " shall mean any officer or employee of the regular police department of the city appointed or employed for police duties or necessary duties in the operation of the police department, and shall include turnkeys, tailors, PBX operators, radio operators, dispatchers, employees in · the bureau of records, department clerks, patrol officers, sergeants, lieutenants, drill masters, captains, detectives and other police officers of said department performing police duties whose salaries -are paid by public funds as set up in the budget of the city for the regular police department, but shall not include anyone employed in any other capacity not involving police duties. In case of doubt as to whether any person is a "police officer" within the meaning of this article, the decision of the board of trustees of said system, hereinafter provided for, shall be final.

Section 2-3B-3. Name; Financial Transactions.

The system herein established for the purpose of providing pension retirement allowances and other benefits for police officers and their beneficiaries, shall be designated and known as the police pension and retirement system of the city, and by such name all of its business transacted, all of its funds handled, and all of its cash and securities and other property shall be held.

Section 2-3B-4. Board of Trustees of System.

A. Board Created; Members: There is hereby created a board of trustees which shall have the operation and management of the police pension and retirement system of the city, which board of trustees shall consist of the city clerk, the city treasurer, and three (3) members of the police department of the city, which is designated and known as the board of trustees of the pension and retirement system of the city.

B. Election Of Trustees:

1. To obtain the benefits derived by the police pension and retirement system of- the city, the officers or members of the police department of the city shall, before January 31 of each year, elect by ballot one of its members to the board of trustees hereinbefore designated, to serve for a term of three (3) years and until his successor is duly elected and qualified; provided, however, that the members of the board of trustees elected prior to the adoption of this article shall continue to serve as such trustees until the expiration of the terms for which they were elected. The election of said member of the board of trustees by the police department shall be done and had by a call of such election by the city clerk, which shall be done by the city clerk mailing to each and every member of said police department a notice that an election shall be held for the purpose of electing one of their number as a member of the board of trustees.

2. Said notice shall be properly addressed to each and every member of the police department and deposited in the United States mail at Anadarko. Such election shall be held five (5) days subsequent to the giving of such notice. Said notice shall also state where such election is to be held and the day and hour or hours when the same shall be held. The voting for such trustee shall be done by ballot and shall be done by placing said ballots in a ballot box to be provided by the city, and so conducted that each elector's ballot shall be secret as in the election of city and county officers.

3. The city clerk and city treasurer shall conduct such election by seeing that each and every person so voting is a member of the police department of the city, as defined by this article, and shall canvass all ballots so voted and shall

certify results thereof to the city council who shall by proper resolution declare the election of the person receiving the highest number of votes.

4. If a vacancy should occur in the office of trustee of said board so elected, the vacancy shall be filled by the election of a member, or members, in the same manner as above provided. In such event, the newly elected member shall hold the office for the unexpired term of the member whom he replaces.

5. Each officer or member of the board of trustees so elected shall, before he enters upon the duties of his office, take and subscribe an oath of office to faithfully perform the duties of his office and to account for all monies and property in his hands, and shall execute a bond to the city in the sum of one thousand dollars ($1,000.00),· on condition that he will faithfully perform the duties of his said office and faithfully account and deliver to his successor all funds, monies, bonds or other property in his hands belonging to said police pension and retirement system of the city.

C. Organization Of Board: Within six (6) days after the election of a third member of the board of trustees, it shall meet at a place designated by the city clerk, and shall choose and elect a chairman and secretary from the members of said board who shall serve for a term of one year and until their successors are elected. The election of said chairman and secretary by the board of trustees shall be done in such a way and manner as agreed upon by a majority of the board. In the event any chairman or secretary ceases to be a member of the board of trustees, the board shall elect from its membership a chairman or secretary to serve the unexpired term of the respective officer whose membership on said board is terminated.

D. Reports: The. secretary of said board of trustees shall report annually, at the time of the election of the board, the condition of the pension and retirement system and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of the funds in said system and the amount paid to each beneficiary, and shall report to said board of trustees the true condition of the police pension and retirement system at any meeting where requested to do so by the chairman thereof, or by a majority of the members of said board of trustees. A copy of each report shall be delivered to the city council.

E. Meetings: The board of trustees of the police pension and retirement system shall hold monthly meetings on the second Monday of each and every month of each year and upon the call of its chairman, at such other times as the chairman deems necessary. It shall issue orders signed by the chairman and secretary to the persons entitled thereto of the amount of money ordered paid to such persons from the funds of the police pension and retirement system by said board, which order shall state for what purpose such payment is to be made. It shall keep a record of its proceedings which shall be a public record.- It shall at each monthly meeting send to the city treasurer a written or printed list of all persons entitled to payment, which list shall be certified and signed by the secretary and chairman of the board, and attested under oath. The city treasurer shall thereupon enter a copy of said list upon the book to be kept for that purpose, which book shall be known as the "Police Pension and Retirement Fund Book", and the board shall direct payments of the amounts carried therein to the persons entitled thereto out of such funds. (1988 Code § 1-207)

F. Powers: The board of trustees shall, in addition to the powers otherwise herein granted, have power to:

1. Compel witnesses to attend and testify before the board upon all matters connected with the operations of this article, and in the same manner as is, or may be provided by law, for the taking of testimony before notaries public; and, its chairman or any member of said board may administer oaths to such witnesses.

2. Provide for the payment from such funds of the pension and retirement system of all its necessary expenses, and to pay for actuarial and such other services as shall be required to transact the business of the police pension and retirement system; provided, that no compensation or emolument shall be paid to any member of said board for any duties performed under this article.

3. Provide all rules and regulations needful for its guidance in conformity with the provisions of this article.

4. Invest and reinvest any funds of the police pension and retirement system in state and federal bonds only, subject to all the terms, conditions, limitations and restrictions imposed by law upon life insurance companies in the state of Oklahoma in making and disposing of their investments; and, subject to like terms, conditions, limitations and restrictions, said trustees shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which any of such funds shall have been invested, as well as of the proceeds of said investments and any monies belonging to said funds; provided, however, that said board, for the purpose of meeting disbursements for pensions and other payments, shall keep available cash of at least ten percent (10%) of the total amount in the funds of the police pension and retirement system on deposit in one or more banks or trust companies in the city, which banks or trust companies shall be organized under the laws of the state of Oklahoma or the United States, and that the amount on deposit in any one bank or trust company shall not exceed twenty five percent (25%) of the paid-up capital and surplus of such bank or trust company; provided, further, that no trustee and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board of trustees, nor as such receive any pay or emolument for his services. No trustees or employees of the board of trustees shall directly or indirectly, for himself or as an agent, in any manner use the assets of the police pension and retirement system, except to make such current and necessary payments as are authorized by the board of trustees, nor shall any trustee or employee of the board

become an endorser or surety, or become in any manner an obliger for monies loaned by, or borrowed from, the board of trustees.

Section 2-3B-5. Custody of Funds.

All monies provided for the funds of the police pension and retirement system, by appropriation of the city, or contribution by police officers, shall be paid over to and received by the city treasurer for the use and benefit of the police pension and retirement system, to be disbursed as provided by law and this article, and the additional duties thus imposed on the city treasurer shall be and comprise additional duties for which he shall be liable under his oath as such city treasurer.

Section 2-3B-6. Appropriations.

The city may appropriate for the use and benefit of the said police pension and retirement system, any sum not exceeding ten percent (10%) of the current annual salaries of its police officers. The sum, or sums, appropriated, if any, shall be paid to the police pension and retirement system on or before June 15 of each year, as other payments are made from municipal funds. Before any such appropriation may be made, the board of trustees of said police pension and retirement system must make an estimate of needs and furnish the same to the city council at such time and in the same manner that the departments of the city make their estimate of needs.

Section 2-3B-7. Contributions.

The membership of the police department, as defined in this article, may, by voluntary agreement among themselves, or three-fourths (3/4) or more of their number, agree in writing to contribute such percentage of their wages or salaries as they deem necessary to meet the requirements of said police department, as herein defined. No member shall receive any of the benefits provided by this article unless he/she shall have contributed to said fund not less than one percent (1%) of his/her monthly compensation while employed as a member of said department.

Section 2-3B-8. Payments.

A. Disposition Of Funds: The funds in the police pension and retirement system, whether paid by the city or contributed by the police officers of the city, shall be used only for the following purposes:

   1. For investments as authorized in this article;

   2. For the payment of allowances to injured and disabled police officers of the city;

   3. For the payment of pensions for long service to retired meritorious police officers of the city; and

   4. For the payment of a pension to a widow or widower while single and child or children under eighteen (18) years of age of any police officer eligible for a pension.

B. Limitation: Such payments shall not exceed the limits provided in this article.

Section 2-3B-9. Service Pensions.

A. The board of trustees is hereby authorized and empowered to pay out of any funds of its police pension and retirement system, a service pension to any police officer eligible as hereinafter provided, fifty percent (50%) of the average final yearly compensation of such police officer.

B. Requirements For Receiving Benefits:

   1. In order for a police officer to be eligible for a service pension, his/her service with the police department must have ceased, he/she must have served for a period of twenty (20) years or more in some police department in the state of Oklahoma of a standard equivalent to that required for eligibility under this article, or amendments thereto, five (5) years of which service shall have been consecutive immediately preceding the end of such period in the city. He/she must have complied with any agreement as to contributions by him/her and other police officers to the unds of the police pension and retirement system provided for in this article. Any police officer meeting all other requirements of this article, who has served twenty (20) years in accordance with this article, upon his/her application shall be retired at one-half (112) of the final average compensation of such police officer during the last five (5) years without regard to age; provided, further, that, any police officer eligible for retirement under this subsection who served twenty (20) years, shall be retired at one-half (1/2) of the final average compensation of such police officers during the last five (5) years, plus two percent (2%) for each additional year's service in excess of twenty (20) years, not to exceed, in any event, three-fourths (3/4) of the final average compensation of such police officer during the last five (5) years. When a police. officer has served for the necessary number of years and is otherwise eligible as in this article, or amendment thereto provided, if he/she is discharged without cause by the city, he/she shall be eligible for a pension.

   2. Mandatory Retirement; Extension: When a police officer reaches the age of seventy (70) years, he/she must retire, unless, at the request of the chief of police of the city, the board of trustees grants him/her an extension of one year, which can be further extended for one year periods, only at the request of the chief of police. Any police officer who shall be retired by reason of having reached said maximum age, and who is otherwise eligible, may be entitled to receive compensation as provided in this article regardless of the number of years of his/her service; provided, that, upon reaching the maximum age, he/she shall have been continuously employed as a police officer with the city, and paying the retirement compensation not less than three (3) years immediately prior to the date of the adoption by the city, of the police pension and retirement system provided for under the laws of the state of Oklahoma; and further provided, that, should said pension payments cease during any period of time,

he/she may thereafter serve for compensation in any municipal police department in this state.

3. In the event of the death of any police officer who has been awarded a pension under the provisions of this article, his/her widow, widower, child or children shall be paid the pension so awarded; provided, that, the same shall cease as to the widow or widower when he/she shall marry, or· as to the children or child when they become eighteen (18) years of age. Such payments shall be divided equally between said child or children and widow or widower. In order for a widow or widower to receive such pension as in this article provided, he/she must have been the beneficiary of the police officer at the time of retirement and at least five (5) continuous years prior thereto and not have deserted or abandoned said police officer.

Section 2-3B-10. Right to Withdraw.

Any police officer who has served in the police department of the city for a period of more than one year, and has contributed to said fund for said period of time, and has served less than twenty (20) years in the police department of the city, or any other city or town in the state of Oklahoma having standards equivalent to those required by the city, and who has entered into any agreement provided for in this article, may withdraw from said agreement and shall be paid one-half (112) of the amount of his/her contributions less all benefit payments made to him/her under the provisions of this article, after which said police officer shall not receive any of the benefits provided in this article. Any police officer, after having withdrawn from any agreement as provided in this article, may be reinstated in the police pension and retirement system by entering into any agreement provided for in this article and by the payment in cash to the board of trustees of the police pension and retirement system of all monies received by said police officer at the time of his/her withdrawal from any agreement, as provided for in this article.

Section 2-3B-11. Disability Allowance.

The city is hereby authorized and empowered to pay out of any funds in its police pension and retirement system a disability allowance to police officers eligible as her in after provided, an amount of money equal to one-half (1/2) of the average final annual compensation of any such police officer. In order for any police officer to be eligible for any disability allowance, or his/her widow, widower, child or children to be eligible for a pension, he/she must have. complied with any agreement as to contributions by him/her and other police officers to any funds of such police pension and retirement system, where said agreement has been made as by this article provided, and the board of trustees must find that he/she became physically or mentally disabled or died while in, and in consequence of, the performance of his/her duties as such police officer, or that such police officer has served fifteen (15) years and has become disabled or has died from any cause. Before making such finding, such board shall require that if the police officer is able, he/she make a certificate as to his/her disability which shall be subscribed and sworn to by such police officer. It shall also require a certificate as to such disability to be made by the city physician, if there be one, or if not, by some physician licensed to practice in the state of Oklahoma, and such board shall require other evidence of disability before making such disability allowances. The board of trustees, in making disability allowances, shall act upon the written request of the police officer or without such request, if it deem it to be for the good of the police department. Any disability allowance shall cease when any police officer receiving the same shall be restored to active service at a salary not less than three-fourths (3/4) of his/her average final yearly compensation. In case death results from any injury or sickness sustained by any such police officer while in or in consequence of the performance of his/her duty as such police officer, or from any cause after fifteen (15) years of service, and the board of trustees shall find this to be true, after requiring certificates and other evidence of his/her disability as hereinbefore provided, it shall allow a pension not exceeding one-half (1/2) of the final yearly compensation of any such police officer to be paid to such police officer's widow, widower, child or, children, in equal parts, but to cease as to the widow or widower when he/she shall marry or as to the child or children when becoming of the age of eighteen (18) years; provided, however, that, in the event of the death of the widow or widower of said police officer, the child or children under the age of eighteen (18) shall be entitled to receive the full benefits of the pension in equal proportions. In the event of the child or children dying or becoming eighteen (18) years of age, the widow or widower shall receive the full amount of the pension.

Section 2-3B-12. Temporary Disability.

The city is hereby authorized and empowered to pay out of any funds in its police pension and retirement system, a temporary disability allowance, to any police officer eligible as hereinafter provided, not exceeding in any event the amounts provided in this section. In order for any police officer to be eligible for a temporary disability allowance, he/she must have complied with any agreement as to contributions by ·him/her and other police officers to any funds of such police pension and retirement system, and the board of trustees must find that the said police officer is confined to a hospital or to his/her bed and requires professional nursing, physician's care or attention, on account of sickness or temporary disability caused or sustained while in, and in consequence of, the performance of his/her duty as such police officer, and not through any negligence on his/her part. Before making any finding, the board of trustees shall require a certificate from the police officer, if he/she is able to make the same; one from the city physician if there is one, from a physician licensed to practice in the state of Oklahoma, showing that the said· police officer is disabled to such an extent as to render him/her unable to perform his/her official duties, and may require other evidence of the disability if, in their judgment, the circumstances warrant. Upon compliance with the foregoing provisions, the board shall, if funds are available in the police pension and retirement system, pay the necessary hospital care and professional nursing expenses of such police officer during such time as such sickness or disability requires such care or professional nursing. The salary of any such police officer shall continue while he/she is so necessarily confined to such hospital or bed and necessarily requires care and professional nursing on account of such sickness or disability for a period of not more than one year, after which said period, the other provisions of this article may apply.

Section 2-3B-13. Widows, Widowers and Children.

The city is hereby authorized and empowered to pay out of any funds in its police pension and retirement system a pension to the widow, widower, child or children under the

age of eighteen (18) years, of any police officer where requirements for eligibility for such pension are met as provided in this section. Such pension shall in no event exceed the amount of money in such funds and shall be one-half (1/2) of the average final yearly compensation of any such police officer. Before any widow, widower, child or children of any police officer shall be entitled to any pension under this article, such police officer shall have complied with any agreements as to contributions by him/her and other police officers to any funds of said police pension and retirement system, and the board of trustees must find that the police officer lost his/her life while in, and in consequence of, the performance of his/her duty and through no neglect of his/her own, and that he/she left a widow, widower, child or children under the age of eighteen (18) years surviving him/her, unless such widow, widower, child or children are qualified for pension under another section of this article. If such findings are so made, a pension shall be allowed, limited as provided in this section. Such pension shall be discontinued as to the widow or widower when she/he shall marry, and as to the child or children when becoming eighteen (18) years of age. Such pension so granted shall be divided equally between the child or children, if there be any, and the widow or widower; provided, however, that, in the event of the death of the widow or widower of said police officer, the child or children under the age of eighteen (18) years of age shall be entitled to receive the full benefits of the pension, in equal proportions. In the event of the child or children dying or becoming eighteen (18) years of age, the widow or widower shall receive the full amount of the pension. In order for the widow or widower of a retired police officer to be a widow or widower eligible under this article to receive the pension upon the death of the retired police officer, the widow or widower must have been the beneficiary of the police officer at the time of his/her retirement; provided, further, that, in order for a widow or widower to quality for said pension, he/she must have been married to and living with the police officer as his/her spouse at the time of his/her retirement and at least five (5) years next preceding such retirement. Children adopted by a retired police officer after his/her service retirement are excluded from pension benefits under this article.

Section 2-3B-14. Examination.

Any police officer retired for disability as in this article provided, may be summoned before the board of trustees of the police pension and retirement system of the city at any time required by such board of trustees to submit himself/herself to such board, or the city physician, to be examined as to his/her fitness for duty and if found to be able to return to duty by said board, he/she shall not be entitled to .any further money from the police pension and retirement system. All such police officers so retired shall report to the city physician on the first Monday of January, April, July and October of each year for examination as to fitness for duty, and if at such time they be found fit for duty by said board, they shall not be entitled to any further money from the police pension and retirement system. In case of grave public emergency, any such police officers retired for disability may be assigned to and shall perform such duty as the chief of police may direct, and such police officers shall not be entitled to any pay from the city for such duty performed.

Section 2-3B-15. Forfeiture.

When any person who shall. receive any benefits from any funds of the police pension and retirement system as authorized by this article shall be convicted of any felony, or shall have become an habitual drunkard, or shall have failed to report himself/herself for duty as by this article required, unless excused by the board of trustees, or shall disobey the rul s of the said board of trustees in respect to said examination for duty or otherwise, then such board shall order that such pension allowance as may have been granted to such person shall immediately cease and such person shall receive no further pension, allowance or benefit as authorized to be paid by this article, unless or until, if possible, such person shall have met the requirements of said board.

Section 2-3B-16. Insufficient Funds.

In any case, where the funds in the police pension and retirement system of the city are insufficient to make full payments of the amounts of pension or allowance to all persons entitled thereto, then said funds shall be prorated among those entitled thereto, as the board of trustees shall deem just and equitable.

Section 2-3B-17. Exemption.

No portion of the funds of the police pension and retirement system shall, either before or after any order made by the board of trustees for payment to any person entitled to a pension or allowance, be held, seized, taken, subject to or detained, or levied on by virtue of any garnishment, attachment, execution, injunction or other order or decree, or any process or proceedings whatever which have issued out of or by any court of the state of Oklahoma for the payment or satisfaction in whole or in part of any debt, damage, claim, demand or judgment against any such person entitled to payment, nor shall said payments or any claim thereto be directly or indirectly assigned, and any attempt to transfer or assign the same shall be void.

Section 2-3B-18. Disqualification by City.

If the city subsequently becomes disqualified by failure to meet the minimum requirements of this article, the city treasurer shall immediately transfer to the general fund of the city any balance to the credit of the police pension and retirement system fund and the balance which is to the credit of the police officers shall be paid to each of them in such proportions as each of said police officers have contributed to said fund by deduction from their salaries or otherwise.

Section 2-3B-19. Appeals.

Any police officer, widow, widower or dependent of any police officer who has been denied pension or retirement pay by the board of trustees, where application for said pension or (retirement pay was made, and feels that fair and just consideration was not given, may appeal from the decision of said board to the district court of Caddo County, Oklahoma, and the decision of said court shall be final. Said appeal shall be governed in all respects by the provisions of the statutes of the state of Oklahoma relating to appeals from such board of trustees to the district court.

Chapter 4. Planning and Preservation Review Commissions

Section 2-4-1. Jurisdictional Areas.

A. Municipal Planning Commission: The municipal planning commission and preservation review

commission shall have jurisdiction over all land within the corporate limits of the city.

B. Regional Planning Commission: The jurisdictional area of the regional planning commission shall include, for the purposes of the regulation and review of land subdivision only, any lands outside the corporate limits of the city, whose any one 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 Caddo County.

Section 2-4-2. Rules and Regulations.

A. Adopt Rules; Keep Records: The planning commission and the preservation review 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. Meetings:

1. Regular meetings of the planning commission shall be scheduled at least once each month.

2. Regular meeting of the preservation review commission shall be scheduled at least four (4) times each year.

3. Each commission may meet individually or jointly (as a combined planning and preservation review commission).

4. Special and emergency meetings may be called by the mayor or chairman of each commission, in accordance with the state open meetings law.

Section 2-4-3. Expenditures.

A. Contract For Professional Services: The planning commission and the preservation review commission shall have the authority to contract for necessary professional services, within the limits of any budgetary appropriations. All compensation for such services shall be set by the city manager.

B. Incur Expenses: The planning commission and the preservation review commission may incur other necessary expenses, within the limits of the budgetary appropriations, to carry out all purposes and responsibilities.

Section 2-4-4. Project Review Procedures.

All projects or matters that fall within the duties and powers of the planning commission or the preservation review commission (as specified in this code) shall be referred to either commission for investigation and report, before any final action shall be taken thereon by the city council. If either commission, in separate or joint action, fails to make an investigation and report on any matter referred to it within sixty (60) days, or other agreed upon time, the city council may proceed to act upon such matter.

Section 2-4-5. Municipal Planning Commission.

A. Commission Created; Members: There is hereby created a municipal planning commission to serve as an advisory board for the city, to be composed of at least five (5) voting members. The mayor and the city clerk shall serve as ex officio members of said commission, without voting powers.

B. Terms: Upon the initial appointment of members to the municipal planning commission, the mayor shall designate one member of the municipal planning commission to serve for a period of one 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. Qualifications; Compensation: The members of the municipal planning commission shall be nominated for appointment by the mayor and confirmed by the city council, shall be residents of the city, and shall serve without salary.

D. Removal Of Members; Vacancies: Members of the municipal planning commission may be removed by the city council for inefficiency, neglect of duty, malefaction in office or other cause established by resolution of the city council. Vacancies occurring other than through the expiration of a term shall be filled only for the unexpired term by the city council.

E. Officers; Quorum: Within five (5) days of the appointment and qualification of the members of the municipal planning commission, said commission shall meet and elect one of their number as chairman, one as vice chairman and one 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 year, with eligibility for reelection. Three (3) members of the commission shall constitute a quorum. (1988 Code § 1-60)

F. Duties And Powers: The planning commission shall have the following .duties and powers:

1. To prepare and recommend to the mayor and city council, for adoption, a comprehensive plan for the future development of the city, 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 and report to the mayor and city council 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 mayor and city council, for adoption, a suitable zoning ordinance to assist in the implementation of the community's comprehensive plan, and to assist the city council in administering said zoning ordinance;

5. To investigate, prepare and recommend to the mayor and city council, for adoption, rules and standards for use in regulating the subdivision of

land within the planning commission1 s jurisdictional area, and to assist said city council in administering said land subdivision regulations; and

6. To investigate, prepare and recommend to the mayor and city council, for adoption, such other rules, regulations or standards as may be necessary to implement the comprehensive plan for the city, including standards and regulations for floodplain management, historic preservation, signs, annexation and utility extensions, among others.

Section 2-4-6. Preservation Review Commission.

A. Commission Created; Members: There is hereby created the Anadarko preservation review commission. The municipal planning commission shall form the basis for the preservation review commission, with the addition of six (6) additional members, appointed by the mayor, with the consent of the city council. All of the six (6) additional members shall have a demonstrated interest in historic preservation. At least two (2) of the six (6) additional members should be professionals with preservation-related experience (in such fields as architecture, history, archeology, planning, design, landscape architecture or law). Said professional members may reside outside the city, and may be selected from among university faculties or professional preservation or planning organizations. The primary purpose for expansion of the municipal planning commission to allow it to function as the preservation review commission is to allow for coordination of other planning regulations with the preservation review process. When meeting jointly with the municipal planning commission, the entire body may be called the municipal planning and preservation review commission.

B. Terms: The additional six (6) members of the commission shall serve the same type of staggered three (3) year terms as the municipal planning commission members, · based on the date of initial appointment.

C. Rules Of Procedure: The preservation review commission shall adopt rules of procedure. Said rules may be the same as those of the municipal planning commission, or may be supplemental to those of said municipal planning commission.

D. Meetings; Quorum: The preservation review commission shall meet at least four (4) times per year, in public and open meetings, with written minutes kept. Said meetings may be held with or without municipal planning commission members in attendance, as a joint meeting or otherwise. Either of said commissions may conduct a joint or separate meeting. Four (4) members of the preservation review commission shall constitute a quorum in its separate meetings, as well as in a joint meeting.

E. Powers And Duties: The preservation review commission shall have the following powers and duties:

1. To develop appropriate criteria and standards for identifying and evaluating neighborhoods, places, structures and improvements which might be classified as historic landmarks, historic sites or historic districts.

2. To designate historic landmarks, historic sites or historic districts within the city. Once designated by the commission, such historic landmarks, historic sites and historic districts shall be subject to all the provisions of this code, as well as any other specifically appropriate zoning ordinance provisions.

3. To compile a list of structures which would be eligible for designated historic landmark or historic structures status. The commission may negotiate with the owners of such structures for an agreement binding the owner and property, and such agreement may be for a specified period of time, to be binding on subsequent owners until the end of the time specified.

4. To acquire a fee or lesser interest, including "preservation easements", in historic properties by donation, bequest or, with the approval of the mayor and city council, by purchase.

5. To cooperate with federal, state, local and other agencies in pursuing the objectives of historic preservation.

6. To develop and recommend ordinances, legislation, policies and programs, and otherwise provide information on historic preservation to the Anadarko city council.

7. To design appropriate markers for designated historic landmarks, historic sites and historic districts.

8. To take all steps necessary, including the taking, preparation and collection of photographs, measured drawings, descriptions, recorded interviews, written data and documentations to permanently record the origin, development, use and historical significance of each historic landmark, historic site or historic district.

9. To promote public education, interest and support for the preservation and enhancement of such historic landmarks, historic sites and historic districts.

10. To review, subject to this code, applications for new or existing building or demolition permits, to work on a voluntary basis with the owners of historic landmarks, historic sites or structures within an historic district, advising them on the benefits, problems and techniques of preservation and encouraging their participation in preservation activities, and to approve or deny certificates of appropriateness for said work.

11. To make recommendations regarding the proposed demolition of designated historic landmarks or historic structures, including public demolition procedures initiated through statutory nuisance abatement processes, as well as other public or privately initiated demolition processes. No permit to demolish all or part of such historic

landmarks or historic structures shall be granted by the city building inspector, nor shall an abatement order be implemented, except as follows:

i. Except as otherwise provided, no person, including an agent of the city, in charge of an .historic landmark, historic site or an improvement in an historic district shall be granted a permit or permission to demolish, partially or in total, such property without the written approval of the preservation review commission,

ii. Upon the filing of an application with the preservation review 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.

iii. If the preservation review 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 or of the permit. The commission shall make its decision within sixty (60) days after the filing of the application, and shall state in writing the reasons for withholding consent, mailing the same to the applicant.

iv. If the preservation review commission refuses to grant permission or approve issuance of a permit for demolition, it shall cooperate 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 city building inspector may issue the permit to demolish the subject property or the municipal agent may proceed, without the approval of the commission.

12. To rescind designation of historic landmarks, historic sites or historic districts,

13. To review requests for exceptions for uses within any historic district, consistent with requirements in use for similar reviews by the planning commission.

14. To accept or raise funds from public and private sources.

15. Make an annual report, as requested, to the mayor and city council regarding its activities.

F. Joint Meetings With Planning Commission: In joint meetings of the planning and preservation review commission, the combined commission may exercise all of the powers listed herein.

G. Review Subdivision Proposals: The regional planning commission shall have the power to review subdivision proposals and plats, as outlined in title 11 of this code.

Section 2-4-7. Regional Planning Commission.

There is hereby created a regional planning commission as an entity of the city. The municipal planning commission for the city shall also serve as the regional planning commission, in order to avail itself of the powers of state law relating primarily to the regulation of land subdivision within three (3) miles of the city's corporate limits. The mayor of the city, and the chairman of the Caddo County board of commissioners shall be ex officio members of said regional planning commission, to serve without voting powers.

Chapter 5. Zoning Board of Adjustment; Floodplain Variance Board of Appeals

Section 2-5-1. Board Created; Members.

A. Members; Terms: A zoning board of adjustment is hereby created for the city. Said board of adjustment shall consist of five (5) members, appointed by the city council. The term of the members thereof and the filling of vacancies therein shall be as set by the city council.

B. Rules: The zoning board of adjustment shall adopt rules in accordance with the provisions of this section or any amendment thereto.

C. Meetings: Meetings of the zoning board of adjustment shall be held at the call of the chairman and at such times as such board may determine. All meetings of the board of adjustment shall be open to the public.

D. Minutes; Records: The 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 or other official actions, all of which shall be immediately filed in the office of the city clerk and shall become a public record.

Section 2-5-2. Powers of Board.

The zoning board of adjustment shall have the following powers:

A. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the city clerk, city building inspector, or other administrative official;

B. To hear and decide special exceptions to the terms of the zoning or other ordinances upon which the board of adjustment is required to pass; and .

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

Section 2-5-3. Floodplain Variances.

A. Serve As Appeals Board: The zoning board of adjustment shall also serve as the appeals board to hear and render judgment on requests for variances from the requirements of floodplain management regulations.

B. Hear And Render Judgment: The appeals board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the city building inspector in the enforcement or administration of the city's floodplain management regulations.

C. Appeal To Court: Any person aggrieved by the decision of the appeals board may appeal such decision in any court of competent jurisdiction.

D. Record Of Actions: The city 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.

E. Issuance Of Variances:

1. 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 a historic landmark, without regard to the procedures set forth in the .remainder of this section.

2. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (112) acre or less in size, contiguous to, and surrounded 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 (1/2) acre, the technical justification required for issuing the variance shall increase.

F. Conditions: 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 purpose and objectives of the city's floodplain management program.

G. Denial Of Variance: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

H. Prerequisites: 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: a) a showing of good and sufficient cause; b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, 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 floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. Variances may be issued by the city for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that: a) the criteria outlined in this code are met; and b) 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.

Chapter 6. Fair Housing Board

Section 2-6-1. Board Created; Members.

A. Creation: There is hereby created a fair housing board for the city to assist in the enforcement of all municipal fair housing regulations and ordinances. See title 5, chapter 4 of this code.

B. Council Serve As Board: The city council shall serve as the fair housing board of the community.

Chapter 7. Board of Health

Section 2-7-1. Council Serve as Board.

The city council shall constitute a municipal board of health and shall be capable of performing all the functions provided by state law. See title 4, chapter 1 of this code.

Section 2-7-2. County and State Supervision.

The municipal board of health shall be under the general supervision of the Caddo County department of health and the Oklahoma state department of health.

Section 2-7-3. Duties.

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 city, and to see that all ordinances and regulations in relation thereto are observed.

Section 2-7-4. Building Inspector.

The municipal board of health may appoint the municipal building inspector as local health official to carry out its health programs and policies. The county health officer or his authorized representative may perform the duties of a local health official.

Chapter 8. Municipal Airport Board

Section 2-8-1. Board Created; Members.

A. Board Created: There is hereby created the Anadarko municipal airport board, to be composed of five (5) citizens who are interested in the Anadarko municipal airport.

B. Qualifications: Members do not have to be citizens of Anadarko. At least one of the members shall be fully experienced in aviation and shall hold a current license as a private pilot or commercial pilot, if such person is available.

Section 2-8-2. Appointment; Terms.

Board members shall be appointed by the mayor and confirmed by the city council and shall hold office for a term of five (5) years; provided, however, that the members first appointed shall serve for terms of one, two (2), three (3), four (4) and five (5) years, each to be designated by the mayor, and thereafter upon the expiration of their respective terms, their successors shall be appointed for a term of five (5) years.

Section 2-8-3. Compensation; Oath; Restrictions.

A. Compensation: The members of the board shall receive no compensation for their services as members of the board.

B. Oath: Each member shall take and file the oaths required by law in the state of Oklahoma.

C. Restrictions:

1. No member of such board shall hold any elective office under the municipal government while a member of said board nor shall any such member be a candidate for any such elective office while a member of said board.

2. Further, no member of said board shall engage financially in any aeronautical enterprise other than minority ownership of stock of a certificated air carrier not operating on or from the Anadarko municipal airport, nor shall any member have any financial interest in any concession, right or privilege to conduct any business or render any service for compensation upon the premises of said municipal airport.

Section 2-8-4. Removal of Members.

Any member appointed by the provisions of this chapter may be removed by a majority vote of the duly elected and qualified members of the city council.

Section 2-8-5. Rules and Regulations.

The said board members shall adopt certain rules and regulations as are necessary and expedient for the proper operation and management of said municipal airport, its related properties and facilities, and shall have authority to alter, change or amend such rules and regulations at their discretion. Said members shall comply or cause to be complied with, all civil air regulations of the federal and state governments as to airworthiness of aircraft, certification of aircraft and operation of aircraft. They shall protect all aerial approaches to the airport, insofar as the same comes within their jurisdiction and as they judge necessary for the safe operation of said airport.

Section 2-8-6. Meetings.

The board shall have at least four (4) meetings each calendar year, the date and time of which shall be determined by said board,· but other meetings may be held at any time by said board or upon the call of the mayor or the city council.

Section 2-8-7. Officers.

The board shall elect annually from its members, a chairman and vice chairman, and shall also appoint a secretary who may, but need not be, a member of said board.

Section 2-8-8. Legal Counsel.

The municipal counselor of the city shall serve as ex officio legal counsel for said board, and said board shall have the authority to employ other legal counsel as it may deem necessary.

Chapter 9. Youth Activities Board

Section 2-9-1. Board Created; Members.

There is hereby created an Anadarko youth activities board for the performance of the duties and with the powers hereinafter set forth. Said board shall consist of seven (7) members, at least four (4) of whom must be present to conduct any business on behalf of the board.

Section 2-9-2. Qualifications.

Each member of said board shall be a resident of the Anadarko school district throughout their term, and shall not be a city employee or member of the city council.

Section 2-9-3. Terms; Appointment and Removal.

A. Terms:

1. Initial appointments shall be as follows:

   i. Two (2) members shall be appointed for a one year term;

   ii. Two (2) members shall be appointed for a two (2) year term; and

   iii. Three (3) members shall be appointed for a three (3) year term.

2. Upon the expiration of the term of each member, their replacement shall serve a three (3) year term and shall serve until his/her successor shall have been appointed and accepted the appointment. Provided, however, that a member of said board may be appointed to succeed himself/herself, at- the discretion of the mayor and the city council. Terms shall run from January 1 through December 31.

B. Appointments:

1. The mayor shall accept recommendations no later than November 15 of each year for appointments to fill expired terms. Persons recommended are appointed by the approval of at least five (5) members of the city council. The mayor and city council shall, in the recommendation and appointment process, make every effort to maintain a fair representation on the board reflecting the ethnic/racial/national origin composition of the community.

2. In the event a vacancy occurs by other than the expiration of a member's term, the appointment shall be for the. remainder of the unexpired term of the member being replaced.

C. Removal: Any member of the board may be removed by the city council for good cause shown which shall include, but not be limited to, repeated failure to attend the meetings of the board.

Section 2-9-4. Duties.

A. Coordination: The primary responsibility of said board shall be the coordination of all city sponsored youth recreational and educational activities.

B. Policies: The board shall be responsible for the determination and maintenance of policies regarding participation, fees, equipment, use of facilities, and all other matters incidental to the operation and coordination of said sports activities.

C. Reports: The board shall make such reports to the city council as may reasonably be requested and shall complete an annual report which shall be submitted to the council on or before March 15.

Section 2-9-5. Meetings.

The board shall meet regularly not less than once a quarter and at a time and place prescribed by the board. Special meetings may be called as needed under the provisions of the Open Meetings Act.

Section 2-9-6. Supervision and Support.

The City Manager, or their designee, shall provide ex officio support for the Youth Activities Board, as deemed necessary by the City Manager, in support of the duties and functions included in this chapter.

Chapter 10. Police Community Relations Board

Section 2-10-1. Creation of Board.

There is hereby created and established in the City of Anadarko an advisory board to be known as the City of Anadarko Police Community Relations Board.

Section 2-10-2. Membership; Qualifications; Terms.

A. The Board shall consist of seven (7) members. The members of the board shall be broadly representative of the various social, racial, religious, linguistic, cultural, economic, national origin and geographic groups comprising the population of the City of Anadarko. Each member shall be a resident of the City of Anadarko with an outstanding reputation for community pride, interest, integrity, responsibility, and business or professional ability and a documented commitment to intergroup relations.

B. Seven (7) members shall be appointed by the Mayor, on the recommendation of the City Manager and approved by the City Council, assuring diverse representation from among gender and ethnic groups.

C. Members shall serve without compensation for a term of one (2) years except that appointments to fill any vacancy shall be for the remainder of the unexpired term. The initial appointments shall be made with four members serving two years and the remaining three serving one year. Terms of office shall begin on the first Monday in July of each.

Section 2-10-3. Organization; Quorum; Voting; Rules of Procedure; Records of Meetings.

The members of the Board shall select and designate from its members a Chairperson, Vice-Chairperson, Secretary, and such other officers as may be deemed necessary, who shall serve at the pleasure of the Board. No action shall be taken except by a majority vote of those present at a duly constituted meeting of the Board. The Board may adopt rules of procedure governing its meetings and actions on matters within its jurisdiction, not inconsistent with the provisions of this article, which rules of procedure shall be filed with the City Clerk. Copies of the minutes of all Board meetings shall be furnished to the Mayor and the City Manager.

Section 2-10-4. Supervision and Support.

The Office. of the City Manager of the City of Anadarko shall provide support for the Police Community Relations Board. The City Manager shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Police Community Relations Board, and such assistants, employees, and personnel shall serve at the will of the City Manager of the City of Anadarko.

Section 2-10-5. Duties and Functions.

A. The primary mission of the Police Community Relations Board is to intervene and contain, as quickly as possible, community tensions.

B. The secondary mission of the Police Community Relations Board is to; work proactively to identify and relieve intergroup conflicts before crisis arise; to develop bridges of understanding, communication, and mutual respect; and to assure that resources are in place to respond to community crisis.

C. The function of the Board shall be:

1. To foster a mutual understanding, tolerance, and respect among all economic, social, religious and ethnic groups in the City.

2. To attempt to act as conciliator in controversies involving community relations.

3. To cooperate with federal, State and City agencies in developing harmonious community relations.

4. To cooperate in the development of educational programs dedicated to the improvement of community relations, and to enlist the support of civic leaders; civic, religious, veterans, labor, industrial, commercial and eleemosynary groups; and private agencies engaged in the inculcation of ideals of tolerance, mutual respect and understanding.

5. To serve as a body authorized to develop strategies for the promotion of intergroup relations and to recommend to the Mayor, City Manager, and City Council such strategies be adopted.

TITLE 3 – BUSINESS AND LICENSE REGULATIONS

Chapter 1. General Licensing Provisions

Section 3-1-1. License Required Fee.

A. A license is hereby required for all business occupations, and a fee of fifteen dollars ($15.00) is hereby levied on every person, firm, association or corporation engaging in, exercising or pursuing any businesses, professions, trades or occupations in the city.

B. It shall be unlawful for any person, firm, association or corporation to engage in, exercise or pursue any business, profession, trade, occupation or privilege for which a license is required hereinabove, or by any other ordinance or ordinance provision, without paying the license fee, and securing and possessing a valid license therefor. Failure to pay the fee for license will result in a citation and the doubling of the license fee.

Section 3-1-2. License Issuance; Conditions.

Upon making proper application to the city clerk, the payment of the license fee and fulfillment of any other condition which may be prescribed by law and/or ordinance, the city clerk shall issue a license therefor.

Section 3-1-3. Term of license.

Annual licenses shall expire on June 30 of the year for which they are issued. New licenses (not including renewals) issued in the last month of the fiscal year shall be considered paid for the immediate new fiscal year.

Section 3-1-4. Multiple Businesses.

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

Section 3-1-5. Display of License.

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

Section 3-1-6. Duplicate License Issuance; Fee.

A. Application; Affidavit: Whenever any license to engage in, exercise or pursue a business, profession, trade, occupation or privilege has been lost or destroyed without any wrongful act or connivance by the holder, the city clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the city clerk, an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has not been able to find it.

B. Fee: The fee for every duplicate License issued, payable to the city clerk, shall be five dollar ($5.00).

Section 3-1-7. License Nontransferable.

Oklahoma Statutes prohibit the assignment or transfer of licenses, and hence assignment or transfer of licenses shall not be permitted in the city.

Section 3-1-8. Sale of Merchandise on Vacant Property.

It shall be unlawful for any 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 3-1-9. Auctions on Streets and Sidewalks Unlawful.

It shall be unlawful for any person to hold any public or private auction for sale of property on any of the streets or sidewalks of the city; provided, that this section shall not apply to the sale of property under any lien, execution or order of any court of the state of Oklahoma or of the United States of America.

Section 3-1-10. 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 or measures of the state of Oklahoma, as the weight or measure for which it is sold or offered for sale.

Section 3-1-11. Revocation of License; Hearing.

A. Council Authority; Reasons To Revoke License: Any license issued by the city to any person, firm, association or corporation to engage in, exercise or pursue any business, profession, trade, occupation or privilege may be revoked by the city council after adequate opportunity for a hearing, for the following reasons:

1. That the licensee is engaging in, exerc1smg or pursuing the business, profession, trade, occupation or privilege in such a manner that he has created or is creating a public nuisance as defined by Oklahoma statutes; or

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

B. Limitation On Power: Provided, that, valid licenses may be revoked only when the business, profession, trade, occupation or privilege is one which the city council has power to prohibit because of its nature or because of the manner in which it is engaged in, exercised or pursued.

Section 3-1-12. Penalty.

Any person who violates any prov1s1on 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 1-10-24 of this code, 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 2. Taxes; Fees

Article A. Sales Tax

Section 3-2A-1. Citation.

This article shall be known and may be cited as ANADARKO SALES TAX ORDINANCE.

Section 3-2A-2. Definitions.

A. The definitions of words, terms and phrases contained in the state sales tax code are hereby adopted by reference and made a part of this article.

B. For the purposes of this article, the following definitions shall apply:

1. STATE SALES TAX CODE: Reference to the “stat e sales tax code" shall mean such code as set out in 68 Oklahoma Statutes section 1350 et seq., as amended.

2. TAX COLLECTOR: The department of the municipal government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax levied by this article.

Section 3-2A-3. Tax Imposed.

There is hereby levied an excise tax of three and one-half percent (3.5%).

It is hereby declared that the revenue generated or provided by the municipal sales tax shall be used solely for the purpose of general purposes and operations of the municipal government of the city of Anadarko, Oklahoma, as set forth in 68 Oklahoma Statutes section 270.

Section 3-2A-4. State Permit in Lieu of City Permit.

All valid and subsisting permits to do business issued by the state tax commission pursuant to the state sales tax code are, for the purposes of this article, hereby ratified, confirmed, and adopted in lieu of any requirement for an additional city permit for the same purpose.

Section 3-2A-5. Classification of Taxpayers.

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the state sales tax code.

Section 3-2A-6. Sales Subject to Tax; Exemptions.

The city sales taxes shall be levied upon the gross receipts or gross proceeds of such sales as specified by Oklahoma Statutes, and exemptions from such taxes shall be allowed pursuant to Oklahoma Statutes.

Section 3-2A-7. Tax Due Date.

The tax levied under the provisions of this article shall be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the state sales tax law.

Section 3-2A-8. Payment of Tax; Brackets.

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

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

Section 3-2A-9. Tax Constitutes Debt.

Such taxes, penalty and interest due under this article 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 3-2A-10. Collection by Vendors.

A. The tax levied under the provision of this article shall be paid by the consumer or user to the vendor and it shall be the duty of each and every vendor in the city 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 under this article, or the average equivalent thereof, to the sales price or charge, and when added, such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

Section 3-2A-11. Returns, Remittances and Discounts.

Returns and remittances of the tax levied and collected under the provisions of this article 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; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said code for collection of state sales taxes.

Section 3-2A-12. Delinquencies; Interest and Penalties.

A. Failure To Pay Tax: Section 217 of title 68, Oklahoma Statutes, and amendments thereto, is hereby adopted and made a part of this article and interest or penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied under this article; provided, that 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 his claim to any discount allowed under this article.

B. Waiver: The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the city tax as levied under this article may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the state sales tax provided in 68 Oklahoma Statutes section 220, and amendments thereto; and to accomplish the purposes of this section, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this article.

Section 3-2A-13. Erroneous Payment; Claim for Refund.

Refund of erroneous payment of the city sales tax levied under this article may be made to any taxpayer making such erroneous payment, in the same manner and procedure and Linder the same limitations of time, as provided for administration of the state sales tax as set forth in 68 Oklahoma Statutes 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 3-2A-14. Fraudulent Returns.

In addition to all civil penalties which may be imposed for the violation of this article, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to fine of not more than the limits established in section 1-10-24 of this code.

Section 3-2A-15. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the city sales tax is legislatively recognized and declared, and to protect the same, provisions of 68 Oklahoma Statutes section 205, and amendments thereto, of the state sales tax code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the city sales tax as if herein set forth in full.

Section 3-2A-16. Amendments.

The people of the city, by their approval of the ordinance from which this article was derived at the election provided for in section 3-2A-3 of this article, hereby authorize the city council, by ordinances duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article as may be necessary or proper for efficiency and fairness; provided, that the rate of the tax provided for under this article shall not be changed without approval of the qualified electors of the city as provided by law.

Section 3-2A-17. Provisions Cumulative.

The provisions of this article shall be cumulative, and in addition to any and all other taxing provisions of this code or city ordinances.

Article B. Use Tax

Section 3-2B-1. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma use tax code, 68 Oklahoma Statutes section 1401, are hereby adopted by reference and made a part of this article. In addition thereto, the following words and terms shall be defined as follows:

A. CITY: The city of Anadarko, Oklahoma.

B. 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.

C. TRANSACTION: Sale.

Section 3-2B-2. Tax Imposed; Purpose of Revenues.

A. Tax Amount; Activities Subject To Taxation:

1. There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the city tangible personal property purchased or brought into the city, an excise tax on the storage, use or otherwise consuming within the city of such property at the rate of three and one-half percent (3.5%) of the purchase price of such property.

2. Such tax shall be paid by every person storing, using or otherwise consuming, within the city, tangible, personal property purchased or brought into the city. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the city 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 city, but which is stored in the city pending shipment outside the city or which is temporarily retained in the city for the purpose of fabrication, repair, testing, alteration, maintenance or other service.

3. 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 city had been levied on the sale of such goods or services.

B. Purposes Of Revenues: It is hereby declared to be the purpose of this article to provide revenues for the support of the functions of the city government, and any and all revenues derived hereunder may be expended by the city council for any purpose for which funds may be lawfully expended and authorized.

C. Additional Tax Deposited To General Fund: It is hereby declared that the revenues generated or provided by the additional one-half percent (0.5%) municipal use tax shall be deposited to the general fund and shall become effective on March 1, 1995.

Section 3-2B-3. 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 city by a nonresident individual visiting in the city for his or her personal use or enjoyment while within the city.

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

C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma use tax code and the city use tax ordinance, has been paid by the person using such tangible, personal property in the city, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma use tax code and the city 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 city 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 city.

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the city, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in the city; provided, that this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the city. 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 city.

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

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

H. In respect to livestock purchased outside Oklahoma and brought into the city for feeding or breeding purposes, and which is later resold.

Section 3-2B-4. Classification of Taxpayers.

For the purpose of this article, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma use tax code.

Section 3-2B-5. 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 3-2B-6. Tax Due Date; 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 3-2B-7. 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 3-2B-8. Collection of Tax by Retailer or Vendor.

A. Places Of Business Within And Without State: 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 city, 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 the city and location of any and all distribution or sales houses or offices or other places of business in the city.

B. Places Of Business Outside State: The Oklahoma tax commission may, in 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 the city, 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 the city. 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 the city. 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 the city; provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within the city 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 3-2B-9. Deductions for Vendors 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 3-2B-10. Delinquencies; Interest and Penalties.

A. Statutory Provisions Adopted: Section 217 of title 68, Oklahoma Statutes, 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 to any discount allowed under this article.

B. 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 Oklahoma Statutes 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 3-2B-11. Erroneous Payments; Claim for Refund.

Refund of erroneous payment of the municipal use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state use tax set forth in 68 Oklahoma Statutes 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 3-2B-12. Fraudulent Returns.

In addition to all civil penalties provided by this article, the wilful 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 article, shall be an offense and, upon conviction thereof, the offending taxpayer shall be punished by a fine of not more than two hundred dollars ($200.00). Each day of noncompliance with this article shall constitute a separate offense.

Section 3-2B-13. 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 Oklahoma Statutes 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 municipal use tax as if herein set forth in full.

Section 3-2B-14. Provisions Cumulative.

The provisions of this article shall be cumulative, and in addition to any and all other taxing provisions of municipal ordinances.

Section 3-2B-15. Revocation of Permit.

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 Oklahoma Statutes 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.

Article C. Hotel Tax

i. Section 3-2C-1. Citation.

This article shall be known and cited as the CITY OF ANADARKO HOTEL TAX.

Section 3-2C-2. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this article:

A. CLERK: The city clerk of the city of Anadarko, Oklahoma.

B. HOTEL: Any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodation in

which five (5) or more rooms are used for the accommodation of such guests whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, bed and breakfast establishments, trailer houses, trailer motels, dormitory space, where bed space is rented to individuals or groups, apartments not occupied by "permanent residents", and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term shall not include hospitals, sanitariums or nursing homes.

C. OCCUPANCY: The use or possession, or the right to the use or possession of any room or rooms in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

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

E. OPERATOR: Any person or entity operating a hotel in the city, including, but not limited to, the owner, proprietor, lessee, sublessee, mortgagee in possession, licensee or any other person or entity otherwise operating such hotel.

F. PERMANENT RESIDENT: Any occupant who has or shall have the right of occupancy of any room or rooms in a hotel for at least ninety (90) consecutive days during the current calendar year or preceding year.

G. RENT: The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deductions therefrom whatsoever.

H. RETURN: Any return filed or required to be filed as herein provided.

I. ROOM: Any room or rooms of any kind or in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, "place of assembly" means a room or space which is capable of being occupied by thirty five (35) or more persons and which is used for educational, recreational or amusement purposes and shall include:

1. Dance halls;
2. Cabarets;
3. Nightclubs;
4. Restaurants;
5. Any room or space for public or private banquets, feats, socials, card parties or weddings;
6. Lodge and meeting halls or rooms;
7. Skating rinks;
8. Gymnasiums;
9. Swimming pools;
10. Billiard, bowling and table tennis rooms;
11. Halls or rooms used for public or private catering purposes;
12. Funeral parlors;
13. Markets;
14. Recreational rooms;
15. Concert halls; and
16. Broadcasting studios;
17. And all other places of similar type of occupancy.

J. TAX: The tax levied pursuant to this article.

Section 3-2C-3. Tax Levied; Amount; Effective Date.

A. Tax Levied; Amount: There is hereby levied and assessed an excise tax of five percent (5%), in addition to all other excise taxes levied and assessed upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel or motel in the city.

B. State Statutes Incorporated: The terms and provisions of the Oklahoma tax statutes, where applicable and not in conflict with the terms of this article, are incorporated herein by reference thereto.

C. Effective Date: The provisions of this article shall become effective on and after October 1, 1998, subject to the approval of a majority of qualified, registered voters of the city voting on same to be held on August 25, 1998, in the manner prescribed by law.

Section 3-2C-4. Additional Tax.

The excise tax levied pursuant to the provisions of this article is in addition to any and all other excise taxes levied or assessed by the city or any other taxing authority.

Section 3-2C-5. Exemptions; Certificate.

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

1. Permanent residents;
2. The United States government or any agency or division thereof;
3. The state of Oklahoma or any political subdivision thereof; and
4. Any organization, corporation or association organized and operated exclusively for religious, charitable, philanthropic or educational purposes; provided, that its primary purpose is not carrying on a trade or business for profit.

B. Certificate Of Exemption Required: Anyone claiming to be exempt from the tax must obtain a certification from the clerk that the organization, association or corporation with which he is affiliated is exempt from the tax. Prior to issuing such a certificate, the clerk shall require a certification from the organization, association or corporation that the occupant is its agent, representative or employee and that his occupancy of the room is required in connection with the affairs of the organization, association or corporation.

Section 3-2C-6. Operator Responsible for Collection.

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

Section 3-2C-7. Records Kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as the clerk may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the clerk, or a duly authorized agent or employee of the city, and shall be preserved for a period of three (3) years except that the clerk may consent to their destruction within that period or may require that they be kept longer.

Section 3-2C-8. Returns.

A. Filing Of Return: Every operator shall file with the clerk a return of occupancy and of rents and of the taxes payable on a monthly basis. The return shall be filed no later- than the tenth calendar day of each month for the occupancy, rents and taxes payable for the preceding month from and after the effective date of this article.

B. Time Of Filing; Authority Of Clerk: The clerk may permit or require returns to be made by shorter or longer periods and upon such dates as the clerk may specify. The form of return shall be prescribed by the clerk and shall contain such information as the clerk may deem necessary for the proper administration of this article. The clerk may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

Section 3-2C-9. Payment of Tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the clerk the taxes imposed by this article upon the rents included in such return, as well as all other monies collection by the operator acting or purporting to act under the provisions of this article. All the taxes for the period for which a return is required to be filed shall be due from the operator and payable to the clerk on or before the date fixed for the filing of the return for such period without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon.

Section 3-2C-10. Delinquent Taxes; Interest.

A. Failure To Pay Taxes; City Utilities Terminated The tax levied by this article shall be due and payable at the time of the filing of the returns provided for in this article. All taxes not paid within five (5) days from the time they become due shall be delinquent. If taxes are delinquent for more than thirty (30) days, city utility services for water, sewer and refuse collection for the hotel or motel shall be terminated until the operator pays all past due taxes and interest. Upon full payment of delinquent taxes and interest, city utility services shall be restored for the hotel as provided in this city code.

B. Interest On Delinquent Taxes: If any tax levied by this article becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one and one-half percent (1.5%) per month on the unpaid balance from the date of delinquency.

Section 3-2C-11. Bond Required.

A. Determination By Clerk: Where the clerk believes that any operator is about to cease business, leave the state, or remove or dissipate assets, or for any other similar reason the clerk deems it necessary to protect the revenues collected under this article, the clerk may. require such operator to file with the city a bond issued by a surety company authorized to transact business in this state in such amount as the clerk may fix to secure the payment of any tax or penalties and interest due, or which may become due from such· operator. In the event that the clerk determines that an operator is to file such bond, the clerk shall give notice to such operator specifying the amount of bond required.

B. Filing By Operator; Request Hearing: The operator shall file such bond within five (5) days after the giving of notice unless within such five (5) days the operator shall request in writing a hearing before the city council, at which hearing the necessity of the bond and amount of the bond shall be determined by the city council. Such determination shall be final and shall be complied with within fifteen (15) days thereafter.

C. Securities Or Cash In Lieu Of Bond: In lieu of such bond, securities approved by the clerk, or cash in such amount as the clerk may prescribe, may be deposited with the clerk who may at any time after five (5) days' notice to the depositor, apply them to any tax or any penalties or interest due and for that purpose the securities may be sold at private or public sale.

Section 3-2C-12. Assessment and Determination of Tax.

A. Failure To File Return; Assessment By Clerk: If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the clerk from such information as may be obtainable, and, if necessary, the tax may be estimated on the basis of external indices, such as: number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, estimated percentage of occupancy or other factors.

B. Notice Of Assessment; Request For Hearing: Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and

determine the tax, unless- the person against whom it is assessed, within ninety (90) days after the giving of notice of such assessment, shall apply in writing to the city council for a hearing, or unless the clerk, on his/her own initiative, shall reassess the same. After such hearing the city council shall given written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

Section 3-2C-13. Refunds.

A. Application For Refund; Time Limit: The clerk shall refund or credit any tax erroneously collected if written application to the clerk for such refund shall be made within two (2) years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative and the order of the clerk. Whenever a refund is made, the reasons therefor shall be stated in writing. Such application may be made by the person upon whom such tax was imposed and who has actually paid the tax. Such application may also be made by the person who has collected and paid such tax to the clerk; provided, that the application is made within two (2) years of the payment by the occupant to the operator, but no refund of money shall be made to the operator until he has repaid to the occupant the amount for which the application for the refund is made. The clerk, in lieu of any refund required to be made, may allow credit therefor on payments due from the applicant.

B. Clerk's Determination; Request Hearing By Council: Upon application for a refund, the clerk may receive evidence with respect thereof and make such investigation as he/she deems necessary. After making a determination as to the refund, the clerk shall give notice thereof to the applicant. Such determination shall be final unless the applicant, within ninety (90) days after such notice, shall apply in writing to the city council for a hearing. After such hearing, the city council shall give written notice of its decisions to the applicant.

Section 3-2C-14. Notices.

Notices provided for under this article shall be deemed to have been given when such notice has been delivered personally to the operator or deposited into the United States mail to the last known address of the operator.

Section 3-2C-15. Remedies Exclusive.

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

Section 3-2C-16. General Powers of Clerk.

In addition to all other powers granted to the clerk, the clerk is hereby authorized and empowered:

A. To make, adopt and amend rules and regulations appropriate to the carrying out of this article for the purposes thereof.

B. To extend, for cause shown, the time for filing any return for a period not exceeding sixty (60) days; and for cause shown, to waive, remit or reduce penalties or interest.

C. To delegate his/her functions hereunder to an assistant or other employee or employees of the city.

D. To assess, reassess, determine, revise and readjust the taxes imposed by this article, but not the tax rate.

E. To prescribe methods for determining the taxable and nontaxable rents.

Section 3-2C-17. Certificates of Registration.

A. File Registration With Clerk: Every operator shall file with the clerk a certificate of registration in a form prescribed by the clerk within ten (10) days after the effective date of this article, or in the case of operator's commencing business or opening new hotels after such effective date, within three (3) days after such commencement or opening.

B. Certificate Of Authority: The clerk shall, within five (5) days after such registration, issue, without charge, to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be permanently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the clerk upon the cessation of business at the hotel named or upon its sale or transfer.

Section 3-2C-18. Discount.

In order to remunerate as an operator for keeping tax records, filing reports, and remitting the tax when due, a two percent (2%) discount shall be allowed upon all taxes paid prior to the time they become delinquent.

Section 3-2C-19. Use of Funds Collected.

All taxes collected pursuant to provisions of this article shall be placed in the general fund of the city, shall be budgeted and appropriated annually by the city, and used exclusively for the purpose of encouraging, promoting and fostering economic and industrial development and projects related thereto, or to pay debt service with respect to the financing of any project relating thereto, with ninety percent (90%) of said tax revenues to be transferred to the Anadarko economic development authority to be used to: a) encourage, promote and foster economic and industrial development; or b) to contract with others in order to provide the programs and services necessary to carry out the purposes of this article; with the ten percent (10%) of said tax revenues retained by the city to be used by the city to offset and reimburse the city for the costs and expenses in administering and collecting said tax.

Section 3-2C-20. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the hotel tax is legislatively recognized and declared, and to protect the same, the provisions of 68 Oklahoma Statutes section 205, and subsections thereof, are hereby adopted by reference and made fully effective and applicable to the administration of the hotel tax as if hereby set forth.

Section 3-2C-21. Fraudulent Returns.

The wilful failure or refusal of any operator to make reports and remittances herein required, or the making of any false or fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article, shall be an offense and, upon conviction thereof, the offending operator shall be subject to a penalty and fine in the maximum amount allowed by the provisions of this city code.

Section 3-2C-22. Amendments.

The people of Anadarko, by their approval of this article at the election herein provided, hereby authorize the city council, by ordinance or resolution duly enacted, to enter into an agreement with other parties to carry out the intent and purpose of this article, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article as may be necessary or proper for efficiency and fairness except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the city as provided by law.

Section 3-2C-23. Provisions Cumulative.

The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of this code and city ordinances.

Article D. Telephone Exchange Fee

Section 3-2D-1. Inspection Fee and Service Charge.

A. Annual 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 city, in an amount equal to two percent (2%) of the gross revenues for each current year, for exchange telephone transmission service rendered wholly within the corporate limits of the city to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and control during construction and operation of lines and equipment of said telephone company in the city. Said fee shall be due and payable on or before March 1 of each year and shall be paid into, and expended from, the general fund of the city.

B. Fee In Lieu Of Taxes: During continued substantial compliance with the terms of this section by the owner of the telephone exchange (or company rendering telephone service within the limits of the city),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, however, that it is not intended hereby to extinguish or abrogate all existing arrangements whereby the city is permitted to use underground conduits, duct space or pole contracts of said company.

C. 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 reasonable attorney fees, shall be paid by the party or parties that said action is taken against.

Chapter 3. Alcoholic Beverages

Section 3-3-1. Alcoholic Beverage Control Act Adopted.

The Oklahoma alcoholic beverage control act1 is hereby adopted and incorporated by reference in this chapter. Applicable provisions of said act are hereby declared to be in full force, as if included herein in complete detail.

Section 3-3-2. Definitions and Interpretations.

A. Terms Defined Pursuant To Statute: All words, phrases and terms used in this chapter and other articles relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same set forth in the Oklahoma alcoholic beverage control act2.

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

C. Low Point Beer: Beverages containing more than one-half of one percent (0.5%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, are hereby declared to be "low point beer".

Section 3-3-3. Certificates of Compliance.

A. Application; Fee; Investigation:

1. Every applicant for certificates of compliance with the zoning, fire, health and safety codes of the city required by title 37 of the Oklahoma Statutes shall apply at the office of the city clerk by:

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

   ii. Paying a verification and certification fee in the amount of twenty five dollars ($25.00) at the time of filing.

2. Upon receipt of completed applications for certificates of compliance, the city clerk shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance, other applicable development regulations and any health, fire, building and other safety codes applicable to it.

3. The city clerk shall act on all such applications within twenty (20) days of receipt thereof.

B. Issuance Of Certificates:

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

2. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable

fire, safety and health codes, a certificate of code compliance shall be issued.

3. The above certificates of zoning and code compliance shall be signed by the city clerk or a designated representative of the city clerk.

Section 3-3-4. Minors.

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

Section 3-3-5. Penalty.

A. 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 1-10-24 of this code. Each day upon which a violation continues shall constitute a separate offense.

B. License Revocation: In addition to any other penalty provided herein, violation shall also be grounds for revocation of any license issued hereunder.

Article A. Occupation Tax; Licensing

Section 3-3A-1. Occupational Tax; License; Permits; Reporting.

A. The fee schedule, hereinafter set forth, shall be levied and collected by the Clerk, or the Clerk's representatives, for the applicable license, fees, permits, or occupational tax levies on persons or other legal entities engaging in the following businesses within the City of Anadarko prior to the issuance of any such license, permit or the conducting of the business of serving alcoholic beverages.

B. Occupational Taxes relating to the Sale of Alcoholic beverages (definitions in 37 O.S. §506 through September 30, 2018, and found in 37A §1-103 thereafter) are set forth as follows:

1. Brewer, per year $1,250.00

2. Brewpub, per year 1,000.00

3. Brewpub, if licensee also holds a Mixed Beverage or Wine and Beer permit, per year 50.00

4. Distiller 3,125.00

5. Retail spirits store, per year 600.00

6. Mixed beverages, first year 1,000.00

   Renewals, per year 900.00

7. On premises beer or wine, first year 500.00

   Renewals, per year 450.00

8. Mixed beverages/caterer combination 1,250.00

   Renewals, per year 1,250.00

9. Rectifier, per year. 2,500.00

10. "Class I" beer license, §13-1802(1) (available and effective only through September 30, 2018, per year) 10.00

11. "Class II" beer license, §13-1802(2) (available and effectively only through September 30, 2018 per year) 10.00

12. Winemaker, per year 500.00

13. Wholesaler, and effective October 1, 2018, 2,000.00

    "Wine and Spirits Wholesaler," per year

    Wholesaler, Class B, and effective October 1, 2018, "Beer Distributor," per year 500.00

14. Retail beer (effective October 1, 2018, per year) 500.00

15. Retail wine (effective beginning October 1, 2018, per year 1,000.00

C. Terms of License: All licenses issued under this ordinance shall expire on June 30th of each year.

D. Annual Report to State: The city clerk shall transmit a report to the Oklahoma ABLE Commission on June 30th of each year, showing the amount of money collected and the number of municipal occupational tax licenses issued under this chapter.

Section 3-3A-2. Breweries and Brewpubs.

A. Occupational Tax Levied: No person shall operate or maintain a brewery or brewpub without having previously paid the occupational tax as provided in this chapter, has a valid license from the state, meets all the requirements of city code and obtained a license from the City Clerk.

B. Definitions:.

1. Brewer: Any person who manufacturers for human consumption by the use of raw materials or other ingredients any beer upon which an occupational tax is imposed.

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

C. Location: The location of a brewery or brewpub is specifically prohibited within three hundred feet (300') 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 feed (300') of any licensed retail premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in

this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such brewery or brewpub, 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 a location on any block where a school or church is located.

D. Hours of Operation: No brewery or brewpub to which the brewery or brewpub occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any beer, as that term is defined in 37A §1-103(5), on the premises between the hours of 2:00 a.m. and 8:00 a.m.

Section 3-3A-3. Wine, Beer and Mixed Beverage Sales for On Premises Consumption.

A. Occupational Tax Levied: No person shall operate or maintain any business serving mixed beverages or beer or wine without having previously paid the occupational tax as provided in this chapter, has a valid license from the state, meets all the requirements of city code and obtained a license from the City Clerk.

B. Definitions: The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

1. On premises beer and wine: An occupational tax permit for the retail sale of beer containing more than three and two-tenths (3.2) percent of alcohol by weight and wine which means and includes any beverage containing more than one-half(½) of one (1) percent of alcohol by volume and not more than twenty-four (24) percent alcohol by volume. Effective October 1, 2018, this occupational tax permit will apply to the sale of both low point and strong beer, as those terms are defined in 37A O.S. § 1-103.

2. "Class I" beer license: A license for the retail sale of a beverage containing more than one-half(½) of one (1) percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight, sold for consumption on the premises, or sold not in the original containers for consumption on or off the premises. "Class I" beer licenses are only available and effective through September 30, 2018;

3. "Class II" beer license: A license for the retail sale of a beverage containing more than one-half (½) of one (1) percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight, sold in the original containers for consumption off the premises. "Class II" beer licenses are only available and effective through September 30, 2018.

4. Mixed beverage/caterer: An occupational tax permit for sale of mixed beverages as specifically provided by state law for the holder of a mixed beverage license or a caterer license.

C. Hours of Operation:

1. No establishment to which the mixed beverage or on premises beer and wine occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any mixed beverages, beer or wine on the premises between the hours of 2:00 a.m. and 8:00 a.m.

2. Effective through September 30, 2018, no person who holds a "Class I" beer license, nor any agent, servant or employee of said licensee, shall sell, dispense, serve or allow to be consumed any low-point beer on the premises between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between 2:00 a.m. and 12:00 noon on Sunday.

3. Effective through September 30, 2018, and except as herein provided, no person who owns, manages or operates any business serving mixed beverages, beer or wine or a "Class I" establishment as a bar, club, or tavern licensed under the authority of this chapter shall permit any person to remain on the premises past the applicable closing time; provided that a maximum of eight (8) persons shall be permitted to remain for two (2) hours past the applicable closing time, so long as they are employed by the business serving mixed beverages, beer or wine or the "Class I" establishment and are involved in cleaning, closing or otherwise securing the premises.

D. Location: The location of a on premise consumption establishment is specifically prohibited within three hundred feet (300') 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 feet (300') of any licensed retail premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such on premises establishment, 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 a location on any block where a school or church is located.

E. Employment:

1. No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one

(21) years of age in the selling of spirits. Provided:

i. a mixed beverage, beer and wine, caterer, public event, special event, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas, and

ii. a mixed beverage, beer and wine, caterer, public event, or special event club licensee may employee or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.

F. Restrictions on Business Operation: It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where an intoxicating beverage is sold for consumption on the premises, or for any person in charge thereof, to:

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

2. 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;

3. 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;

4. Sell, deliver or knowingly furnish an intoxicating beverage to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

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

6. Permit disorderly conduct, loud or disturbing language or any other violation of state law or of this city code; or

7. Permit an intoxicated person to remain in or around a place of business where an intoxicating beverage is dispensed.

G. Unobstructed Windows: All businesses selling an intoxicating beverage for consumption on the premises shall maintain unobstructed windows during all hours that the establishment is open for business, or at any time that an intoxicating beverage is being consumed upon the premises.

H. Mixed beverage or beer and wine certificate of compliance:

1. A mixed beverage or beer and wine certificate of compliance, on forms furnished by the City, shall be completed by every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act.

2. This certificate shall be reviewed and approved by the following City departments.

3. The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Director of Planning or his designee.

4. The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Anadarko, verified by the Code Inspector or his designee.

5. The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Anadarko verified by the Fire Chief for the City of Anadarko or his designee.

6. The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Anadarko, verified by the Caddo County Health Department Inspector or his designee.

Section 3-3A-4. Retail Spirits Stores and Retail Stores Selling Wine or Beer for Off Premises Consumption.

A. Occupational tax levied: No person shall operate, manage or work in any retail establishment that sells, for off premises consumption only, any type of alcoholic beverage, as that term is found in 37 O.S. §506 through September 30, 2018, and as found in 37A §1-103 thereafter without having previously obtained an occupational tax permit for that store as provided in this chapter, has a valid license from the state, meets all the requirements of city code and obtained a license from the City Clerk.

B. Retail spirits, retail beer and retail wine certificate of compliance:

1. A retail spirits, retail beer and retail wine certificate of compliance, on forms furnished by the City, shall be completed by every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act.

2. This certificate shall be reviewed and approved by the following City departments.

3. The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Director of Planning or his designee.

4. The applicant's proposed site and structure must comply with all building codes as required by the

Code of the City of Anadarko, verified by Code Inspector or his designee.

5. The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Anadarko, verified by the Fire Chief for the City of Anadarko or his designee.

6. The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Anadarko, verified by the Caddo County Health Department Inspector or his designee.

C. Location: The location of a retail spirits store or retail wine or beer store is specifically prohibited within three hundred feet (300') 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 feet (300') of any licensed retail premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such licensed retail premises, 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 ii were located on the same side of the street with such church or school. A license shall not be issued for a location on any block where a school or church is located.

D. 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 not allowed pursuant to slate law and which shall not comprise more than twenty (20) percent of monthly sales are sold or services are rendered, by nontransparent 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, reselling or delivering in connection with the sale of said alcoholic beverages.

E. Deliveries: No wholesale dealer in alcoholic beverages shall sell or deliver to any retail spirits store any alcoholic beverages on Sundays, New Year's Day, Fourth of July, Thanksgiving Day, or Christmas Day.

F. Employment: No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits.

G. Hours for selling alcoholic beverages:

1. Retail Spirits Stores: Now and through September 30, 2018, no person shall open or operate a retail spirits store except between the hours of 10:00 a.m. and 9:00 p.m. Effective October 1, 2018, retail spirits stores will be permitted to remain open and operational from 8:00 a.m. through midnight. Further, effective October 1, 2018 no person shall open or operate a retail spirits store at any time on the following days.

   i. Sunday;

   ii. Thanksgiving Day; or

   iii. Christmas.

2. Retail beer or retail wine stores: Effective October 1, 2018, a retail wine or retail beer establishment may offer wine or beer for retail sale on Monday through Sunday between the hours of 6:00 a.m. and 2:00 a.m. the following day.

H. Conditions of Sale: Retail package stores may sell alcoholic beverages:

1. only in retail containers in the original package for consumption off the premises; and

2. only at ordinary room temperature (H-2 is repealed September 30, 2018 at 12:00 A.M.).

I. 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 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.

Section 3-3A-5. Special Event License.

A. A vendor holding an alcohol license issued by the Oklahoma ABLE Commission may apply for a special event alcohol license to serve beer or wine at a festival or trade show or sell wine produced at a winery, in original sealed containers, at a festival or trade show within the corporate city limits. The special event must be sponsored by the City of Anadarko, Anadarko Economic Development Authority, or the Anadarko Chamber of Commerce in the interest of promoting local businesses and tourism and be approved by the City Manager. The event can be held on public property if the following conditions are met:

1. Entity must be the holder an appropriate alcohol license issued by the Oklahoma ABLE Commission.

2. No samples or sales can occur before the designated start time or designated end time of the event.

3. Product can only be consumed at the vendor's designated site or a designated site approved by Code Enforcement

4. Products cannot be served to any person under twenty-one (21) years of age or an intoxicated person or mentally deficient person and no such person shall be permitted to loiter about the designated site.

5. All taxes due to the state and city must be collected and remitted.

Section 3-3A-6. Repealing of Low Point Beer Section.

All sections referring to Low Point Beer as defined in Section 3-3-2C shall be repealed as of September 30, at 11:59 P.M.

Article B. Low Point Beer

Section 3-3B-1. Definition.

"Retail dealer", as used in this article, means any person, firm, corporation, association or concessionaire who sells, distributes or dispenses, at retail, any low point beer within the corporate limits of the city without regard as to any place where such l beverages may be consumed or used.

Section 3-3B-2. Municipal License; Fee.

A. License Fees; License Nontransferable:

1. There is hereby levied upon each retail dealer of low point beer for consumption off the premises, an annual municipal license fee of twenty dollars ($20.00). An annual municipa1 license fee of ten dollars ($10.00) is hereby levied for sale of low point beer for consumption on the premises only.

2. License fees shall be paid to the city clerk, and no license shall be transferable.

B. License Required; Term:

1. It shall be unlawful for any retail dealer, whether permanent or temporary, to sell, distribute or dispense any low point beer without having first received a municipal license, as herein required:

2. All such licenses shall expire on June 30 of the year following reissuance.

C. State And County Permits: No municipal license shall be issued to any retail dealer by the city clerk 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.

D. License Revocation; Hearing:. The city council shall have the power, after public hearing, to revoke any license granted hereunder, for violation of law or ordinance by the license holder.

Section 3-3B-3. Restrictions on Business Operation.

It shall be unlawful for any person, firm or corporation operating or maintaining a place of business where low point beer is 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 low point beer;

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 low point beer to an intoxicated person or to any person who has been 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 this city code; or

H. Permit an intoxicated person to remain in or around a place of business where low point beer is dispensed.

Section 3-3B-4. Hours of Sale.

A. Days Other Than Sundays: It shall be unlawful and an offense for low point beer (as defined in subsection 3-3-2C of this chapter) to be sold, given away or otherwise dispensed for consumption on the premises between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on any day.

B. Sundays: It shall be unlawful and an offense for low point beer (as defined in subsection 3-3-2C of this chapter) to be sold, given away or otherwise dispensed for consumption on the premises between the hours of two o'clock (2:00) A.M. Sunday and twelve o'clock (12:00) noon on Sunday.

C. Remaining On Premises During Closing Hours: It shall be unlawful for any person, other than the legal owner or primarily responsible, salaried employee, to remain on the premises of a place of business where low point beer is dispensed for consumption on the premises between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on any day or when the premises are legally closed.

Section 3-3B-5. Unobstructed Windows.

All businesses selling low point beer for consumption on the premises shall maintain unobstructed windows during all hours that the establishment is open for business, or at any time that low point beer is being consumed upon the premises.

Chapter 4. Contractors

Section 3-4-1. Plumbers; Registration and Fees.

A. City Registration; State· License: Any person desiring to engage in the business or activity of plumbing or plumbing contracting in the city shall first register with the city clerk. All registrants shall be state licensed.

B. Businesses Requiring State License And Local Registration: No person shall do any plumbing, gas fitting, extensions, connection of fixtures or repairs to any gas fitting, except a state licensed and locally registered plumber, as provided in this code.

C. Registration Fees; Term:

1. There shall be an initial registration fee of one hundred and fifty dollars ($150.00) for each initial plumbing contracting registration. For all contractors, renewal registration shall be sixty dollars ($60.00) per year.

2. Journeymen registration for the initial and renewal shall be thirty dollars ($30.00) each year.

3. All registrations shall expire on June 30 of each year, and failure to renew on or before the thirtieth will require payment of the full initial fee.

4. An apprentice registration shall be fifteen dollars ($15.00).

Section 3-4-2. Electricians; Registration and Fees.

A. City Registration; State License: All persons, firms, partnerships, corporations or individuals engaged, or hereafter engaging, in installing electrical fixtures, wiring or apparatus in or on any building within the city shall register with the city clerk before they may engage in said activities. All registrants shall be state licensed.

B. Businesses Requiring State License And Local Registration: It shall be unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or appliance electrician without registering with the city and holding a valid state electrician's license secured from the state of Oklahoma.

C. Registration Fees:

1. There shall be an initial contractor fee of one hundred and fifty dollars ($150.00) per year. For all contractors, renewal registration shall be sixty dollars ($60.00) per year.

2. Journeymen registration for both initial and renewal shall be thirty dollars ($30.00) per year.

3. All registrations shall expire on June 30 in each year, and a failure to renew on or before the thirtieth will require payment of the full initial fee.

4. An apprentice registration shall be fifteen dollars ($15.00).

Section 3-4-3. Mechanical Contractors; Registration and Licensing.

A. City Registration; State License: All persons designing, assembling, erecting, constructing, installing, altering, servicing, repairing or maintaining refrigeration, air conditioning, heating and/or ventilation systems must first register with the city clerk. All registrants must be state licensed, if required.

B. Acceptance Of Registration; Fees:

1. Upon presentation of the approved application to the city clerk, accompanied with the registration fee and being satisfied that the ordinances relating thereto are in all respects complied with, the clerk shall accept the registration.

2. The initial fee shall be one hundred and fifty dollars ($150.00) and shall be for one year or part thereof, expiring June 30. Renewal fees will be sixty dollars ($60.00). The registration and renewal for journeymen shall be thirty dollars ($30.00). The registration and renewal fee for apprentice shall be fifteen dollars ($15.00).

3. Failure to reregister on or before the thirtieth will require the payment of the full initial fee.

C. Compliance With Section:

1. It shall be unlawful for any person to install or make repairs on any air conditioning, refrigeration or heating system without registering and obtaining a permit and license in accord with the provisions of this section.

2. It shall likewise be unlawful for any contractor to employ any person to do such work unless such employee is registered under the provisions of this section.

D. Inspection; Right Of Entry:

1. Every person owning, leasing, operating or in possession of any building or structure within the city shall permit the city building inspector to enter such building or structure as often as it shall be deemed necessary by said inspector for the purpose of discharging his duties prescribed by this section, and it shall be unlawful for any owner, occupant or lessee of any premises to prevent or to refuse to permit such entry.

2. Said inspector shall, upon request of the owner, occupant or lessee of any premises, exhibit his authority to make such entry.

E. Variance: If, in the performance of any work under this section, and title 9 of this code, the contractor or mechanic shall find that, on account of the mechanical construction of the building, location of fixtures, or

some other reason, it would be impossible to abide by the letter of this section, and title 9 of this code, he may apply to the city building inspector for a variance, stating his reasons for any changes and setting forth the conditions, with a statement of his desire to request exceptions to the provisions of this section, and title 9 of this code, for the particular job. If said inspector finds that the conditions warrant and that it would be impractical and unreasonable to require strict conformance, he shall have the authority to make special rulings, for the safeguarding of life and property, on the proposed work. In all such cases, persons engaged in such work or installation and holding registration under this section, and title 9 of this code, shall be notified in writing of the decision.

F. Revocation Or Suspension Of Registration; Reasons: The city building inspector may revoke or suspend the registration of any person, persons, or corporation convicted of any violation of this section, or title 9 of this code, or for any of the following reasons:

1. Wilful fraud or misrepresentation practiced in procuring or renewing any registration or license;

2. Dishonesty;

3. Gross incompetency;

4. Conduct of a character likely to or intended to deceive or defraud the public;

5. The loaning of any license, registration or permit to any person or persons for any reason whatsoever;

6. The obtaining of a fee or compensation by fraud or misrepresentation;

7. The wilful advertising or publishing or otherwise making known of any grossly false, fraudulent or misleading statements of his business skill, knowledge or methods of operation;

8. The . constructing, designing, ·installing, altering, servicing, repairing or maintaining of any refrigerating or air conditioning equipment in such a manner as to be detrimental to the safety, health or general welfare of the general public;

9. For any misconduct in the use of his registration or transaction thereunder; or

10. For the violation or disregard for any regulations set up by the city.

Section 3-4-4. Roofing and Other Contractors Registration Fees; Term.

There shall be an initial registration fee for the following contractors. The annual license shall expire on June 30 of the year in which they are issued. The fees are as follows:

A.	Commercial Roofing Contractor	$150.00
B.	Residential Roofing Contractor	$50.00
C.	Fire Alarm (State License Required)	$50.00
D.	Fire Sprinkler (State License Required)	$50.00

Chapter 5. Peddlers and Solicitors

Section 3-5-1. Definitions.

The following terms shall have the meanings ascribed to them in this section:

A. ITINERANT OCCUPATION: Those occupations, trades, businesses and solicitations having no permanent warehouse, building, structure, residence or place of business within the city of Anadarko, 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 city of Anadarko, 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 bylaws of said organization, association or club and the majority of said members being residents of the city of Anadarko, or of Caddo County, Oklahoma, shall be considered an "itinerant occupation, trade, business or solicitation".

B. 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: Any individual, and shall not extend and be applied to firms, corporations or any other organizations.

D. SOLICITOR AND CANVASSER: 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 for 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.

E. Flea Market: A temporary or recurring event where two (2) or more vendors offer goods, wares, or merchandise for sale to the public in a building, structure, lot, or open space not intended for permanent retail occupancy.

F. Operator: The person or entity who organizes, manages, or controls the flea market.

Section 3-5-2. License Required; Exclusions.

A. License; Payment Of Fees:

1. 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 city without first obtaining a license therefor, as provided in this chapter, and paying the prescribed fees to cover the reasonable costs of investigation and processing of the application.

2. The fee shall be paid to the city clerk when the application is filed and shall not be returnable under any circumstances. The city council, 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 chapter.

B. Mobile Food Truck Vendor Permit: Mobile Food Truck Vendors shall be required to obtain from the City Clerk a license to operate within the corporate city limits unless the truck is as owned and operated with a licensed business operating in a fixed and permanent location. The mobile food vendor shall have obtained all required safety and health licenses by the state and sales tax permit. All sales taxes must be collected and remitted to the Oklahoma Tax Commission. The following fees and license are available:

1.	Day License	$10.00
2.	Monthly License	$50.00
3.	Yearly License	$125.00

C. Exclusions: The following persons are hereby specifically excluded from the application of the provisions of this chapter:

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 city, 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, for himself 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, shop or any other place within the city, for the purpose of exhibiting samples and taking orders for future delivery.

D. Flea Market Operator's Permit:

1. No flea market shall operate within the city without first obtaining a Flea Market Operator's Permit from the City Clerk.

2. Individual Vendor's Permit: Each vendor at the flea market needs their own permit to sell, unless the operator has obtained an Operator's Permit that covers vendors.

   This applies when the flea market operator charges vendors for booth or booth space. In that case, the operator is responsible for the overall permit, and the individual vendors do not need to obtain their own.

3. Applications shall be submitted to the City Clerk's Office at least ten (10) business days prior to the event, accompanied by the required fee.

4. Application Requirements: Applications shall include:

   i. Name, address, and contact information of the operator and vendors.

   ii. Proposed location, dates, and hours of operation.

   iii. Proof of consent from property owner.

   iv. Plan for parking, sanitation, restroom facilities, and waste disposal.

   v. Proof of sales tax permit issued by the Oklahoma Tax Commission.

   vi. Fire safety plan if tents, electrical connections, or cooking appliances will be used.

5. Operating Standards

   i. Flea markets may only operate between the hours of 7:00 a.m. and 10:00 p.m.

   ii. The operator shall maintain the premises in a clean, safe, and sanitary condition.

   iii. Adequate parking shall be provided to prevent congestion on public streets.

   iv. All structures, booths, and tents must comply with building and fire codes.

   v. Noise levels shall not exceed those permitted under city nuisance regulations.

6. Prohibited Sales: Vendors shall not sell, offer, or display:

   i. Alcoholic beverages or tobacco products without proper state/local licenses.

   ii. Firearms, ammunition, explosives, or hazardous materials.

   iii. Food or beverages without proper health department permits.

   iv. Stolen, counterfeit, or pirated merchandise.

7. Enforcement:

   i. The City Clerk, Police Department, and Code Enforcement Officers are authorized to inspect flea markets and vendor operations.

   ii. Failure to comply may result in immediate suspension or revocation of permits.

   iii. Each day of operation without a valid permit shall constitute a separate offense.

8. Penalties:

Any person, operator, or vendor violating this ordinance shall be subject to:

A fine for each offense and possible denial of future permits for repeated violations.

Section 3-5-3. Application for License; Bond.

A. Filing Of Application: Applicants for a license hereunder shall file with the city clerk, in duplicate, a sworn application in writing, on a form to be furnished by the city clerk.

B. Information Required: The application shall give the following information:

1. Full name, description, birth date 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 by him on lands he owns, cultivates and controls;

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 or other identification 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. Collection Of State And Local Sales Taxes: Each individual applicant for a license shall provide written proof that the applicant will collect and remit state and local sales taxes due the state and the city, if required by state law and municipal ordinance.

D. Bond Required:

1. Each individual applicant for a license shall submit with his 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 city, but action may be taken on the bond by any citizen who has been damaged by the applicant.

2. If more than one 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).

3. 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.

4. Any employer furnishing such a bond shall furnish to the city clerk a current list of employees covered by the bond.

Section 3-5-4. Investigation; License Issuance; Fees.

A. Police Record: Upon receipt of an application for a license, the city clerk shall refer one copy to the chief of police who shall note thereon any record concerning the applicant which may appear from the official records in his charge and return the same promptly to the city clerk.

B. Character And Business Responsibility: The city clerk 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 chapter.

C. Issuance Of License, Badge: 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 chapter, the city clerk, upon payment of the prescribed license fee, shall issue the license, together with any badge, tag or license forms properly an accompaniment thereto.

D. Denial Of Application; Specify Reasons: If, as a result of the investigation provided for in this chapter, the applicant's character or business responsibility are found to be unsatisfactory, the chief of police or the city clerk shall endorse on such application his disapproval thereof and the reasons for the same, and the city clerk shall then notify the applicant that his application has been disapproved and that no license will be issued.

E. Appeal To City Council:

1. Any applicant aggrieved by the action of the chief of police or the city clerk in the denial of a license as provided in subsection D of this section, shall have the right to appeal therefrom to the city council.

2. Such appeal shall be filed, in writing, with the city council, within fourteen (14) days after notice of the action complained of has been given to the applicant personally or mailed, postage prepaid, to his last known address.

3. The city council 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.

4. The decision and order of the city council on such appeal shall be final and conclusive.

F. Fees: Fees shall be paid to the city clerk at the time of application. Revocation of a license shall not be grounds for returning the license fee to the applicant. The fees shall be as follows:

1. For each itinerant person, agent or solicitor selling, offering for sale, taking orders for, or offering to take orders for, goods, products, wares, patent machines, magazines, services or other things of any kind, excepting wholesalers, fifty dollars ($50.00) per day, per person or per unit; provided, that this will not apply to persons selling farm products produced by themselves in Caddo County, Oklahoma, and shall not apply to nonprofit organizations.

2. For each itinerant photographer or agent, employee or unit thereof, taking pictures or taking orders for pictures, or assisting therein, fifty dollars ($50.00) per day, per person· or per unit.

Section 3-5-5. Hours Restricted; License Transfer and Exhibition.

A. Hours Specified; Exception: Because of the need for public security and protection, no solicitations shall be conducted between the hours of six o'clock (6:00) P.M. and ten o'clock (10:00) A.M. each day; 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. Wearing Badge: No license or badge issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued.

C. Exhibition Of License: Peddlers, solicitors, canvassers and other persons involved in 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 3-5-6. Soliciting Without Invitation Prohibited.

The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise and service, not having been requested or invited to do so by the owner or occupant of said private residence for the purpose of soliciting orders for the sale of goods, wares, merchandise, or services, or for the purpose of disposing or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

Section 3-5-7. Revocation of License; Notice; Hearing.

A. Notice; Causes: Itinerant occupation licenses issued under the provisions of this chapter may be revoked by the city clerk 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 his business as solicitor or canvasser;

3. Any violation of this chapter;

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. Contents Of Notice: 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 city council. Such notice shall be given to the appellant in the same manner as provided in subsection 3-5-4E of this chapter, for notice of hearing on approval of an application for a license.

Section 3-5-8. Penalty.

Any person violating the provisions of this chapter shall be subject to penalty as provided for in section 3-1-12 of this title.

Chapter 6. Shooting Galleries

Section 3-6-1. License Required.

No shooting gallery shall be operated until any licenses required by this code have been secured therefor.

Section 3-6-2. Compliance with Statute.

Every shooting gallery constructed, established, set up or operated hereafter, either temporarily or permanently, within the corporate limits of the city, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of 63 Oklahoma Statutes sections 701 through 708, as amended, and shall comply with all the requirements thereof.

Section 3-6-3. Penalty.

Any person violating the provisions of this chapter shall be subject to penalty as provided for in section 3-1-12 of this title.

Chapter 7. Pool, Billiard and Other Recreational Halls

Section 3-7-1. Minors Restricted.

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.

Section 3-7-2. Prohibited Acts.

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 laws or this code.

Section 3-7-3. Hours of Operation.

It shall be unlawful for the owner, manager or operator of a pool, snooker, billiard, domino or card hall or parlor, or other recreation hall, to operate same on Sunday or between the hours of twelve o'clock (12:00) midnight and seven o'clock (7:00) A.M. on any day.

Section 3-7-4. Exceptions.

Sections 3-7-1 through 3-7-3 of this chapter 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.

Section 3-7-5. Penalty.

Any person violating the provisions of this chapter shall be subject to penalty as provided for in section 3-1-12 of this title.

Chapter 8. Pawnbrokers

Section 3-8-1. Definition.

As used in this chapter, the word "pawnbroker" shall mean any person who loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back to the pledger or depositor, or who loans or advances money on personal property by taking mortgage security thereon, and takes or receives such personal property into his possession.

Section 3-8-2. Compliance with State Law.

No person shall operate a pawnshop in violation of any Oklahoma state law pursuant to 21 Oklahoma Statutes sections 1092 and 1093, or 59 Oklahoma Statutes sections 1501 through 1531, which are hereby incorporated into this chapter, with the same force and effect as if fully set out in this section.

Section 3-8-3. Licensing Requirements.

A. License Required; Conditions And Restrictions:

1. No person shall conduct or transact a pawnbroking business or pawnshop in the city without first having procured a license therefor as hereinafter provided.

2. The fee for such license shall be one hundred dollars ($100.00).

3. No license shall be issued to any person whose license has been revoked under the provisions of this chapter for a period of one year after the date of revocation.

4. No person who has been convicted of a felony shall be eligible to receive such license at any time.

B. Application For License: Application for a pawnbroker's license shall be made to the city clerk. The application shall state the name of the person, and in case of a firm or corporation, the names of the persons comprising such firm, or the officers and stockholders of such corporation; also the place, street and number where such business is to be located.

C. Fee; Refund: At the time of filing the application for the pawnbroker's license, the applicant shall deposit with the city clerk the fee required for the said license. The fee, less the charge of twenty-five dollars ($25.00) for processing said application, shall be refunded to the applicant, upon demand, and in case the license filed shall not be granted.

D. Chief Of Police, Review Application:

1. All applications for pawnbrokers' licenses or renewals thereof shall be referred to the chief of police, or his authorized representative, for his approval.

2. 1n no case shall a license be issued or renewed by the city clerk when the application has been disapproved by the chief of police, but such application or renewal shall be submitted for final action at the next regular city council meeting.

E. Contents Of License: The license issued herein shall state the name of the person to whom issued, the street and number where such business is located, and other appropriate information.

F. License Nontransferable; Restrictions: A pawnbroker's license shall be nontransferable to any other person or any other place of business and shall authorize the operation of such business only at the location described in such license. No person shall do or attempt to do business under a license transferred to him.

G. Posting Of License: No person shall conduct or transact a pawnbroking business or pawnshop in the city unless he shall keep posted in a conspicuous place in the business premises, a current license relating to pawnbrokers and pawnshops.

Section 3-8-4. Record of Items Pawned and Purchased.

A. Keeping Records Required: Every pawnbroker shall keep records on pawn tickets, approved by the police department, which are not inconsistent with state law and which shall be entered upon and legibly written in ink, in the English language.

B. Information Required: At the time of each pawn, receipt or purchase of personal property, an accurate account and complete description, to include model and serial numbers as well as any other identifying marks, of the goods, articles or things pawned, purchased or received; the number of pawn tickets given to the pledger; the time and date redeemable; the time and date of pawning, receiving or purchasing such goods, articles, or things; the name, residence, age, sex and color of the pledger or seller; and such other information as might be required by the chief of police.

C. Defacing Entries: No entry on said forms shall be erased, obliterated or defaced.

D. Inspection By Police: Said records, as well as every article or thing pawned, pledged or deposited, or purchased shall be open to the inspection of any police officer of the city, and shall also be made available to any such police officer on an "as needed" basis.

Section 3-8-5. Safekeeping of Pledges.

A. Keeping Pledges: Every pawnbroker shall provide a safe place for the keeping of the pledges received by him. All persons, firms or corporations engaged in the business of pawnbroking are hereby required to hold separate and apart, for a period of three (3) days, all goods or chattels purchased {except purchases made directly from wholesalers or manufacturers) before mixing with other goods already in stock in such establishment.

B. Time Period For Keeping Pledges:· The pawnbroker shall retain in his possession every pledge or pawn for a period of not less than thirty(30) days after the specified maturity date. If the pledger fails or neglects to redeem the pawned property, or payment of interest is not made within thirty (30) days, the pawnbroker may sell any such property held for redemption.

C. Removal Of Property:

1. Prior to the expiration of the redemption period, no property received in pledge by any pawnbroker shall be removed from his place of business, except when redeemed by the owner thereof, or confiscated by any police officer when an item is actually stolen property and will be used as evidence.

2. If any police· officer shall put a hold on any articles, goods or things that have been pawned or pledged, the pawnbroker or pawnshop keeper shall not release or resell said articles, goods or things until the police department has released said items.

Section 3-8-6. Right of Entry and Inspection by Police.

A. Right Of Entry: The right of entry and inspection by any police officer or any other designated person of any law enforcement agency approved by the chief of police, of any premises operated as a pawnshop, shall be a condition upon which every license shall be issued.

B. Consent To Entry And Inspection: The application for and acceptance of any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to such entry and inspection.

Section 3-8-7. Minors.

A. Employment: No pawnbroker shall employ any clerk or person under the age of eighteen (18) years to receive any pledge or make any loans.

B. Business Transactions: No pawnbroker, pawnshop keeper, his servant or employee shall receive any goods, articles or things in pawn or pledge from, or purchase from, or advance money upon anything or article of value to, or have any dealings respecting the title of property in the possession of, any person under the age of eighteen (18) years without the written consent of the parents or guardian of such person.

Section 3-8-8. Purchases Restricted.

No pawnbroker, pawnshop keeper, his servant or employee shall purchase, take or receive in pledge or by gift or on deposit, or accept possession of, any article of property of or from any known drunkard, from any person appearing to be under the influence of intoxicating liquors or drugs, from any person who is known as an habitual user of drugs of any kind, or from any person who is known to have been previously convicted of a felony.

Section 3-8-9. Penalty.

Any person violating the provisions of this chapter shall be subject to penalty as provided for in section 3-1-12 of this title.

Chapter 9. Garage, Residential Sales

Section 3-9-1. Definitions.

The terms “city” and “residential sales", as used herein, shall be defined as follows:

A. CITY: The designated representative of the city of Anadarko, Oklahoma

B. RESIDENTIAL SALE: Any sale of what is held out to be or is commonly known as a garage, porch, room, backyard or patio sale or any other type of general sale conducted from or on any premises located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public. This definition shall not include a situation where specific items are held out for sale and all advertisements of such sale specifically name each item to be sold.

Section 3-9-2. License Required; Term; Fee.

A. Required: No person shall hold, conduct, engage in or participate in any manner, in a residential sale without a license as provided for in this chapter.

B. Term Of License: The city is hereby authorized to grant a license for a residential sale for a period not to exceed two (2) consecutive days to any person applying who otherwise complies with the requirements of this chapter.

C. Fee: There is hereby levied a fee for a residential sale license in the amount of five dollars ($5.00). Effective July 1, 2019, the fee shall be seven dollars and fifty cents ($7.50).

D. Exemptions:

1. A city-wide residential sale shall be allowed on the first Friday and Saturday of May of each year.

2. A city-wide residential sale shall be allowed on Thursday, Friday, Saturday, and Sunday during

the City's Kids, Kites, and Frights Event held October of each year.

3. No permit shall be required on those days and no fee shall be charged, however, all other regulations for residential sales shall be enforced. The city council by majority vote can alter the date of the sale at a regularly scheduled meeting.

Section 3-9-3. Contents of Application; Investigation.

A. Information Required: An applicant for a license shall furnish the city with the following information:

1. Full name and address of the applicant;

2. The location at which the proposed residential sale is to be held;

3. A general narrative of the articles to be sold;

4. The date or dates upon which the sale shall be held; and

5. An affidavit from the applicant to the effect that all goods to be sold at the residential sale are owned by the applicant and have not been obtained for the purpose of reselling them at the sale.

B. Investigation: Before issuing a residential sale license, the city may conduct such investigations as may reasonably be necessary to determine if there is compliance with this chapter.

Section 3-9-4. License Issuance; Compliance with Regulations.

The issuance of a license under the provisions of this chapter shall not exempt such persons from the terms and provisions of other ordinances.

Section 3-9-5. Separate License for Each Location.

A separate license shall be required for each location at which a residential sale is to be held, and no location shall be eligible for more than one license in any thirty (30) day period. Joint applicants may participate in a single sale at one location.

Section 3-9-6. Additional License at Same Location.

If a residential sale is not held on the dates for which the license is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the license holder to this effect is submitted, the city may issue another license to the applicant for a residential sale to be conducted at the same location within seven (7) days from the date when the first sale was to be held.

Section 3-9-7. Limited Number of Licenses.

No person shall hold, conduct, engage in or participate in any manner or allow a residential sale to be held or conducted on premises under his control or ownership more than one time in any thirty (30) day period, subject however, to the exceptions allowed in this chapter. An applicant must receive permission from the city manager in order to obtain a permit after exceeding 6 permits for a residential sale in any calendar year.

Section 3-9-8. Exceptions.

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

A. Persons acting pursuant to an order of a court of competent jurisdiction;

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

C. Duly licensed auctioneers selling at auctions; and

D. Charitable organizations or persons, when the proceeds from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis.

Section 3-9-9. Signs.

A. Number Limited: Not more than two signs or other devices used for the purpose of advertising or otherwise calling attention to a residential sale shall be allowed for each residential sale licensed under this chapter.

B. Location and Length of Time for Display: The sign or device may not be displayed before seven o'clock (7:00) A.M. on the day which the permit is issued and must be removed by seven o'clock (7:00) P.M. on the date of expiration. The sign must include the address of the sale, permit number and dates of the sale. Signs will only be allowed in the immediate area of the neighborhood in which the sale is permitted. No signs shall be allowed in the median of Central Boulevard. No signs or devices shall be allowed on utility poles.

C. Display Surface: The display surface of a sign or device shall not exceed twelve (12) square feet on each side.

Section 3-9-10. Sale Area, Set Up and Closing.

The sale area of any residential sale shall be confined to the premises for which the license has been issued. In no event shall articles or goods be so displayed as to create a nuisance.

A. Items may not be set-up, displayed, or create a visual nuisance as to draw attention to customers until two hours prior to the beginning of the sale.

B. Any residential sale shall not commence before 7:00 A.M. and must be concluded no later than 7:00 P.M. or dusk whichever occurs first.

Section 3-9-11. License Denial or Revocation for False Information.

Any license issued under this chapter may be revoked or any application for issuance of a license may be refused by the city if the application submitted by the applicant or license holder contains any false, fraudulent or misleading statement.

Section 3-9-12. Conviction of Offense; License Cancellation.

If any person is convicted of an offense under this chapter, the city is instructed to cancel any existing residential sale license held by the person convicted and not to issue such person another residential sale license for a period of two (2) years from the time of conviction.

Section 3-9-13. Penalty.

Any person violating the provisions of this chapter shall be subject to penalty as provided for in section 3-1-12 of this title.

Chapter 10. Closing Out Sales

Section 3-10-1. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. CITY: The city of Anadarko, Oklahoma.

B. CLOSING OUT SALE: Any offer to sell, or actual sale, to the- public of goods, wares or merchandise on the implied or direct representation that such sales are in anticipation of the termination of a business at its present location or that the sale is being held - other than in the ordinary course of business. Without limiting the generality of the foregoing language, "closing out sale" shall include any sale advertised, either specifically or in substance, to be a "fire sale", "smoke and water damage sale" , "adjustment sale", "loss of lease sale" "forced out of business sale", "quitting business sale", or "must vacate sale" of any type.

C. GOODS, WARES OR MERCHANDISE: Includes any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

D. PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

Section 3-10-2. License Required.

A license issued by the city clerk shall be obtained by any person before selling or offering to sell any goods, wares or merchandise at a sale to be advertised or held out by any means to be a closing out sale.

Section 3-10-3. Application for License; Contents.

A person desiring to conduct a sale regulated by this chapter shall make a written application to the city clerk setting forth the following information:

A. The name and address of the owner of the goods, wares or merchandise to be sold.

B. A description of the place of business where the sale is to be held.

C. The nature of the occupancy of the place where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.

D. A full and complete statement of the facts regarding the proposed sale, including the reason why such sale is being conducted, the manner in which such sale will be conducted, and the commencement and termination date of such sale.

E. A complete and detailed inventory of the goods, wares and merchandise to be offered at such sale as disclosed by the applicant's records, or a statement of both the cost and retail value of the inventory of goods, wares ·and merchandise to be offered at such sale, based on the physical inventory used for the applicant's most recent federal income tax return adjusted for sales, purchases and mark down. Adjustments for sales,· purchases and mark downs shall be shown on a monthly basis to the date of the application. In addition, there shall be shown as separate items in either form of inventory, the retail value of all goods, wares and merchandise the applicant has on consignment which will be offered for sale, and the cost and retail value of all goods, wares and merchandise on back order.

Section 3-10-4. License Fee; Refund.

A. Fees:

1. Any applicant for a license hereunder shall submit to the city clerk with his application, a license fee of twenty five dollars ($25.00), or one-fourth of one percent (0.25%) of the cost inventory value of the goods, wares and merchandise to be sold at said sale, whichever is the greater.

2. Any applicant for a renewal license hereunder shall submit to the city clerk with his renewal application a renewal license fee of ten dollars ($10.00).

B. Refund Of Fee: Any person who goes out of business immediately following a sale covered by this chapter may apply for a refund of the license fee paid after sixty (60) days from the date of said sale.

Section 3-10-5. License Renewal; Term; Conditions.

A. Renewal; Term: The city clerk shall renew a license for one or more periods of time, such period to be in addition to the thirty (30) days permitted in the original license and not to exceed thirty (30) consecutive days, Sundays and holidays excluded, when it is found that:

1. The licensee has not sold all the goods listed on the inventory submitted with the original application;

2. The licensee has filed an application for renewal, with a verified statement attached that he has not sold all the goods listed on the inventory submitted with the original application; and

3. The licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold

and not listing any goods not included in the original application and inventory.

B. License Nontransferable: Any license herein provided for shall not be assignable or transferable.

Section 3-10-6. Confidential Information.

A. Information Confidential; Exception:

1. The filing of an application for a license, the contents of such application, and the issuance of a license shall be confidential information and no disclosure thereof may be made except such as may be necessary in the administration of the provisions of this chapter, or except with the consent of the applicant.

2. The filing of an application and the issuance of a license shall not be considered confidential after public notice has been given of the proposed sale.

B. Disclosure A Violation: It shall be unlawful for any person to make disclosures contrary to the provisions of this chapter and such person, upon conviction, shall be subject to the penalty provided in section 1-10-24 of this code.

Section 3-10-7. Reasons for Denial of License.

The city clerk, upon receipt of the application and after investigation of the facts therein contained, shall not issue a license if any of the following facts or circumstances are found to exist:

A. Multiple Licenses At One Location: The applicant has been granted more than one license hereunder for a closing out sale within one year preceding the date of the filing of the application.

B. Purchase Of Inventory: The inventory includes goods, wares or merchandise purchased by the applicant or added to his stock in contemplation of such sale and for the purpose of selling the same at such sale. For the purpose of this section, any unusual addition to the stock of goods, wares and merchandise made within sixty (60) days prior to the filing of such application, unless so stated and outlined in the application, shall be prima facie evidence that such addition was made in contemplation of such sale and for the purpose of selling the same at such sale.

C. Price Misrepresentation: The applicant, in ticketing of the goods, wares and merchandise to be offered at the sale, has misrepresented the original retail price or value thereof.

D. False Representation In Application: Any representation made in the application is false.

Section 3-10-8. License Issuance; Sales Conditions.

When the city clerk shall determine that all statements in the application are true, the proposed sale is of the character represented therein, the application is in full compliance with the terms and conditions of this chapter, and that the required license fee has been paid, a license shall be issued to the applicant authorizing the applicant to advertise and conduct the sale as described in the application, subject to the following conditions:

A. The license shall authorize the sale described in the application for a period of not more than thirty (30) consecutive calendar days, Sundays and legal holidays excluded, following the issuance of said license;

B. Only the goods, wares and merchandise included in the inventory attached to the application shall be sold at said sale;

C. The license issued hereunder shall be prominently displayed in the place of sale upon commencement of and during the sale; and

D. The licensee shall keep suitable books during the sale, at the location wherein the sale is conducted. Daily entries therein shall be made showing:

1. Dollar amount of retail sales;

2. Dollar amount of mark-downs (without limiting the meaning of the term "mark-down", the difference between retail and wholesale price of goods wholesaled by licensee shall be considered a mark-down);

3. Dollar amount, both retail and cost price, of goods on back order received; and

4. Dollar amount of wholesale sales.

Section 3-10-9. Books and Records; Inspection.

Copies of such daily entries shall be sent to the city clerk weekly, and all books of the licensee shall be open for inspection by such city clerk or his duly authorized representatives during business hours.

Section 3-10-10. Exceptions.

The provisions of this chapter shall not apply to any forced sale of goods, wares or merchandise required to be sold under order of any federal or state court, nor to farm sales, community sales or to auction sales of farm or nursery products, nor to the discontinuance of a particular line of goods, wares or merchandise by a person continuing in business at his present location.

Section 3-10-11. Reasons for Revocation of License.

The city clerk shall revoke any license if he shall find that the licensee has:

A. Violated any of the provisions of this chapter;

B. Made any material misstatement in his application;

C. Failed to include in the inventory required hereunder all the goods, wares and merchandise being offered for sale;

D. Offered, or permitted to be offered at said sale, any goods, wares or merchandise not included in the inventory attached to the application;

E. Failed to keep suitable records of said sales; or

F. Made, or permitted to be made, any false or misleading statements or representations in advertising said sale, or in displaying, ticketing, or pricing goods, wares or merchandise offered for sale.

Section 3-10-12. License Denial or Revocation; Appeal; Hearing.

Any applicant for a license who is aggrieved by the denial, refusal or revocation of a license, within ten (10) days from the date of such official action, may appeal to the district court of the county in which the license is sought. The appeal shall be upon petition of the applicant, who shall serve a copy thereof upon the city clerk. The court shall hear the application for a license "de nova" expeditiously at a time fixed by the court, notice of which shall be served upon the city clerk.

Section 3-10-13. Penalty.

Any person violating the provisions of this chapter shall be subject to penalty as provided for in section 3-1-12 of this title.

Chapter 11. Junk and Salvage Yards

Section 3-11-1. Definition.

For the purpose of this chapter, 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. Said terms (above) shall also include garbage dumps and sanitary landfills.

Section 3-11-2. Location Restrictions.

No junkyard or salvage yard shall be located nearer than fifty feet (50') from the right of way line of any road or highway.

Section 3-11-3. Screening from View; Fences.

All junkyards or salvage yards shall be screened from view of any road or highway running adjacent thereto, by the construction of a sightproof fence with a minimum height of at least six feet (6'), of such material as may be approved by the city council, or by the planting of appropriately sized shrubbery.

Section 3-11-4. Nuisance Conditions Prohibited.

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 3-11-5. Record of Articles Purchased.

A. Minors: Every person, firm or corporation engaging in the business of buying, selling or dealing in secondhand or used personal property, including what is commonly called "junk", for profit, shall keep a record of every article of such personal property purchased from any person under the age of eighteen (18) years. The record shall give the name and age of the person from whom purchased, the name of the parents or guardian of such person and their place of residence.

B. Other Information: If the purchaser is not acquainted with the seller, he shall record also the seller's height, the color of his eyes and hair, and weight.

C. Inspection: The record or register shall be subject to inspection by any police officer of the city, the sheriff of the county, any deputy sheriff, the· city attorney or the city manager. Any such article purchased and in stock shall also be subject to inspection by any such officer at any time.

Section 3-11-6. Penalty.

Any person violating the provisions of this chapter shall be subject to penalty as provided for in section 3-1-12 of this title.

Chapter 12. Public Conveyance Vehicles

Article A. Taxicabs, Limousines, Mass Transit Vehicles

Section 3-12A-1. Definitions.

A. RIDESHARING VEHICLE: “Ridesharing vehicles" shall not be construed as a motorbus or taxicab. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be construed as a motorbus or taxicab for purposes of registration, equipment requirements or rules of the road under 47 Oklahoma Statutes chapter 56.

B. TAXICAB: Any motor vehicle for hire, designed to carry ten (10) persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation· for hire between such points along streets or highways as may be directed by the passenger or passengers so being trans- ported. This classification shall not include:

1. Motor vehicles of ten (10) passengers or less capacity operated by the owner where the cost of operation is shared by fellow workmen, "car pools", between their homes and the place of regular daily employment, when not operated for more than two (2) trips per day;

2. Motor vehicles operated by the owner where the cost of operation is shared by the passengers on a "share the expense plan"; or

3. Motor vehicles transporting students from the public school system when said motor vehicle is so transporting under contract with public, private, or parochial school board or governing body.

Section 3-12A-2. Business License.

A. General Requirements: Any person, firm or corporation desiring to operate a taxicab business, limousines or vehicles carrying passengers for hire in the city shall first obtain a license therefor by making application to the office of the city clerk giving the name and business address of the applicant, together with the approximate number of vehicles proposed to be operated, and such other information as may be required. This application shall be considered, and

upon approval of the application · by the city clerk and police department, a license shall be issued by the city clerk upon paying a license fee therefor in the sum of two hundred fifty dollars ($250.00) which shall expire one year from the date of the issuance thereof. Any license issued under these provisions shall be nontransferable.

B. Processing Application: Upon the filing of an application for such license, the matter of the hearing of said application shall be processed within a reasonable time thereafter. The applicant shall show by proper proof the compliance with 57 Oklahoma Statutes and any required state licensing and shall contain the following information:

1. Acceptable proof of the financial responsibility of the applicant;

2. The number, kind, type, tag numbers, vehicle identification number, year of manufacture and condition of equipment;

3. The schedule or rates proposed to be charged for services.

Section 3-12A-3. Vehicle License.

Every taxicab or vehicle used for hire operating in the city shall be licensed, and the owner shall pay to the city clerk a license fee of twenty five dollars ($25.00) per annum for each taxicab. Said license shall be dated when issued and shall expire on January 30 immediately following the date of issuance.

Section 3-12A-4. Insurance Requirements.

A. Insurance Required; Amount: Before any license to operate a taxicab shall be issued, the owner shall file with the city clerk a proof of insurance for a policy issued by some company licensed to do business in the state of Oklahoma, approved as to sufficiency by the requirements of state law and as to legality by the city attorney, providing commercial insurance coverage for each taxicab owned or operated by the applicant with a minimum liability of ten thousand dollars ($10,000.00) for the injury or death of any one person in any one accident and twenty thousand dollars ($20,000.00) for multiple injury or death and ten thousand dollars ($10,000.00) on account of property damage in any one accident.

B. Renewal Or Proof Of Insurance: Renewal. or proof of insurance shall be required by reason of substituting the use of one vehicle for another in service. The said policy shall be for a period of one year from date of issuance, and a new policy shall be furnished or the same policy renewed, upon the expiration thereof, if the operation of such vehicle covered thereby is to be continued.

C. Cancellation Restrictions: Such insurance policy shall further provide that it cannot be cancelled until ten (10) days' written notice of cancellation shall be filed and received by the city clerk.

Section 3-12A-5. Vehicle Condition and Equipment.

A. Condition Of Taxicab: Any license to operate a taxicab shall be issued contingent to the fact that the same vehicle is a fit and safe conveyance for public carriage and in good condition with respect to mechanical operation, safety, appearance and cleanliness, and failure to comply constitutes grounds for suspension, revocation and/or citation.

B. Seating Capacity: Not more than three (3) persons, including the driver, shall be permitted to be seated in the front seat of any taxicab or limousine and not more than the rated vehicle capacity established by the manufacturer shall be seated or transported by such vehicle. All passengers riding in said vehicle must be seated.

C. Marking And Identification: All taxis and limousines, as defined by this chapter, shall have displayed thereon and in a conspicuous manner of a minimum of two inch (2") block letters:

1. The name of the person, firm or corporation operating or owning and licensing said transit vehicle;

2. Each unit's license number as designated in the license issued under the terms of this article; and

3. The contact phone number for service provided.

Section 3-12A-6. Taxicab Rates.

A. Rates Posted: Every taxicab operating under the provisions of this article in the city. shall have posted both inside and outside of the taxicab in conspicuous locations the maximum rates to be charged for services and transportation of passengers within the city limits.

B. Payment Required: It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same, and it shall be unlawful for a person to hire a vehicle herein defined as a taxicab with intent to defraud the person from whom it is hired, of the value of such service.

Section 3-12A-7. Drivers are Employees and Agents of Owners.

The owner of any taxicab licensed under the provisions of this article may employ a driver for the same, but such driver shall in all things be the agent of the owner of said taxicab in operating the same.

Section 3-12A-8. Taxicab Operator's License.

Every driver of a taxicab operating· in the city shall be licensed as a taxicab driver and shall pay to the city clerk a license application fee of fifteen dollars ($15.00) per annum. Such license shall be dated when issued and shall expire one year from the date of issuance. Such license shall be applied for in writing, on forms prescribed by the city clerk, and shall include the following:

A. The name, age, social security number, the number of a valid Oklahoma driver's license, weight, height, color of eyes and hair of applicant and the address of his or her residence.

B. The number of times, violations and places the applicant has been arrested for and/or convicted of

any felony and any traffic related citations in the last twelve (12) months.

C. The name of the person firm or corporation by whom the applicant is employed.

D. Each applicant shall furnish recent card suitable photographs, and submit to fingerprinting and a background check by the police department. One of said photographs shall be attached to a copy of the application filed with the police department, one shall be attached to copy of application filed in the office of city clerk, and one to be attached to the required photo identification, for which a fee of five dollars ($5.00) shall be collected by the city clerk in addition to the above license application fee.

Section 3-12A-9. Suspension or Revocation of Licenses.

A. Vehicle License:

1. .The license for any vehicle to operate as a taxicab in the city may be revoked by the city for the following reasons:

i. For failure of the driver to be properly licensed and maintain said license, as provided by the provisions of this article.

ii. Failure to maintain vehicle in a safe operating condition and sanitary condition.

iii. Whenever it shall be determined upon investigation that the license issued hereunder has been obtained by misrepresentations, fraud or that the owner has permitted such taxicab to be used for immoral or unlawful purposes.

2. When said license has been cancelled, no license thereafter shall be issued to such owner for a period of twelve (12) months.

B. Operator's License:

1. Basis For Suspension Or Revocation: A taxi operator's license may be suspended by the chief of police for a period not to exceed ninety (90) days or revoked entirely for any of the following reasons:

i. For operating a taxicab while under the influence of liquor or any controlled or dangerous substance.

ii. For leaving the scene of an accident.

iii. For failure to make a full report of an accident to the police department.

iv. For loaning or permitting any other person to use his license.

v. Upon conviction of a third major traffic violation during any one license year. ("Any major traffic violation" is hereby defined to be: speeding, reckless driving, nonobservance of lights and signs, making a left or U-turn where not permitted, driving on wrong side of street.)

vi. Upon conviction of violation of any felony under federal or state law.

vii. For violation of this article or any traffic ordinance of the city.

viii. For the purchase and/or delivery of any controlled and dangerous substance, alcoholic, ·intoxicating beverage and/or low point beer from any place of sale, purchase or disbursement to any customer, fare, person or establishment, in violation of state statute or ABLE commission regulations.

ix. For using a privately owned, unlicensed, noncommercial vehicle to conduct such business.

x. Revocation or suspension of the persons state driver's license.

2. Report Of Revocation Or Suspension: Whenever a taxi operator's license is suspended or revoked, the chief of police shall take up the taxi operator's license and forward it to the city clerk together with a full report of the reasons for such revocation or suspension.

3. Term Of Revocation: No taxi driver whose license has been revoked shall be eligible to receive a new license until one year from the date of such revocation.

4. Appeal: It is provided that in the event a taxi operator's license is suspended or revoked by the chief of police, such driver may appeal to the city council or district court and be given an opportunity to show why the license should not be suspended or revoked.

Section 3-12A-10. Soliciting Passengers Prohibited.

No person at any city passenger station or place used by any vehicle for hire· for soliciting or delivering or transferring of passengers shall solicit any transportation business, either passenger or property, by any loud noises of voice, instrument or other such means. Such sounds shall be deemed loud and unlawful within the meaning of this section when it may be heard tor a greater distance than the voice of one speaking in any ordinary conversational tone and manner may be heard. Neither shall such person intervene with, molest or intimidate any person by any act or unusual persuasion in soliciting such transportation of either person or property.

Section 3-12A-11. Exemptions from Provisions.

The licensed owner, operator or employee of a funeral home, parlor or chapel shall be exempt, as far as the use of a limousine or 0 family car", while providing such service, to customers or others as a part of their business.

Section 3-12A-12. Violation; Penalty.

Any person, firm or corporation who violates any provisions of this article or any owner or licensee of any taxicab, bus or conveyance who allows or permits same to be driven or

operated by any person who does not have a current city taxi operator's license as required, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed the maximum amount allowed by law and such court costs and/or sentence as prescribed by the court. Each day an offense continues shall be deemed a separate offense.

Article B. Transit Buses

Section 3-12B-1. Definition.

The term "transit bus", as used in this article, includes all "transit buses" whether the same be automobiles, automobile buses, cabs or other self-propelled, motor driven or electrically propelled vehicles carrying passengers for hire, and which are held out or announced by sign, voice, card, writing or other device of advertisement, to operate or run, or which are operated or run over a particular route, or between particular points; provided, however, that this article shall not apply to automobile delivery cars, taxicabs, or ordinary omnibuses while operating strictly within the usual functions thereof.

Section 3-12B-2. License Required; Application.

No person, firm or corporation shall operate a transit bus for the carrying of persons for hire, as defined in section 3-128-1 of this article, without first obtaining a license therefor, and no license certification shall be issued until the person desiring a license to operate such vehicle shall file with the city clerk an application therefor, stating the following:

A. Copy of a valid state license.

B. The make, model, type and color of vehicle to be used

C. The VIN identification number of each vehicle.

D. The seating capacity as originally purchased and, if modified, certification of the seating capacity as changed.

E. The terminal, stops and routes over which the vehicles are to be operated.

F. The hours of operation and frequency of schedules, with times of departures and the terminal of such routes.

Section 3-12B-3. Insurance Requirements.

A. Insurance Required: The application shall be accompanied by a good and sufficient policy of insurance covering each vehicle to be operated by the applicant and executed by some insurance or indemnity company authorized to do business in the state of Oklahoma, as surety, running in the name of the city of Anadarko, conditioned that the applicant will pay and discharge any liability imposed by law for damages on account of injury to property, or bodily injury, including death, resulting at any time therefrom, suffered by any person as a result of the operation of such vehicle.

B. Amount Of Insurance: The minimum liability insurance under said policy for loss of damage from accident resulting in bodily injury to or the death of not more than one person shall be ten thousand dollars ($10,000.00) and subject to the same limit for such person; the total liability for loss from any one accident resulting in bodily injury to or the death of more than one person shall be limited to fifteen thousand dollars ($15,000.00); and the maximum liability for damage to property shall be limited to twenty five thousand dollars ($25,000.00).

C. Renewal Or Proof Of Insurance: Renewal or proof of insurance shall be required by reason on the substitution of any vehicle for another in service. The policy of insurance shall be made for a period of not less than one year, and a new policy shall -be furnished at the expiration of any existing policy if the operation of the transit bus or buses covered thereby is to be continued.

D. Lapse Of Insurance: In case the policy of insurance shall lapse or become void for any reason, the license issued under the terms of this article shall be and become inoperative and void until a new policy and proof of insurance shall be provided and filed with the city clerk or the existing policy of insurance reinstated in full force.

Section 3-12B-4. Issuance of License; Occupation Tax.

Upon filing such application and policy of insurance, if said application and policy of insurance conform to this article, the council shall forthwith cause the city clerk to issue a license to the applicant, which shall become effective immediately upon the payment to the city clerk by the applicant of the annual occupation tax hereby fixed, said tax to be computed as follows: twenty five dollars ($25.00) per annum for each vehicle described in the application and to be used by the applicant as a transit bus or buses. The payment of the above tax shall entitle the applicant to operate the vehicle or vehicles described in the application, and none other, for a period of one year. If the holder of any such license desires to substitute another vehicle for the vehicle described in the application, or change the route specified therein, or deviate therefrom in any other manner, he shall file a supplemental application setting forth the proposed change and proof of insurance, and a supplemental license shall be issued without additional charge or tax. Provided, however that the applicant, upon making affidavit that part of the vehicles described in the application are to be used only for reserve in case of breakdown, emergency, ·or only part time operation during hours of heaviest travel, and this must have prior approval by city clerk with a specified time to which the vehicle is to be repaired and serviceable, not to exceed ten (10) working days, and written proof of the vehicle being inoperable, must be provided.

Section 3-12B-5. Vehicle Requirements.

A. Information Required: All transit buses shall have displayed thereon in a conspicuous manner:

1. The name or names of the person, firm or corporation operating or owning such transit bus or buses;

2. The license number as designated in the license issued under the terms of this article; and

3. Its route and destination.

B. Lights:

1. All transit buses shall, in addition to the lights now required by law of other automobiles, have the interior of the body of said vehicle well lighted or illuminated after dark.

2. A light or device shall be carried on the front and rear of each vehicle indicating clearly the intention of the turn to the right or left and working head, tail and brake lights.

C. Glass Coating: A use of glass coating materials or sun screening devices on windshields and all other window glass is restricted pursuant to guidelines of 57 Oklahoma Statutes section 12-422.

Section 3-12B-6. Operation of Bus.

A. Riding On Outside Of Body: It shall be unlawful to operate any transit bus while any person is standing or sitting on .the running board, fender or door thereof, or while any person is riding on the same outside of the body thereof; and it shall be unlawful for any person to stand or sit upon any fender, running board or door of any such motor vehicle or to occupy such position outside the body of the same while said transit bus is in motion.

B. Stopping, Loading And Unloading: The transit bus shall make stops to discharge and take on passengers on the near side of the street intersections, leaving the crosswalks open, and shall pull up to the curb to make all such stops. The transit bus shall not receive or discharge passengers while in motion; nor shall it stand a longer time than necessary to take on and discharge passengers and, except in an emergency, not more than two (2) minutes at any one place on the streets of the city. The provision of this subsection shall not apply to any of the streets, avenues, or boulevards when it is raining, snowing or the weather is extremely cold. In these cases, the transit bus may stop between any street intersection for the purpose of loading or unloading passengers.

C. Speed: In the city, the transit bus, upon any of the public thoroughfares thereof, may maintain, but shall not exceed, the maximum posted rates of speed fixed by ordinance for the operation of automobiles generally.

D. Cleanliness And Safety: No bus shall operate in an unsafe condition so as to endanger the lives of passengers riding therein or the public.

Section 3-12B-7. Application of Other Regulations.

Specific enumeration of regulations herein shall in no manner relieve any transit bus from compliance with general regulations of vehicles as the same may now exist or may hereafter be provided, in other ordinances regulating the same, and otherwise than herein provided.

Section 3-12B-8. Violation; Penalty.

Any person, firm or corporation who violates any provisions of this article or any owner or licensee of any transit bus who allows or permits same to be driven or operated by any person who does not have a current city operator's license as required, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed the maximum amount allowed by law and such court costs and/or sentence as prescribed by the court. Each day an offense continues shall be deemed a separate offense.

Chapter 13. Medical Marijuana

Section 3-13-1. Adoption of State Statutes and Rules.

The City of Anadarko hereby adopts by reference all regulations now contained or hereafter contained in Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana. Further, the City of Anadarko hereby adopts by reference the final rules for the Oklahoma Medical Marijuana Control Program now contained or hereafter contained in Title 310, Chapter 681 of the Oklahoma Administrative Code.

Section 3-13-2. Medical Marijuana Establishments for Commercial Purposes.

A. State License Required. No medical marijuana growing operation, processing facility, dispensary, or research facility shall be permitted or maintained unless there exists a valid license issued by the State of Oklahoma for the particular use at the particular location.

B. Permit. All operators of retail medical marijuana dispensaries, commercial growing facilities, and processing facilities are required to obtain a permit from the Municipal Clerk. The permit fee shall be six hundred dollars ($600.00) per year for retail medical marijuana dispensaries. The permit fee shall be fifteen hundred dollars ($1,500.00) for commercial growing facilities and processing facilities. The permits fees shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of medical marijuana businesses.

C. Retail Medical Marijuana Dispensaries.

1. Location. The location of any retail medical marijuana dispensary may be permitted in any commercial zoning district however, such location is specifically prohibited if it is less than one thousand (1,000) feet of any public or private school entrance or within three hundred (300) feet of any church. Such facilities shall not be permitted on any property zoned residential.

2. Measurement of Distance. For the distance requirement outlined in the previous subsection, the distance shall be computed by direct measurement in a straight line from the main entrance of the retail marijuana dispensary to the main entrance of the public or private school or church.

3. Regulations. A licensed dispensary shall conform to all regulations set forth for those zoning districts, along with all other applicable building and development codes adopted by the City. All licensed dispensaries shall comply with all other applicable City, County, and State regulations.

4. Home Occupation Prohibited. Dispensing of medical marijuana as a home occupations is prohibited.

5. Sales. Only a State-licensed medical marijuana retail dispensary may conduct retail sales of marijuana, or marijuana derivatives in the form provided by State-licensed processors, and these products can only be sold to a State licensed medical marijuana patient or caregiver.

6. Sales Tax. Medical marijuana retail dispensaries shall collect a city sales tax of three and one-half percent (3.5%) on all retail sales in addition to any other taxes collected pursuant to law.

7. Hours of Operation. Retail medical marijuana dispensaries may only be open to the public during the hours of 8:00 a.m. to 12:00 a.m. Monday through Sunday. Operations shall be closed on Christmas, Thanksgiving, July 4th, and New Year's Day.

D. Medical Marijuana Growing Facilities.

1. Location. The location of any commercial medical marijuana growing facility may be permitted in any commercial, industrial, or agricultural zoning district, however, such location is specifically prohibited if it is less than one thousand (1,000) feet of any public or private school entrance or within three hundred (300) feet of any church. Such facilities shall not be permitted on any property zoned residential.

2. Regulations. A commercial medical marijuana growing facility shall conform to all regulations set forth for those zoning districts, along with all other applicable building and development codes adopted by the City. All growing facilities shall comply with all other applicable City, County, and State regulations.

3. Visibility. A commercial medical marijuana growing facility must be constructed in such a manner that the growing of the marijuana plants cannot be seen by the public from a public right of way.

4. Building Standards. A commercial medical marijuana growing facility must be reasonably secured from unauthorized access and the facility must maintain ventilation systems designed to minimize unreasonable offsite odors. Facilities must comply with municipal building and fire codes.

5. Public Nuisance. Growing marijuana for commercial purposes 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.

E. Medical Marijuana Processing Facilities.

1. Location. The location of any medical marijuana processing facility may be permitted in any commercial, industrial, or agricultural zoning district, however, such location is specifically prohibited if it is less than one thousand (1,000) feet of any public or private school entrance or within three hundred (300) feet of any church. Such facilities shall not be permitted on any property zoned residential.

2. Regulations. A processing facility shall conform to all regulations set forth for those zoning districts, along with all other applicable building and development codes adopted by the City. All processing facilities shall comply with all other applicable City, County, and State regulations.

3. Visibility. A medical marijuana processing facility must be constructed in such a manner that the growing of the marijuana plants, if any, cannot be seen by the public from the public right of way.

4. Building Standards. A medical marijuana processing facility must be reasonably secured from unauthorized access and the facility must maintain ventilation systems designed to minimize unreasonable offsite odors. Facilities must comply with municipal building and fire codes.

5. Public Nuisance. Growing marijuana for commercial purposes 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.

F. Paraphernalia. Any device used for the consumption of medical marijuana shall be considered legal to be sold, manufactured, distributed, and possessed by a properly licensed and permitted medical marijuana facility. No merchant, wholesaler, manufacturer, or individual who has the proper license or prescription may unduly be harassed or prosecuted for selling, manufacturing, or possession of medical marijuana paraphernalia.

Section 3-13-3. Medical 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. Marijuana Growing Facilities for Personal Medical Use Permit fee shall be five hundred dollars ($500.00) per year. 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.

B. 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.

C. 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.

D. Growing marijuana for personal medical use shall be limited to the interior of a single private residence.

E. Growing marijuana shall not be visible from the public right of way.

F. 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.

G. Growing marijuana for personal use 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.

H. 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.

I. If the residence is rented consent of the property owner shall be obtained prior to any cultivation commencing. This consent must be evidenced by a signed and notarized statement from the property owner permitting the growth of marijuana in a residence.

Section 3-13-4. Inspections.

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. After a medical marijuana facility permit has been issued under this Chapter, the City's permitting authority, or agent thereof, shall be authorized to enter upon and inspect the operations being conducted therein to ensure compliance with the provisions of this ordinance. Such inspection shall take place during regular business hours of such facility and upon reasonable notice to the operator of such facility.

Section 3-13-5. Penalties.

Penalties for violations of this Chapter shall be, in the City's discretion, a fine not to exceed $200.00 per day of violation, or revocation of permit, or both.

TITLE 4 – PUBLIC HEALTH AND SAFETY

Chapter 1. General Health Regulations

Section 4-1-1. Contagious Diseases.

A. Exposing Others to Disease:

1. 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 city. The purpose of this requirement is to avoid exposing-other persons to such a disease.

2. 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 city 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.

3. No person suffering from or infected with any communicable disease including, but not limited to, AIDS, HIV, hepatitis, STD (sexually transmitted diseases) or other known contagious disease, shall engage in any occupation involving intimate contact with persons, food or food products.

B. Report Of Contagious Diseases:

1. Every physician practicing in the city 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, poliomyelitis (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.

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

3. The statutes of the state of Oklahoma governing the diseases stated hereinbefore shall apply to all cases of this nature, after said report is made.

C. Quarantine:

1. 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.

2. It shall be unlawful for any person whom the local or county health official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to willfully violate any quarantine regulation thereof.

3. 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.

4. It shall be unlawful for any person to willfully violate, or refuse to comply with, any lawful order, direction, prohibition, and rule. Or regulation of any officer or official charged with enforcement of such order, direction, prohibition, rule or regulation. (

Section 4-1-2. Sanitary Facilities.

A. Definitions: The following terms, as used in this section, shall have the meanings ascribed to them in this subsection:

1. Human Excrement: The bowel and kidney discharge of human beings.

2. Sanitary Pit Privy: A privy which is rebuilt or constructed to conform to the specifications approved by the Oklahoma state department of health.

3. Sanitary Water Closet: 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

B. Toilet Facilities Required:

1. 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, a water closet or closets connected to an approved septic tank, or a sanitary pit privy or privies.

2. The closets and toilets required herein shall be of the sanitary water closet type when located within three hundred feet (300') of any city 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 city sanitary sewer system, and to make every proper connection so that each toilet is properly connected with said city sewer system.

3. 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); b) the water closet type, connected to a septic tank approved by the county health officer; or the sanitary pit privy type, approved by the county health officer.

C. Proper Disposal of Human Excrement Required:

1. All human excrement shall be disposed of by deposition in closets and privies

2. 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 4-1-3. Penalty.

Any person who violates any provision 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 1-10-24 of this code. Every day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Municipal Ambulance Service

Section 4-2-1. Ambulance Service Furnished by City.

It shall be the duty of the city to furnish ambulance service for the area in and around the city and said ambulance service is made a part of the Anadarko fire department and included in the regular duties and functions of said fire department, under the direction and supervision of the fire chief.

Section 4-2-2. Rates and Charges.

A. The following rates and charges are hereby established for municipal ambulance services effective July 1, 2019:

1. Emergency call without specialized care
   - i. Cash Rate $550.00
   - ii. Non Cash Rate $750.00
2. Emergency call with specialized care (ALS1)
   - i. Cash Rate $700.00
   - ii. Non Cash Rate $900.00
3. Emergency call with specialized care (ALS2)
   - i. Cash Rate $800.00
   - ii. Non Cash Rate $1000.00
4. Nonemergency call without specialized car
   - i. Cash Rate $500.00
   - ii. Non Cash Rate $700.00
5. Nonemergency call with specialized care
   - i. Cash Rate $650.00
   - ii. Non Cash Rate $850.00
6. Treatment no transport (PT refusal) with basic life support
   - i. Cash Rate $250.00
   - ii. Non Cash Rate $300.00
7. Treatment no transport (PT refusal) with advanced life support
   - i. Cash Rate $300.00
   - ii. Non Cash Rate $350.00
8. Mileage charge per loaded mile (2 mile minimum charge)
   - i. Cash Rate $15.00 per mile
   - ii. Non Cash Rate $20.00 per mile

B. Waiting Time: In the event a request is made to wait for a patient to be examined and possibly returned to the place of origin by the Anadarko ambulance service, an assessment of twenty five dollars ($25.00) per one-fourth (1/4) hour shall be added following the first one-half (1/2) hour of waiting time. These charges are in addition to all other charges

C. Transportation Of Deceased: No transportation of the body will be provided on DOA calls unless the funeral director cannot provide said service. Should transportation be provided, the funeral director will be billed fifty dollars ($50.00) for transportation inside city limits, or one hundred dollars ($100.00) for transportation from outside city limits. The family of the deceased will not be billed for “dead at scene (DOA)" calls. (Ord. 1195, 8-13-2007)

D. Repetitive Refusal Of Service: In the event Anadarko fire-EMS responds to a request for emergency medical service or patient assistance which results in a no treatment and no transport response outcome (refusal of service) for the same person four (4) times or greater in any given thirty (30) consecutive day period the patient shall be charged two hundred dollars ($200.00) per occurrence commencing on the fourth response.

Chapter 3. Nuisances

Section 4-3-1. Creation of 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 his control, within the corporate limits of the city.

Section 4-3-2. Council Determine and Define Nuisances.

The mayor and city council have the power to determine what is and what shall constitute a· nuisance within the corporate limits of the city and, for the protection of the public health, parks and water supply, outside of the corporate limits

Section 4-3-3. Nuisance Defined.

A nuisance consists of unlawfully doing an act, omitting to perform a duty or condition which:

A. Annoys, injures or endangers the comfort, repose, health or safety of others;

B. Offends public decency

C. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for use, any lake, drainage way, stream, stream basin, public park, street or other public property; or

D. In any way renders other persons insecure in life or in the use of property.

Section 4-3-4. Public Nuisances; Possible Remedies.

A. Description: 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. Remedies: 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 city, in accordance with state law or ordinance

C. Lapse of Time Does Not Legalize: No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

Section 4-3-5. Private Nuisances; Possible Remedies.

A. Description: Every nuisance not included in section 4-3-4 of this chapter is a private nuisance.

B. Remedies: The possible remedies against a private nuisance are

1. Civil action; and

2. Abatement:

i. By the person injured; or

ii. By the city, in accordance with state law or ordinance.

Section 4-3-6. 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 therefor in the same manner as the person who first created it.

Section 4-3-7. 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 to the other. The mayor and city council may elect to follow any such procedure which is applicable in abating any particular nuisance.

Section 4-3-8. Review of Demolition Activities; Landmarks.

The planning and preservation review commissions shall have the he power to make recommendations regarding the proposed demolition of designated landmarks or historic structures, including public demolition procedures initiated through statutory "nuisance abatement" processes, as well as other public or privately initiated demolition processes. No permit to demolish all or part of such landmarks or historic structures shall be granted by the city building inspector, nor shall an abatement order be implemented, except as follows:

A. Written Approval Required: Except as otherwise provided, no person, including an agent of the city shall be granted a permit or permission to demolish, partially or in total, a landmark or historic site without the written approval of the planning and preservation review commission.

B. Application; Commission Determination: Upon the filing of an application with the planning and preservation review commissions, said commissions shall determine whether the proposed change would destroy or adversely affect the historical features of the landmark, historic site or historic district property.

C. Withholding Consent; Time Limit:

1. If the planning and preservation review commissions determine that the landmark, historic site or property within an historic district would be adversely affected by. The proposed change, it may withhold consent to the granting of permission for the permit.

2. The commissions shall make a decision within thirty (30} days after the filing of the application, and shall state in writing .any reasons for withholding consent, mailing the same to the applicant.

D. Plan To Avoid Demolition:

E. If the planning and preservation review comm1ss1ons refuse t6 grant permission or approve issuance of a permit for demolition, negotiations with the applicant shall be initiated to arrive at a mutually agreeable plan to avoid demolition, maintain historic integrity and achieve the applicant's objectives.

F. If no plan is agreed upon within six (6} months of the filing of the application, the city building inspector may issue the permit to demolish the subject property or the municipal agent may proceed without the approval of the commissions.

Section 4-3-9. Abatement of Nuisances.

A. Summary Abatement Of Nuisances:

1. Council Authority: Whenever it is practical to do so, the mayor and city council shall have the power summarily to abate any such nuisance, after notice to the owner and an opportunity for him to be heard, if this can be done.

2. Dangerous Condition; Immediate Action: Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or the public generally, and it is recognized that, in such circumstances, the mayor (or his 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.

3. Statement Of Nuisance Existence; Request Abatement: The fire chief, the chief of police, the city attorney, the health official, the city manager, any council member, any resident of the city, or any other officer subordinate to the mayor and city council, may submit to said council, a statement as to the existence of a nuisance as defined by state law or the ordinances of the city, and a request or recommendation that it be abated.

4. Notice Of Summary Abatement; Hearing: The mayor and city council shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, the said council 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 a police officer), if their names and addresses 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 city or county.

5. Abatement By Owner; Time Limit:

   i. If the mayor and city council find that a nuisance does in fact exist, they shall direct the owner and/or other persons responsible for, or causing the nuisance, to abate it within a specified time if the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be µunduly jeopardized by the consequent delay.

   ii. 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 mayor. and city council shall direct the city manager to abate the nuisance or have it abated, if summary abatement is practical

6. Statement of Costs to Owner: The city clerk 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 addresses are known. Until paid, such cost shall constitute a debt to the city, collectible as other debts of the city may be collected.

B. Abatement Of Public Health Nuisances:

   1. Authority To Order Conditions Remedied:

      i. The local or county health official shall have the authority to order, in writing, the owner or occupant of any private premises in the city to remove from such premises, within a reasonable length of time and at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease or any other condition adversely affecting the public health.

      ii. Failure to do so shall constitute an offense.

      iii. Such order shall be served on the owner or occupant (or his agent) of the premises by the local or county health official, or a police officer.

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

   2. Abatement By City; Costs Assessed To Owner:

      i. 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 city clerk.

      ii. The cost of abating such nuisance shall be added to the municipal utility bill of the owner or occupant (if he is 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.

      iii. If such owner or occupant is not a user of any municipal utility service, such costs, after certification to the city clerk, may be collected in any manner in which any other debt due the city may be collected.

Section 4-3-10. Penalty.

Any person who violates any provision 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 provision 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, or who maintains any nuisance as defined in 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 1-10-24 of this code. Each day upon which any such violation continues shall constitute a separate offense.

Article A. Cleaning and Mowing of Property

Section 4-3A-1. Definitions.

A. DEFINITIONS: As used in this article, the following words shall have the meanings ascribed to them in this section:

1. Cleaning: Removal of trash from property

2. Owner: the owner of record, as shown by the most current tax rolls of the county treasurer

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

4. Weed:

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

      a) Exceeds twelve inches (12’’in height) Except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden unless such trees or shrubbery, by their density or location, constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;

      b) Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

      c) Harbors rodents or vermin;

      d) Gives off unpleasant or noxious odors;

      e) Constitutes a fire or traffic hazard; or

      f) Is dead or diseased.

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

Section 4-3A-2. Council Authority to Regulate.

The municipal governing body may enact ordinances to prohibit owners of property or persons otherwise in possession or control located within the municipal limits from allowing trash to accumulate, or weeds to grow or stand upon the premises and may impose penalties for violation of said ordinances.

Section 4-3A-3. Procedure for Ordering Cleaning or Removal.

A municipal governing body may cause property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the following procedures:

A. Notice Of Order To Clean Property; City Abatement; Costs:

1. At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year’s tax rolls in the county treasurer's office before the governing body holds a hearing or takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless such work is performed within ten (10) days of the date of the notice, the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owning the municipality.

2. At the time of mailing of notice to the property owner, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing by the municipal governing body, notice may be given by posting a copy of the notice on the property or by "publication", as defined in 11 Oklahoma Statutes section 1-102, one time not less than ten (10) days prior to any hearing or action by the municipality.

3. If a municipal governing body anticipates summary abatement of a nuisance, in accordance with the provisions of section 4-3A-4 of this article, the notice, whether by mail, posting or publication, shall state: that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the municipal governing body; that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.

B. Written Consent Of Owner: The owner of the property may give written consent to the municipality authorizing the removal of the trash or the mowing of the weeds or grass. By giving written consent, the owner waives the owner's right to a hearing by the municipality.

C. Hearing To Determine Hazardous Condition: A hearing may be· held by the municipal governing body to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit and welfare of the public and the community or a hazard to the traffic or create a fire hazard to the danger of the property.

D. Right of Entry By City, Filing Notice of Lien:

1. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property would be benefited by the removal of such conditions, the agents of the municipality are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the municipality.

2. Immediately following the cleaning or mowing of the property, the municipal clerk shall file a notice of lien with the county clerk describing the property and the work performed by the municipality, and stating that the municipality claims a lien on the property for the cleaning or mowing costs.

E. Determine Costs; Issue Statement:

1. The governing body shall determine the actual cost of such cleaning and mowing and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing.

2. The municipal clerk shall forward by mail to the property owner specified in subsection A of this section a statement of such actual cost and demanding payment.

3. If the cleaning and mowing are done by the city, the cost to the property owner for said cleaning and mowing shall not exceed the actual cost of the labor, maintenance and equipment required. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder

F. County Collection; Lien For Nonpayment:

1. If payment is not made within thirty (30) days from the date of the mailing of the statement, the municipal clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section.

2. Until fully paid, the cost and interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer.

3. In addition, the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid.

4. At the time of collection, the county treasurer shall collect a fee of five dollars ($5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county.

5. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in personam against the property owner and an action in rem to foreclose its lien against the property.

6. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgement lien created pursuant to this section

7. Upon receiving payment, if any, the municipal clerk shall forward to the county treasurer a notice .of such. Payment and directing discharge of the lien.

G. Administrative Officer, Right to Appeal:

1. The city council of the city of Anadarko designates the city building inspector of the city of Anadarko, Oklahoma to be the administrative officer to carry out the duties of the governing body of the city of Anadarko, Oklahoma in this section.

2. The property owner shall have a right of appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

Section 4-3A-4. Subsequent Accumulations; Summary Abatement.

A. Declaration Of Nuisance: If a notice is given by a municipal governing body to a property owner ordering the property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in section 4-3A-3 of this article, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six (6) month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner.

B. Notify Property Owner; Hearing: 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 section 4-3A-3 of this article.

C. Cost Determination and Collection: Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in subsections 4-3A-3E and F of this article. This section shall not apply if the records of the county clerk show

that the property was transferred after notice was given pursuant to section 4-3A-3 of this article.

Article B. Dilapidated, Unsecured Buildings

Section 4-3B-1. Definitions.

As used in this article the following words shall have the meanings ascribed to them in this section:

A. Boarding and Securing or Boarded and Secured: The closing, boarding or locking of any or all exterior openings, so as to prevent entry into the structure

B. Dilapidated Building: A- A structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public; or B-A structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public; C- A structure which is determined by the municipal governing body or administrative officer of the municipal governing body to be an "unsecured building11 , as defined in this section, more than three (3) times within any twelve (12) month period. D- A structure which has been 11boarded and secured11 as defined in this section, for more than thirty six (36) consecutive months; or E- A structure declared by the municipal governing body to constitute a public nuisance.

C. Owner: The owner of record as shown by the most current tax roll of the county treasurer

D. Unfit for Human Capacity: A structure that due to the lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety and welfare of the general public.

E. Unsecured Building: Any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways, or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

Section 4-3B-2. City Authority.

After a building has been declared dilapidated, as provided in this article, and before the commencement of the tearing and removal of a dilapidated building, the governing body of any municipality may authorize that such a building be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the governing body of any municipality may authorize the structure to be demolished pursuant to section 4-3B-5 of this Article.

Section 4-3B-3. Cleaning Property Where Building Unsecured.

A governing body of any municipality may cause the premises on which ·an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of article A of this chapter.

Section 4-3B-4. Procedure for Securing.

A governing body of any municipality may cause an unsecured building to be boarded and secured in accordance with the following procedures:

A. Notice; City Abatement; Costs:

1. Before the governing body orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in this article. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication, as defined in 11 Oklahoma Statutes section 1-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the municipality, pursuant to the provisions of this section.

2. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection H of this section, the notice shall state: that any subsequent need for boarding and securing the building within a six (6) month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the municipal governing body; that the costs of such boarding and securing shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.

B. . Written Consent of Owner: The owner of the property may give written consent to the municipality authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving written consent, the owner waives any right the owner has to a hearing by- the municipal governing body.

C. Hearing To Determine Necessity:

1. If the property owner does not give written consent to such actions, a hearing may be .held by the municipal governing body to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of subsection 4-3A-3C of this chapter. In making such determination, the governing body shall apply the following standard: the governing body

may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children.

2. Upon making the required determination, the municipal governing body may order the boarding and securing of the unsecured building.

D. Filing Notice And Lien With County: After the governing body orders the boarding and securing of such unsecured building, the municipal clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the municipality at the hearing at which such building was determined to be unsecured, and stating that the municipality claims a lien on the property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing the notice.

E. Right of Entry Of City: Pursuant to the order of the governing body, the agents of the municipality are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the municipality.

F. Determine Costs; Issue Statement: After an unsecured building has been boarded and secured, the governing body shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith, including the cost of the notice and mailing. The municipal clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mail, to any property owners and mortgage holders as provided in this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee

G. County Collection; Lien For Nonpayment: When payment is made to the municipality for costs incurred, the municipal clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the municipal clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. Once certified to the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this article. At the time of collection the county treasurer shall collect a fee of five dollars ($5.00) for each parcel of property and such fee shall be deposited to the general fund of the county. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of the unsecured building and lien is filed with the county clerk. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

H. Subsequent Need for Securing; Summary Abatement: If a municipal governing body causes a structure within the municipal limits to be boarded and secured, any subsequent need for boarding and securing within a six (6) month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the municipality shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner or mortgage holder may request an appeal with the municipal clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in this section. Unless otherwise determined at the hearing, the cost of such boarding and securing shall be determined and collected as provided for in subsections F and G of this section.

I. Order Securing before Determination: A governing body of any municipality may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this section even though such building has not been declared, by the governing body, to be dilapidated.

Section 4-3B-5. Tear Down and Removal Procedures.

A municipal governing body may cause dilapidated buildings within the municipal limits to be torn down and removed in accordance with the following procedures:

A. At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the governing body holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address

of the mailee. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication as defined in 11 Oklahoma Statutes section 1-102. The notice may be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section.

B. A hearing shall be held by the governing body to determine if the property is dilapidated and has become detrimental to the health, safety or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property

C. 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 governing body may cause the dilapidated building to be torn down and removed. The governing body shall fix reasonable dates for the commencement and completion of the work. The municipal clerk shall immediately file a notice of dilapidation and then with the county clerk describing the property, the findings of the municipality at the hearing, and stating that the municipality claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the Property owner from and after the date of filing of the notice. The agents of the municipality are granted the right of entry on the prop¬erty 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 governing body.

D. The governing body shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The municipal clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail to the property owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in subsection A of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the municipality shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. If a municipality dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

E. When payment is made to the municipality for costs incurred, the municipal clerk 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 municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located. Once certified to the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section.

F. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of five dollars ($5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the municipal clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

Section 4-3B-6. Administrative Officer.

The city council of the city of Anadarko designates the fire chief of the city of Anadarko, Oklahoma, to be the administrative officer to carry out the duties of the governing body of the city of Anadarko, Oklahoma, in this article. The property owner or mortgage holder shall have the right to appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

Section 4-3B-7. Abating as a Nuisance.

Nothing in the provisions of this article shall prevent the municipality from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety or welfare of the general public.

Section 4-3B-8. Nonliability of City.

The officers, employees or agents of the municipality shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this article or as otherwise prescribed by law.

Section 4-3B-9. Exception.

The provisions of this article shall not apply to any property zoned and used for agricultural purposes.

Article C. Graffiti

Section 4-3C-1. Definitions.

As used in this article, the following words shall have the meanings ascribed to them in this section:

A. Advertising: Any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public.

B. Graffiti: Without limitation, my letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant.

C. Owner: The owner of record as shown by the most current tax rolls of the county treasurer.

D. Removal, Remove, or Removed: When used in relation to the eradication of graffiti means the act of taking graffiti off of, or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure.

E. Tenant: Any person shown by the records of the county clerk's office as a lessee of the property, or any person lawfully in actual physical possession of property.

Section 4-3C-2. City Authority.

A. Removal of graffiti by a municipality pursuant to the provisions of this article shall be performed at the sole expense of the municipality. In removing the graffiti, the municipality shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

B. Nothing in the provisions of this article shall prevent the municipality from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or general welfare of the public.

C. The municipality and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this article.

D. Nothing in this article shall prohibit the municipal governing body from enacting ordinances concerning the removal of graffiti that are stricter than this article.

Section 4-3C-3. Removal of Graffiti.

A municipal governing body may cause graffiti to be removed from property within the municipal limits in accordance with the following procedures:

A. The property owner and the tenant, if any, may give their written consent to the municipality authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the municipality as otherwise required by this section.

B. The consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the municipality may ·remove the graffiti without such consent pursuant to the procedures set forth in this section.

C. To remove graffiti from property without the consent of the property owner and the tenant, if any, at least ten (10) days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order them. Property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within twenty (20) days from the date of the notice the work shall be done by the municipality. At the time of mailing of notice to the property owner and the tenant, if any, the municipality shall obtain a receipt of mailing from the postal service which receipt shall indicate the date of mailing and the name and address of the mailee. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor tenant, if any, can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 Oklahoma Statutes section 1-102. Such notice shall be published one time, not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section. If a municipal governing body anticipates summary abatement of a nuisance in accordance with the provisions of subsection G of this section, the notice shall state: that any accumulations of graffiti on the property occurring within one year from and after the date of the notice may be summarily abated by the municipality without a hearing and further prior notice to the property owner or the tenant, if any, except by posting of notice at least one time on the property once not less than two (2) business days prior to such summary abatement.

D. A hearing may be held by the municipal governing body to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety or general welfare of the public and the community.

E. Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefited by removal of such conditions, the agents of the municipality are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as governmental function of the municipality.

F. The city council of the city of Anadarko, Oklahoma designates the city building inspector of the city of Anadarko, Oklahoma to be the administrative officer to carry out the duties of the governing body of the city of Anadarko, Oklahoma in this article. The property owner and the tenant, if any, shall have the right to appeal to the municipal governing body from any order of the administrative officer or administrative body. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

G. If a notice is given by a municipal governing body to a property owner and tenant, if any, ordering graffiti to be removed from property within the municipal limits in accordance with the procedures provided for in this section, any subsequent accumulations of graffiti on the property occurring within a one year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the municipality notice thereof may be posted at least one time on the property not less than two (2) business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to this section.

Article D. Methamphetamine Contaminated Property

Section 4-3D-1. Purpose and Scope.

A. The purpose of this article is to protect occupants of real property from hazardous and contaminated living environments by requiring owners of real property to remediate gross contamination of property caused by methamphetamine activity prior to occupancy pursuant to the standards described in the following sections.

B. Although other types of synthetic drugs may be manufactured in clandestine drug laboratories, this article is specifically intended to remediate the contamination and environmental dangers associated with methamphetamine manufacturing and using.

Section 4-3D-2. Report of Methamphetamine Activity.

Upon discovery that an owner's property is, or has been, the location for any type of methamphetamine activity, including manufacturing and using, an owner, shall immediately report such -activity- to local law enforcement

Section 4-3D-3. Prohibition on Occupancy.

Until a contractor experienced in hazardous waste removal and remediation, as prescribed in this article, assesses the contaminated property, cleans up any contamination and prepares a final report, as prescribed in this article, which shows that the levels of contamination in the property meet the acceptable levels listed in section 4-3D-6 of this article, use of the property for human habitation is prohibited.

Section 4-3D-4. Public Notice of Contamination.

Within two (2) days of discovery, an owner shall display on the contaminated structure(s) a notice to the public with the following information:

A. The word “WARNING” in bold type.

B. The address of the contaminated property or, if the property has multiple structures upon it, the address of each contaminated structure.

C. A statement that hazardous substances, toxic chemicals, or other waste products may be present on the property.

D. A warning that any person who enters the structure(s) without permission of the owner or law enforcement will have committed a trespass.

Section 4-3D-5. Assessment and Remediation.

A. Upon discovery that an owner’s property. is or has been the location for any type of methamphetamine activity, including manufacturing and using, an owner, prior to occupancy of the property and after the removal of methamphetamine manufacturing materials and equipment by law enforcement, shall retain the services of a contractor who is experienced in hazardous waste removal and remediation to assess the level of contamination within the property and provide a written report documenting the level of contamination. At a minimum, such contractor shall have completed forty (40) hours of hazardous waste operation and emergency response training pursuant to 29 CFR 1910.120 and shall have received certification pursuant to this training. The owner shall obtain a copy of the contractor’s 29 CFR 19 0.120 certification before allowing the contractor to begin the assessment.

B. If, upon completion of the assessment, the contractor determines:

1. The level of contamination does not exceed the acceptable contamination levels, as defined in section 4-3D-6 of this article, then the owner shall require the contractor to prepare a final report as prescribed in section 4-3D-8 of this article. Once the final report is prepared and delivered to the owner, the owner shall remove the notice to the public as described in section 4-3D-4 of this article. A copy of the final report shall be delivered to the city manager and upon receipt of the final report by the city manager, the real property may be occupied.

2. The level of contamination exceeds the acceptable levels defined in section 4-3D-6 of this article, then the owner shall not allow use of the property for human habitation until a contractor (who has completed 40 hours of hazardous waste operation and emergency response training pursuant to 29- CFR 1910.120 and who has received certification pursuant to this training) has: a) cleaned up any contamination and remediated the property according to the standards of section 4-3D-7 of this article; and b) conducted another assessment which shows that contamination levels are acceptable pursuant to section 4-3D-6 of this article. Once the level of contamination meets the acceptable standards defined in section·· 4-3D-6 of this article, then the owner shall require the contractor to prepare a final

report as prescribed in section 4-3D-8 of this article. Once the final report is prepared and delivered to the owner, the owner shall remove the notice to the public as described in section 4-3D-4 of this article. A copy of the final report shall be delivered to the city manager and upon receipt of the final report by the city manager, the real property may be occupied.

Section 4-3D-6. Acceptable Levels.

A. The owner shall require the certified contractor to test the levels of volatile organic compounds (VOCs), pH, mercury, lead, and methamphetamine in both the initial assessment and the post remediation assessment.

B. Acceptable levels for each are the following:

1. Voes: 0.9 parts per million or below.

2. PH: Surface level of 7 or below.

3. Mercury: 0.3 microgram per cubic meter of mercury in air or below.

4. Lead: Twenty (20) micrograms per square foot or below.

5. Methamphetamine: 0.1 microgram per one hundred (100) square centimeters or below.

Section 4-3D-7. Cleanup and Safety Standards.

Contractors hired by an owner to engage in removal and remediation shall conduct assessments and cleanup pursuant to the relevant standards and guide¬ lines proposed or adopted by the Oklahoma drug enforcement agency, the federal drug enforcement agency, the Oklahoma department of environ¬ mental quality, and the environmental protection agency and shall follow safety procedures mandated by the relevant federal and state agencies governing hazardous waste.

Section 4-3D-8. Final Report.

A. All inspections, and assessments conducted by a contractor during the removal and remediation process shall be fully documented in writing. The report shall include the dates that activities were performed and the names and signatures of the people and/or companies who performed the activities. The final report shall include any other types of relevant documentation, including, but not limited to, photographs, video recordings, drawings, and charts. Such additional documentation shall likewise be signed and dated. The owner shall immediately provide a copy of the final report to the city manager upon receipt from the contractor.

B. The final report, at a minimum, shall include:

1. A case narrative, site description, and site assessment.

2. Physical address of property, number and type of structures on property, and description of adjacent and/or surrounding properties.

3. Law enforcement reports, documented observations, and pre¬ remediation sampling results that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.

4. Name of cleanup contractor(s) and the contractor's qualifications, experience, and copy(ies) of any certification(s).

5. The signature of the contractor who prepared the report.

6. A copy of the contractor's 29 CFR 1910.120 certification.

C. Where property is remediated, final reports shall also include:

1. Worker safety and health information.

2. Decontamination and encapsulation procedures for each area that was decontaminated.

3. Documentation that the structure was cleaned to acceptable levels, including, but not limited to, the ·location and results of post decontamination samples, description of analytical methods used, and the location(s) of laboratory (ies) used.

Section 4-3D-9. Penalty.

Any person, firm, or corporation violating any of the provisions of this article shall be guilty of an offense and, Upon conviction thereof, shall be punished as provided in section 1-10-24 of this code.

Section 4-3D-10. Each Day a Separate Offense.

Each day a violation of this article continues to exist shall constitute a separate offense, punishable by fine and costs as provided in section 1-10-24 of this code.

Chapter 4. Emergency Management

Section 4-4-1. Definitions.

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

A. Emergency Management: 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 city of Anadarko, Oklahoma, during any 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, streets and sewers 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: 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 city of Anadarko, Oklahoma.

C. Natural Emergency: Any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near the city of Anadarko, Oklahoma, and involving imminent peril to lives and property.

D. State of Emergency: The City Council by a majority vote may declare a state of emergency for the purpose of addressing civil unrest, natural or man-made disaster, or a threat to the public health. The purpose of the declared state of emergency is to ensure the protection of the lives, health, and property of the citizens of Anadarko and to ensure the continuation of services to the citizens of the city. A declaration of state or emergency shall be made by resolution and provide guidance to the City Manager on the actions to be taken to ensure the health and security of the public. The declaration shall also empower the Mayor to issue executive orders to address issues that need immediate action as outlined by the resolution. The enforcement of the emergency resolution and any executive orders issued shall have the same effect and penalty as violating city ordinances unless specific by the resolution declaring the state of emergency. The state of emergency shall not exceed more than sixty (60) days unless renewed by another resolution approved by a majority vote of the City Council. A state of emergency can be suspended at any time by a majority vote of the City Council.

Section 4-4-2. Nonliability of City.

A. Neither the city, nor any officer or member of the emergency management department provided for in this code, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity prior to, or during, either an enemy caused or a natural emergency.

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

Section 4-4-3. Acceptance of Aid Authorized.

Whenever the federal government, the state of Oklahoma, or any person, firm or corporation shall offer to the city any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of emergency management, the city council, mayor, city manager may accept such offer and may authorize the emergency management 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 4-4-4. Penalty.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-10-24 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 5. Fire Prevention and Protection

Section 4-5-1. Fireworks.

It shall be unlawful and an offense for any person, firm or corporation 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, skyrockets, 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 city; provided, that the firing and discharging of such fireworks may be permitted within any municipal" park when the same is supervised by a public official; and 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 4-5-2. Explosives; Compliance with State Law.

A. Sale Or Storage: It shall be unlawful for any person to store, keep, 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. Dwelling Or School Property: 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 4-5-3. Penalty.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-10-24 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 6: Emergency Management

Section 4-6-1. Definitions.

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

A. Indoor area: means any indoor city-owned/operated property. An indoor area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other

spaces used or visited by employees or the public, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor areas at any given time, whether or not work is being performed;

B. Outdoor area: means any covered area, partially covered area or area open to the sky that is property owned or operated by the city;

C. Recreational area: means any area that is owned, controlled or used by the City of Anadarko and open to the general public for recreational purposes, regardless of any fee or age requirement. The term 'recreational area' includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, splash pads, roller and ice skating rinks, beaches surrounding lakes and skateboard parks;

D. Tobacco products: means any product that contains or is derived from tobacco and is intended for human consumption excluding drugs or devices approved for cessation by the United States Food and Drug Administration. This includes a-cigarettes and vapor products, with or without nicotine.

E. Tobacco-free: means to prohibit the use of any tobacco product by anyone, anywhere, at any time.

F. Vapor product: shall mean non-combustible 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. 'Vapor products' do not include any products regulated by the United States Food, Drug and Cosmetic Act.

Section 4-6-2. Prohibition of Tobacco Products and Vapor Products on City-Owned/Operated Property.

A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor or outdoor areas owned or operated by the city.

B. All buildings and other properties, including indoor and outdoor areas, and vehicles owned or operated by the city including its trust authorities1 shall be entirely tobacco free to include all forms of tobacco products including vapor products.

C. All indoor and outdoor recreational areas owned or operated by this city1 shall be entirely tobacco free to include all forms of tobacco products including vapor products.

Section 4-6-3. Posting.

A. The City of Anadarko shall be responsible for posting a sign or decal, at least four inches by two inches in size, at each entrance of city owned/operated property indicating the property is tobacco-free.

B. The posting of signs or decals is the responsibility of the manager and/or supervisor of the owned/operated facility.

Section 4-6-4. Violation and Penalty.

Any person who knowingly violates this article is guilty of an offense, and upon conviction thereof, shall be punished by a fine as set by the city in a sum not to exceed the limits established in section 1-10-24 of this code.

Section 4-6-5, Enforcement.

The State or Local government agency shall, at a minimum, do the following in order to prevent tobacco and vapor product use in city owned/operated places:

A. Post signs at entrances to city owned/operated places which state that tobacco use is prohibited; and

B. Ask tobacco users to refrain from using any form of tobacco products, including vapor products upon observation of anyone violating the provisions of this act.

TITLE 5 – POLICE REGULATIONS

Chapter 1. General Offenses

Article A. General Provisions

Section 5-1A-1. State Statutes Adopted by Reference.

Provisions of title 21, Oklahoma Statutes, "Penal Code of the State of Oklahoma", as amended, which are applicable to the city, are hereby adopted and incorporated- in this code, as if set out at length herein.

Section 5-1A-2. Offense Defined.

An "offense" is hereby defined as the doing of any act or thing which, by this chapter or any ordinance of the city, 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 city, is commanded or required to be done.

Section 5-1A-3. Attempts to Commit an Offense.

Every person who attempts to commit an offense against this code, 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 5-1A-4. 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 his being in such condition.

Section 5-1A-5. 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 5-1A-6. Penalty.

Any person, firm or corporation who shall violate any provision of this chapter, articles A through E, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-10-24 of this code. Each day's continuation of any such violation shall be a separate offense.

Article B. Offenses Against Public Decency, Morality

Section 5-1B-1. Gambling.

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 things 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 his or its premises, houses, lot or other property to be used in connection with or for, any act declared unlawful in this chapter.

Section 5-1B-2. False or Bogus Checks.

A. Definition: The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof.

B. Prohibited Act: 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 twenty dollars ($20.00) or less, by means of any false or bogus check or by any other written, printed or engraved instrument or spurious coin.

C. Evidence Of Intent To Defraud: 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 thereon, 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 5-1B-3. 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 of a third party, or results in, or contributes to, the benefit of the deceiver.

Section 5-1B-4. Obstruction and Trespassing; Begging.

A. Loitering: It shall be unlawful for any person, either alone or in consort with others, without lawful reason, between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M., to loiter, idle, loaf, play, stroll, wander aimlessly, or sleep upon the streets, alleys, parks, playgrounds, places of amusement or entertainment; public grounds, places or buildings, parking or vacant lots; or other unsupervised places within the city.

B. Trespassing Or Obstructing Access To Public Carriers, Schools: 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 carrier or on or about the premises of a public or private school.

C. Remaining Near Persons Gambling: 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. Obstructing Pedestrian Or Vehicular Traffic: It shall be unlawful for any person to stand or remain, either

alone 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.

E. Begging: It shall be unlawful for any person to beg financial contributions from any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is charitable.

Section 5-1B-5. Offenses Related to Controlled Substances.

A. State Statutes Adopted By Reference: Provisions of 63 Oklahoma Statutes, 11public health and safety11 , ·as amended, which are applicable to the city, are hereby adopted and incorporated in this code, as if set out at length herein.

B. Controlled Dangerous Substances: It shall be unlawful for any per- son 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 city; 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 the city; or for any person to use any narcotic or other controlled dangerous substance in any place within the city, 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 5-1B-6. Immoral Conduct, Shows or Exhibitions; Nudity.

A. Lewd Conduct: It shall be unlawful for any person to conduct himself in a lewd or immoral manner, or make any insulting or licentious advance or salutation to any person, in any public place within the city.

B. Obscene Shows, Exhibitions: It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the city which is obscene or immoral.

C. Nudity; Indecent Exposure: It shall be unlawful for any person to appear in any public place within the city in a state of total nudity, or for any person to make an indecent public exposure of his or her person.

D. Public Display Of Pornographic Materials: It shall be unlawful to publicly display pornographic magazines or books for sale in any store within the corporate limits of the city.

E. Urinate Or Defecate In Public: It shall be unlawful for any person to urinate or defecate in any publicly exposed place within the corporate limits of the city.

Section 5-1B-7. Prostitution; Illicit Sexual Relations.

A. Definition: 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. Prohibited Acts:

1. 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.

2. It shall be unlawful for any person to engage in illicit sexual relations or any other immoral act, to knowingly 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 city.

3. 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 city, where persons meet or assemble for illicit sexual relations or for any other lewd or immoral purpose, or to permit a known prostitute or other person of a known immoral vocation to become or remain a guest in a hotel or rooming house.

4. 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 prostitute 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 5-1B-8. 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 city, or in any street or alley 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 5-1B-9. Offenses Related to Alcoholic Beverages.

A. Alcoholic Beverages:

1. It shall be unlawful for any person under twenty one (21) years of age to misrepresent his age through false documentation, for the purpose of inducing any person to sell him alcoholic beverages.

2. It shall be unlawful for any person under twenty one (21) years of age to have in his or her possession any alcoholic beverages, while such person is upon any street, alley, road or highway, or in any public place within the city.

3. It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

4. 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 city.

5. It shall be unlawful for any person to transport in any vehicle upon any street, alley, or other public way within the city 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.

6. 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 this code.

B. Low Point Beer:

1. It shall be unlawful for any person under twenty one (21) years of age to purchase, receive or procure any low point beer.

2. It shall be unlawful for any person under twenty one (21) years of age. to work in a place where low point beer is 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.

3. It shall be unlawful for any minor to be in possession of, or for any person, whether a minor or of age, to be in possession of, or to drink, any low point beer while such person is upon any public street, alley, or other public highway, or in any public building or other public place, within the city; 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.

4. 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 city, or in or upon any property owned by the city outside of its corporate limits, any low point beer, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container 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.

Section 5-1B-10. Permitting or Allowing Gatherings Where Minors Are Consuming Beverages.

A. Definitions: For purposes of this section, the following definitions shall apply:

1. ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

2. ALCOHOLIC BEVERAGE: Includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and 11low point beer" as defined herein.

3. GATHERING: A party, gathering, or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

4. INTOXICATING BEVERAGE: Includes beverages containing more than three and two-tenths percent {3.2%) alcohol by weight.

5. LEGAL GUARDIAN: 1. A person who, by court order, is the guardian of the person of a minor; or 2. A public or private agency with whom a minor has been placed by the court.

6. LOW POINT BEER: Means and includes beverages containing more than one-half of one percent (1/2 of 1 percent) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including, but not limited to, beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

7. MINOR: Any person under twenty one (21) years of age.

8. PARENT: A person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

9. PREMISES: Any. residence or other private property, place, or premises, including any commercial or business premises.

B. Consumption Of Alcohol By A Minor In A Public Place, Place Open To Public, Or Place Not Open To Public: Except as permitted by state law, it is unlawful for any minor to:

1. Consume alcoholic beverage or beverages at any public place or any place open to the public; or

2. Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage, that minor is being supervised by his or her parent or legal guardian.

C. Hosting, Permitting, Or Allowing A Party, Gathering, Or Event Where Minors Consuming Alcoholic Beverages Prohibited:

1. Reasonable Steps To Prevent Consumption Of Alcoholic Beverages By Minors:

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

ii. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person in control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection C1a of this section.

2. Exemption: This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

3. Minor Leaving Gathering Intoxicated: Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents or guardians. However, if a minor leaves such a family gathering intoxicated and is found in public, then said providers of alcohol will be held responsible in the same manner as a nonfamily gathering.

4. Religious Practices: Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public, then said providers of alcohol will be held responsible in the same manner as a nonreligious gathering.

5. Not Applicable To Licensed Premises: This section shall not apply to any premises licensed by the state of Oklahoma to dispense alcoholic beverages.

6. Penalty: Any person who shall violate the prov1s1ons of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished, with a fine of two hundred dollars ($200.00), plus all court costs and statutory penalties.

7. Reservation Of Legal Options: ·Violation of this section may be prosecuted by the city of Anadarko criminally, civilly, and/or administratively as provided by this code. The city may seek administration fees and response costs associated with enforcement of this section by statute, ordinance, or law. This section shall not limit the authority of peace officers to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall it limit the city's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.

8. Local Authority: This section shall not apply where prohibited or preempted by state or federal law.

Article C. Offenses Against the Peace, Persons

Section 5-1C-1. Weapons; Firearms.

A. Carrying Weapons, BB Guns, Air Rifles:

1. It shall be unlawful for any person to carry upon or about his 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.

2. It shall be unlawful for any person to transport a loaded BB gun, air rifle or firearm on any public street or alley within the corporate limits of the city, except when doing so in the line of duty.

B. Discharging Firearms, BB Guns, Air Rifles:

1. It shall be unlawful for any person to discharge a firearm within the corporate limits of the city, 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 city in such a manner as to harm or damage persons or property.

2. It shall be lawful for firearms to be discharged in the corporate limits of the city at a designated firing range by members of the Anadarko gun club or anyone discharging firearms under direct supervision of a certified firearm instructor.

Section 5-1C-2. Offenses Related to Assemblies.

A. Unlawful Assembly: 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. Disturbing Lawful Assemblies: 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 5-1C-3. Disturbing the Peace; Harassing Phone Calls.

A. Disturbing The Peace: 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. Phone Calls: 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 his identity and with intent to annoy, abuse, threaten or harass any person at the called number;

3. Knowingly permit any telephone under his control 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. Obscene Gestures: 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 city.

Section 5-1C-4. Loud Noises.

A. Prohibited Act; Exception:

1. It shall be unlawful for any person to disturb the peace and quietude of any part of the city by operating, having operated or permitting to be operated by contrivance, whether elective or not, with or without loudspeaker, in such manner as to emit loud music, noise or words.

2. This section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

B. Sound Limits: It shall be prima facie evidence of a violation of this section if the sound can be heard outside the limits described below:

1. Playing or operating or permitting the playing, use or operation of, any radio, musical instrument, phonograph or machine or device for the producing or reproducing of sound for the purpose of entertainment, or is used for that purpose and can be heard from the distance of fifty feet (50') or more, if the source of such sound is located upon any public right of way; or

2. If said source is located upon any public right of way and can be heard inside a structure or in a motor vehicle other than the source of said noise, and if, in the receiving motor vehicle, all doors and windows are closed.

C. Loud Parties Or Gatherings:

1. Definitions:

i. PARTY OR GATHERING: A group of four (4) or more people gathered on any private or public property within the city limits of Anadarko.

ii. RESPONSIBLE PERSON: Any person who is an owner, occupant, tenant, or otherwise has rightful possession or control of said property. If said person is a juvenile the parent or guardian shall be considered the responsible person or party.

2. Violation: The following provisions apply to parties or gatherings of four (4) or more people on private property generating any noise that is plainly audible at the property line from which noise is emanating, or is determined by a law enforcement officer at the scene to constitute a violation, or is otherwise a threat to the public peace, health, safety, or welfare due to the crowd, the disturbance, unruly behavior or destruction of property generated by the party or gathering, or excessive traffic caused by the party or gathering.

i. Any responsible person individually or jointly with others who either sponsors, conducts, hosts, invites, or permits a party or gathering on said controlled property shall be deemed in violation of this section.

ii. Factors which may determine a violation of this section include, but are not limited to, the following:

a) Loud music.

b) Numerous vehicles causing traffic hazards or blocking driveways, streets and alleys.

c) Underage drinking.

d) Fights/public drunkenness.

e) Gunshots/fireworks.

f) Littering.

g) Illegal drug use.

h) Squealing tires and speeding through neighborhood streets.

3. Order To Cease And Disperse: A party or gathering in violation of this section shall cease upon the order of the chief of police or his/her designee. Any and all persons not residing at said property shall leave immediately. Any person who fails or refuses to obey and abide by such order shall be guilty of a violation of this section, as well as any other applicable ordinance or state statutes.

Section 5-1C-5. Actions Prohibited in Cemetery.

A. Roller Skates, Skateboards, Bicycles: It shall be unlawful for any person to rollerskate, ride and use skateboards, ride bicycles or ride or use any similar device on the streets, walkways or in any area within the municipally owned cemetery of the city.

B. Walking On Gravesites: It shall be unlawful for any person to walk upon and disturb in any manner, gravesites within the municipally owned cemetery.

C. Animals: It shall be unlawful for any· person to have in their possession, or control or to take any animal into the municipally owned cemetery.

D. Damaging Property: It shall be unlawful for any person to wilfully disturb, mutilate, deface, injure, steal, damage or remove any tomb, monument or gravestone or other structure placed in a cemetery, or any fence, railing or other work· for the protection of ornamental graves. Any such gravesite of any human being, or tomb, monument or gravestone, memento, or memorial, or other structure aforesaid, or of any lot within the municipally owned cemetery, or wilfully destroy, cut, break, or injure any tree, shrub or plant, within the limits thereof. No person shall sit upon, stand upon or use any tomb, monument or gravestone for any recreational purpose.

E. Disturbing Persons Gathered For Funeral: It shall be unlawful for any person to wilfully disturb, interrupt or disquiet any assemblage of people gathered for the purpose of any funeral or who, without authority of law, obstructs or detains any persons engaged in carrying or accompanying any dead body of a human being to a place of burial within the municipally owned cemetery.

Section 5-1C-6. Assault and Battery.

A. Definitions:

1. ASSAULT: Any wilful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

2. BATTERY: Any wilful and unlawful use of force or violence upon the person of another.

B. Prohibited Acts:

1. It shall be unlawful to commit an assault or an assault and battery within the city.

2. 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 his duties.

Section 5-1C-7. Abandoned Refrigerators, Containers.

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

Article D. Offenses Against Property

Section 5-1D-1. Petty Larceny.

A. Definition: "Petty larceny" is the taking of personal property of value not to exceed fifty dollars ($50.00), accomplished by fraud or stealth, or with intent to deprive another thereof when the property is not taken from the person of another.

B. Unlawful Act: Petty larceny is unlawful and any person who commits petty larceny shall be guilty of an offense.

Section 5-1D-2. Receiving Stolen Property.

It shall be unlawful for any person to buy, receive, transport or bring into the city any property which he knows has been stolen.

Section 5-1D-3. Damaging or Destroying Property.

It shall be unlawful for any person to destroy, injure, deface, besmear or molest any structure, building, outbuilding, fence or any other property, real or personal, public or private, belonging to another, 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 5-1D-4. Unlawful Entry.

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.

Section 5-1D-5. Unlawful Intrusion Upon Land.

Every person who intrudes or squats upon any lot or piece of land within the city without a license or authority from the owner thereof, or who erects or occupies thereon any hut or other structure without such license or authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the city, any structure whatever, shall be guilty of an offense.

Section 5-1D-6. 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 5-1D-7. Damaging Utility Poles.

A. Definition: The word 11pole" shall be construed to mean any pole supporting telephone, television, electric or power wires or braces, and any device used to support or brace such a pole.

B. Prohibited Act: It shall be unlawful for any person to mark, write, print, paint upon, 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 of any other substance, within the corporate limits of the city.

C. Exception: This section shall not apply to the owners of such poles who may make such necessary or authorized ·marks or signs thereon.

Section 5-1D-8. 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 he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another, whether public or private, except in the case where such is done in defense of oneself, of another person or of property.

Section 5-1D-9. Littering.

A. Definition: For the purpose of this section, "litter" is defined to be any garbage, refuse, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, paper, wrappings, cigarette butts, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding or crockery and similar materials commonly referred to as rubbish or trash.

B. Prohibited Acts:

1. Deposits On Vacant Property: No person shall throw or deposit litter in or upon any open or vacant property within the city, irrespective of the ownership of such property.

2. Deposits On Public Ways And Property; Use Of Receptacles: No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the city, except in public receptacles, authorized private receptacles or in the municipal sanitary landfill.

3. Sweeping Into Public Ways; Sidewalks Kept Clear: No person shall sweep into, or deposit in, any gutter, street or other public place within the city, 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.

4. Vehicles With Loads; Deposits Of Mud And Dirt: No person shall drive or move any truck or other vehicle within the city 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 the city, 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 matter of any kind, in excessive or damaging amounts.

5. Handbills:

i. No person shall throw or deposit any commercial or noncommercial handbill on or upon any sidewalk, street or other public place within the city. No person shall hand out, distribute or sell commercial handbills in public places.

ii. No person shall throw or deposit any commercial or noncommercial 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 noncommercial handbill to any occupant of a vehicle who is willing to accept it.

iii. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously vacant.

iv. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested not to do so or 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.

v. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by transmitting them directly to the owner, occupant or person 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. The provisions of this subsection 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.

6. Aircraft: No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

Section 5-1D-10. Shoplifting.

A. Unlawfully Removing Merchandise: It shall be unlawful for any person to remove any merchandise from a commercial business without paying for said merchandise and without the consent of the owners of said business.

B. Authority To Arrest: Any peace officer may arrest, without warrant, any person he has probable cause for believing has committed larceny of merchandise held for sale in retail or wholesale establishments, when such arrest is made in a reasonable manner.

C. Detain Suspicious Person: Any merchant, his 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 from a 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 his 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, his agent or employee criminally or civilly liable to· the person so detained.

D. Concealing Unpurchased Merchandise: 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, his 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 5-1D-11. Unlawful Presence on Posted Property.

A. Presence After Posted Hours Unlawful: The presence of any person shall be unlawful upon the premises, including the parking area, of any business, public institution or other public place at any time other than during the posted hours of operation or business hours of any such business, public institution or other public place, provided:

1. That such property is clearly and plainly posted with the actual hours of operation or business hours, and that such posted sign also includes notification that this property shall otherwise be closed to all persons in accordance with this section; and

2. That such posted notification must be displayed at or near the entrance to the business property, and that in the event the property includes parking area with road or access or parking lot off the public roadway, then such notice shall be clearly visible and posted in or about the vicinity of the access to such road or parking area off of the public street.

B. Applicability To Parking Area And Business Building: For the purpose of this section, a difference in the ownership or possessory interest as to the business building and the parking area shall not be material and this section shall be applicable to both the parking area and the business building; provided, that such parking area is provided, or legally used, by the business in question.

C. Vehicle Parking Restricted: The presence intended to be specified as unlawful by this section shall include the parking or placing of any vehicle, trailer or other personal property of any individual upon the premises or business, public institution or other public place, and any such vehicle or other personal property may be impounded as a result of this unlawful presence.

D. Permissive Presence: The unlawful presence described herein is not in any way intended to include the permissive presence of any such person or property; provided, that such provision is granted by the owner or operator of any business, public institution or other public place.

Article E. Offenses Against Public Authority

Section 5-1E-1. Resisting Arrest.

It shall be unlawful for any person knowingly or wilfully to resist, oppose or obstruct the chief of police, any police officer, the municipal judge or other municipal officer or employee in the discharge of his official duties; or, by threats or otherwise, to intimidate, or attempt to intimidate, any such officer or employee from the discharge of his official duties; or to assault, beat, revile, abuse, be disrespectful to or use abusive or indecent language

toward or about, any such officer or employee, which such officer or employee is in the discharge of his official duties.

Section 5-1E-2. Impersonating City Officer or Employee.

It shall be unlawful for any person to impersonate any city officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any city officer or employee, without being duly authorized to do so.

Section 5-1E-3. False Representation to City Officials.

It shall be unlawful for any person knowingly to make any material misrepresentation to any city 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 city.

Section 5-1E-4. Escape of Prisoners.

A. Attempting To Escape Prohibited: It shall be unlawful for any person confined in the city .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 city, to escape, or attempt to escape, from any such city jail, prison or custody.

B. Assisting Prisoners To Escape:

1. 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 city having legal custody of such prisoner, or from the city 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 him in escape, or to give such prisoner any alcoholic beverages, narcotics or other controlled dangerous substances.

2. It shall be unlawful for any person to communicate with, or attempt to communicate with, any prisoner confined in the city jail, without authority to do so from the chief of police or the officer in charge.

Section 5-1E-5. Removal of Barricades.

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area.

Section 5-1E-6. Flight From an Officer.

A person commits the offense of flight from an officer, if:

A. He is the operator of a vehicle and refuses to stop his vehicle as soon as is safely possible, when signaled to do so by a law enforcement officer; or

B. Upon stopping his 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

C. He is a passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop; or

D. After the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or

E. He 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 5-1E-7. 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 city; or remove or change the same, or cut, injure, change, alter or remove any pole, crossarm, 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 boxes; 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 a 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 5-1E-8. Flying Plane Low Over City Prohibited.

A. Height Limitation: It shall be unlawful for any person to fly an airplane above the city at a height of less than one thousand feet(1,000'), except when in the process of taking off from, or landing in, a landing area near the city.

B. Stunts, Acrobatics: It shall also be unlawful to perform any stunt or acrobatic aeronautics with an airplane over the city, or to use an airplane over the city in any way other than that which is necessary and proper for flying at an authorized height.

C. Jumping From Plane; Exhibitions: It shall be unlawful for any owner or pilot of an airplane or other aircraft to permit any person, when the craft is over the city, to jump from the craft as an exhibition, to perform any other exhibition on the craft, or to ride on the craft in any place other than a place designed for occupancy by passengers. It shall be unlawful for any person when the craft is over the city, so to jump from the craft, to perform any other exhibitions thereon or to ride on the craft in any place not designed· for occupancy or passengers.

Chapter 2. Juveniles

Article A. Juvenile Crime Act; Curfew

Section 5-2A-1. Purpose.

The purpose of this article is to curb the increasing problem of juvenile crime; to educate and reform juvenile offenders; to punish juvenile offenders; and to create an environment whereby adults and juveniles take responsibility for the actions of juveniles. It is further intended by this article to continue to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall not be a defense to the committing of any violation of any offense contained in this article that a parent, guardian or any other person whose responsibility it is to exercise control over a minor, was completely unaware or indifferent to the activities, conduct or whereabouts of such minor.

Section 5-2A-2. Definitions.

In this article, the following terms, phrases, words and their derivations shall have the following meanings:·

A. CITY: The city of Anadarko, in Caddo County, Oklahoma.

B. CURFEW HOURS: a) Ten o'clock (10:00) P.M. until six o'clock (6:00) A.M. on any Sunday, Monday, Tuesday, Wednesday and Thursday; and b) Twelve o'clock (12:00) midnight until six o'clock (6:00) A.M. on any Friday or Saturday.

C. MINOR: Any person under eighteen (18) years of age. Furthermore, the term "minor" shall be synonymous with the term "juvenile".

D. PARENT: Any person having legal custody of a minor: a) as a natural or adopting parent; b) as a legal guardian; c) as a person who stands in loco parentis; or d) as a person to whom legal custody has been given by order of a court.

E. PUBLIC PLACE: Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose.

F. REMAIN: To stay behind, to tarry, to stay unnecessarily and to linger, to fail to leave when requested to do so by a police officer or the owner, operator or other person in control of any public place.

G. STREET: A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term "street" includes the legal right of way, the cartway or traffic lanes, the curb, the sidewalks (whether paved or unpaved), and any grass plots or other grounds found within the legal right of way of a street.

H. TIME OF NIGHT: Based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.

I. YEAR OF AGE: Continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday.

Section 5-2A-3. Original Jurisdiction of Municipal Court in Certain Juvenile Cases.

The municipal court of the city may elect to have and possess original jurisdiction to hear and determine any offenses committed by persons under the age of eighteen (18) years and penalize juveniles found guilty as allowed by 1O Oklahoma Statutes section 7303-1.2(E).

Section 5-2A-4. Curfew for Minors.

A. Prohibited Acts: It shall be unlawful for:

1. Any person under eighteen (18) years of age to be or remain in or upon the streets or any public place within the city at night, during curfew hours;

2. Any parent of a minor to knowingly permit or, by insufficient control, allow a minor to remain in any public place or street within the city during curfew hours; or

3. Any owner, operator, or employee of a public place to knowingly allow a minor to remain upon the premises of any public place during curfew hours.

B. Conditions Of Defense:

1. It is a defense to subsection A1 of this section if the minor is:

i. Accompanied by a parent of such minor, or when accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;

ii. 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;

iii. On an errand at the specific direction of the minor's parent, without any detour or stop;

iv. Involved in an emergency;

v. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not object to a police officer;

vi. In a motor vehicle involved in interstate travel;

vii. Engaged in an employment activity, or going home from an employment activity, without any detour or stop;

viii. Attending or traveling between home and on official school, religious or other recreational activity supervised by adults and sponsored by a civic organization or other similar entity that takes responsibility for the minor; or

ix. Married or had been married, or had disabilities of minority removed in accordance with state law.

2. It is a defense to subsection A2 of this section for the parent of a minor if the minor would qualify for any defense listed above.

3. It is a defense to subsection A3 of this section if the owner, operator or employee of a public place promptly notified the police department that a minor was present on the premises of the public place during curfew hours and remained after being asked to leave.

Section 5-2A-5. Allowing or Encouraging Minor to Commit Offenses.

It shall be unlawful for any person to knowingly or wilfully aid, abet, allow, encourage, or by omission. of a duty, encourage or assist a minor to commit any municipal, state or federal offense.

Section 5-2A-6. Parental Responsibility; Failure to Control.

It shall be unlawful for any parent to fail to control a minor that is under the parent's supervision by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one other offense within one year of the date the minor committed the first offense.

Section 5-2A-7. Commission of Crime in Presence of Minors.

It shall be unlawful for any person to commit any municipal, state or federal offense in the presence of any person under eighteen (18) years of age.

Section 5-2A-8. Permitting Crimes or Disorderliness on Premises.

No owner, operator, proprietor, manager or employee of any place shall permit minors who have congregated on the premises to commit any offense, or to carouse, make unnecessary noises, disturb, disrupt or annoy the people residing or carrying on business in the immediate neighborhood or so as to disturb the peace. Furthermore, no owner, operator, proprietor, manager or employee of any place shall permit any minor to loiter, litter or cause any disturbance on the property of a neighboring resident or business.

Section 5-2A-9. Penalty.

Any person convicted of violating any provision of this article shall be punished by a fine not exceeding the limits established in section 1-10-24 of this code.

Article B. Miscellaneous Offenses

Section 5-2B-1. Possession of Aerosol Paint by Minors.

A. Definitions: The following terms, as used in this section, shall have the meanings ascribed to them in this subsection:

1. AEROSOL PAINT: An aerosolized paint product, including a clear or pigmented lacquer or finish.

2. MINOR: An individual younger than eighteen (18) years of age.

B. Prohibited Act: It shall be unlawful for a minor to possess aerosol paint of any sort or character.

C. Defense: It shall be an affirmative defense to a violation of this section that, at the time of possession, the minor was accompanied or supervised by a parent or guardian, a teacher in connection with a bona fide school project, a supervisor during the minor's regular employment, or that the minor possessed the aerosol paint on the property on which he or she lives, or that the possession occurred as part of an organized event sponsored or supervised by the city, a school, a church or some other officially recognized entity.

Section 5-2B-2. Penalty.

Any person, firm or corporation who shall violate any provision 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 1-10-24 of this code. Each day's continuation of any such violation shall be a separate offense.

Article C. School Attendance

Section 5-2C-1. Children Compelled to Attend School; Exceptions.

A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five (5) years and under the age of eighteen (18) years to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session, or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age.

B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

C. Provided, that this section shall not apply:

1. If any such child is prevented from attending school by reason of mental or physical disability,

to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any such child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

3. If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:

   i. The school administrator of the school district where the child attends school; and

   ii. The parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator· and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years; or

4. If any such child is excused pursuant to this subsection:

   i. A school district shall excuse a student from attending school for the purpose of observing religious holidays if, before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holidays are observed and for the days on which the student must travel to and from the site where the student will observe the holidays.

   ii. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished according to a schedule of fines, as shall be modified from time to time by the council, and made available for public viewing in the office of the clerk of court, as provided in subsection 1-10-7A of this code. Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person, or the child has been ordered to school by the juvenile court, may constitute a separate offense. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

Chapter 3. Animal Control

Section 5-3-1. 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; and all other words or phrases used herein shall be defined and interpreted according to their common usage:

A. ALTERED: Any cat or dog over the age of six (6) months, which has been neutered or spayed.

B. ANIMAL: All vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds, and fowl, cattle, cats, dogs, ducks, geese, goats, horses, livestock of all types, mammals, rabbits, all reptiles, rodents, sheep, swine and turkeys.

C. ANIMAL CONTROL OFFICER: The individual employed contracted with, or appointed by the city for the purpose of aiding the enforcement of this chapter or any other law relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties, in whole or in part, include assignments that involve seizure and impoundment of any animal.

D. ANIMAL SHELTER OR MUNICIPAL POUND: Any premises formally designated by the city council 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 out of the city's corporate boundaries, and regardless of whether or not said premises are under actual municipal ownership or provided under a contractual arrangement between the city and private. owner(s).

E. AT LARGE, RUNNING AT LARGE: Any animal which is off the property of its owner or the leased premises of the animal's owner and not under the control of a competent person. As applied to any animal, "at large" or "running at large" means an animal which is off the owner's property or leased premises and such animal is not restrained by means of a leash under the control of a competent person. An animal entering upon the property of another person without that person's permission shall be termed "running at large". Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed "at large" or running at large.

F. DANGEROUS BIRDS: Any warm blooded, feathered vertebrate, which may constitute a physical threat to human beings.

G. DANGEROUS DOG: Any dog that has inflicted injury on a human being without provocation on public or private property, or has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer, in writing, and the dog thereafter aggressively bites, attacks or endangers the safety of humans.

H. DIRECT PHYSICAL CONTROL: Under the control of an adult person who is able to exercise full and complete physical control of the dog. Voice command

is not an acceptable method of “direct physical control”.

I. DOMESTIC BIRDS: Canaries, parrots, parakeets, mynah birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto.

J. EXPOSED TO RABIES: Any animal that has been bitten by or exposed to any other animal known to have been infected with rabies.

K. FOWL: Chickens, guineas, geese, ducks, and pigeons.

L. HARBORING: Allowing any animal to habitually remain, or be fed, on premises under his control.

M. KENNEL: Any place where any three (3) or more dogs or cats, over eight {8) weeks of age, are kept, bred or contained, at any time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of more than three (3) dogs or cats over eight (8) weeks of age.

N. LIVESTOCK: All animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

O. NEUTER: To render a male dog or cat unable to reproduce.

P. NUISANCE: The conduct or behavior of any animal which molests passersby or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter.

Q. OWNER: Any person, firm, corporation, organization or department owning, possessing, harboring, keeping, having an interest in, or having control or custody of 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 the 11owner11 of said animal.

R. PERMIT: The permit issued by the city clerk upon approval of the animal control officer.

S. PERMITTED DOG: Any dog for which a permit is issued by the city clerk of the city of Anadarko prior to July 22, 2004.

T. PET: Any animal kept for pleasure.

U. POTENTIALLY DANGEROUS DOG: Any dog that, when unprovoked, inflicts bites on a human either on public or private property.

V. PROPER ENCLOSURE OF A VICIOUS OR DANGEROUS DOG: Means, while on the owner's property, the dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

W. PROVOKE OR PROVOCATION: Means, with respect to an attack by an animal, that the animal was hit, kicked, or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person.

X. RATPROOF: The state of being constructed so as to effectively prevent entry of rats.

Y. RELEASING AGENCY: Any pound (municipal or otherwise), shelter or humane society organization, whether public or private.

Z. RESTRAINT: An animal that is controlled by leash or tether, either of which shall not exceed six feet {6') in length, by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or confined within the property limits of its owner, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.

AA. SANITARY: Any condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding, and which preserves the health of the city.

BB. SEVERE INJURY: Any physical injury that results in broken bones or lacerations, requiring multiple sutures or cosmetic surgery.

CC. SPAY: To remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.

DD. STERILIZATION: To spay or neuter a dog or cat.

EE. UNALTERED: Any cat or dog over the age of six (6) months, which has not been neutered or spayed.

FF. VACCINATION: An injection of United States department of agriculture approved rabies vaccine administered every twelve (12) calendar months by a licensed veterinarian.

GG. VICIOUS DOG. OR ANIMAL: Any dog · ·or animal which· has bitten or attempted to bite any person without undue provocation, or which attacks, barks, growls at and acts as if it intended to attack or bite any person or persons when not unduly provoked.

HH. WILD ANIMAL: 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 5-3-2. Applicability of State Laws.

No person owning or having in his custody any animal shall violate any laws, rules or regulations of the state applicable thereto. Where the provisions of the rules and regulations of the state are less restrictive than the provisions of this chapter, the latter shall govern.

Section 5-3-3. Running At Large Prohibited; Leash Required.

A. Running At Large: It shall be unlawful and an offense for the owner of any animal, domestic or wild, to permit the same to be, to run at large or trespass upon the premises of another person, or to be unlawfully at large at any time within the corporate limits of the city.

B. Containment With Leash: It shall be unlawful and an offense for any person to keep, own, harbor or possess any animal within the corporate limits of the city, or to allow an animal to be under the control of any person, without being placed on an adequately sized leash or so confined that it cannot reach or bite any person who may be using the public thoroughfares of the city, so the animal can reach beyond the limits of the lot or premises upon which said animal is kept and confined, or so the animal may reach any person who may be rendering necessary services to the house of such owner, upon the premises where said animal may be kept, harbored or possessed.

Section 5-3-4. Disturbances by Animals; Public Nuisance Abatement.

A. Nuisances Described:

1. 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.

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

B. Abatement: Abatement of such public nuisances shall be handled in accordance with the provisions of the “nuisances” chapter in this code.

Section 5-3-5. Conditions for Keeping Certain Animals.

A. Compliance With Chapter: It shall be unlawful and an offense for any (person to keep any animals within the corporate limits of the city, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

B. Keeping Prohibited In Absence Of Regulations: If no specific provisions are listed in this code for keeping of a particular type of animal, said animal shall not be kept at all within the corporate limits of the city.

C. Domesticated Livestock; Fowl:

1. Restriction On Keeping: No swine, sheep, cattle, horses, goats or other domesticated livestock shall be kept within the corporate limits of the city, with the exception of FFA and/or 4-H projects kept on public school property, or in appropriately zoned areas.

2. Conditions For Keeping:

i. The keeping or raising of horses, sheep, cattle and chickens (or similar fowl), can be permitted in accordance with the provisions of subsection D of this section and state and county health department requirements and standards.

ii. Additional restrictions on the raising and/or keeping of horses, sheep, cattle and chickens shall be imposed by the zoning ordinance without conflicting with this subsection.

iii. There shall be no more than twenty five (25) chickens or fowl of any species kept in the corporate limits of the city; such fowl and chickens shall be kept in accordance with subsection D of this section. This provision does not apply to agriculturally zoned areas.

D. Structure Requirements; Sanitation:

1. Construction; Maintenance: Every structure wherein any authorized animal is kept within the corporate limits of the city shall be constructed of such material and in such a 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.

2. Receptacle For Manure Required: Every structure, if located within two hundred feet (200') of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, buildings used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall be provided with a watertight and flytight receptacle for manure of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at II 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. Bees:

1. The keeping of bees within the corporate limits of the city shall be permitted only in those areas zoned for agricultural or large lot (over 2 acres) residential uses, and in accordance with zoning ordinance provisions.

2. No license or permit, other than. zoning clearance, shall be required to keep or raise bees.

F. Parakeets And Small Birds: The raising of parakeets and/or other small birds or similar fowl shall be permitted within the corporate limits of the city without license or permit requirements.

G. Rabbits: The raising or keeping of rabbits shall be permitted, in accordance with the provisions of

subsection D of this section, as well as any applicable provisions of any adopted zoning ordinance.

H. Wild Animals: The keeping or raising of any wild animals shall be prohibited within the corporate limits of the city, except for those wild animals which may be under the care of traveling shows or circuses, and for which the license requirements of article A of this chapter are met and a permit obtained.

I. Other Animals: The keeping of other animals not specifically mentioned or regulated within this chapter as pets shall be subject only to such generally applicable provisions which may exist to require the maintenance of sanitary conditions and the avoidance of nuisance creation.

J. Poisonous Snakes: No snakes, which are poisonous in their natural state, may be kept within the corporate limits of the city. It shall be unlawful for any person, firm or corporation to keep or raise such snakes within the city.

K. Tethering of Dogs: It is the policy of the City of Anadarko that dogs shall be kept in a safe and humane manner. Dogs owners must ensure dogs are not allowed to remain at large and shall be confined to the personal property of the owner preferable in a properly fenced area or within the residence. Dogs may be tethered under the following conditions:

1. The dog shall have access to food, water, shade and dry ground.

2. The dog shall not be tethered where it can become entangled with other objects or other tethered dogs.

3. The dog shall be tethered with an appropriate rope, chain, or leash, however, no log chain or choke, pinch, or prone collar may be used.

4. The dog shall not be tethered in a manner that will allow it to reach within the property of another, public walkway or street.

5. No dog may be tethered in the front yard of any property.

Section 5-3-6. Responsibilities of Owners.

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

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

B. Within Vehicles Parked On Streets, Parking Lots: Owners shall keep animals inside vehicles and inaccessible to the public, including, but not limited to, pickups and open trailers, at all times when parked inside the corporate limits of the city, including, but not limited to, parking lots, and city streets.

C. Abandonment: Owners shall not abandon their animals.

D. Breeding Within Enclosure: It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the city, except in private, enclosed locations, entirely out of the public view, or to permit any such animals to have sexual intercourse in any place except a private, enclosed place (this shall not be construed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this code).

E. Maintaining On Leash: It shall be unlawful for the owner of any dog or cat to keep or maintain the dog or cat on a leash, rope, chain, or similar tether without food, water and appropriate shelter.

Section 5-3-7. Cruelty to Animals.

A. Food And Shelter: All dogs, cats and other animals kept as house pets within the corporate limits of the city shall be housed, fed and protected from the weather in such a manner· as not to create a nuisance.

B. Prohibited Acts: 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 animal;

4. Treat an animal belonging to him or in his custody in a cruel or inhumane manner;

5. Neglect an animal belonging to him or in his custody in a cruel or inhumane manner;

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

7. Poison, or expose to poison, any dog or other animal, except a noxious, nondomesticated animal;

8. Torture, cruelly beat, injure, maim, mutilate or unjustly destroy or kill any animal belonging to him or to another;

9. Deprive any animal of food, drink or shelter;

10. Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person;

11. Cause any other person to do any of the above acts.

C. Issuance Of Citations For Violation:

1. If an animal is found by the animal control officer to be in one of the above described conditions, the officer may issue a citation to the offender and shall issue a notice to the offender warning him that if the animal's condition is not improved, another citation may be issued.

2. If within three (3) days the condition of the animal is not improved to the satisfaction of the animal control officer, a citation shall be issued.

D. Confining In Vehicle: No dogs, cats or other animals shall be confined within or in a motor vehicle under such conditions as may endanger the health or well being of the animal, ·including, but not limited to, dangerous temperature, lack of food or water.

E. Providing Medical Attention: Owners and keepers of animals shall provide medical attention to such animals, including, but not limited to, the following:

1. Sufficient wholesome food that is nutritious for the species;

2. Fresh, potable drinking water;

3. Medical attention to relieve such animals from suffering;

4. Shelter to allow the animal to remain dry and protected from the elements.

F. Care Given By. City; Costs Assessed: Any peace officer or animal control officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefor shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.

G. Mistreatment Of Police Dogs: It shall be unlawful for any person to wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department, whether or not said dog is, at the time, off duty or on duty, in the performance of the functions or duties of said department, or to interfere with, or meddle with, any such dog while being used by said department or any officer or member of said department.

Section 5-3-8. Injuring, Poisoning or Trapping Animals.

A. Striking Animal With Vehicle: No person who accidentally or otherwise strikes an animal with an auto and injures it shall leave the scene without rendering aid and assistance in the care of such animal.

B. Trapping Animals: No person shall set or expose an open jaw type trap, leg hold trap, snare trap, or any type of trap, which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals as provided in 29 Oklahoma Statutes section 4-119.

Section 5-3-9. Diseased, Injured or Sick Animals.

A. Confinement; Reporting Disease: Every person owning or having any animal under his charge within the corporate limits of the city, which he knows or suspects has been affected by any communicable disease, in particular by glanders or anthrax, shall isolate the animal from other animals and shall report the existence or suspected existence of such disease to the animal control officer.

B. Destruction Of Sick Animal; Notice: Any animal which comes into possession of the city animal shelter which is injured or sick shall be humanely destroyed without waiting for the expiration of the period in which such animal may be reclaimed by its owner, before the end of the period in which the animal may be placed for adoption, or automatically destroyed as provided in this chapter. Provided however, that before such sick or injured animal is destroyed, the animal control officer shall contact the owner, if known, of such animal to determine the disposition of such animal. If the owner indicates that the animal will be reclaimed but fails to reclaim the animal within twenty four (24) hours of such notification, or if the owner of such animal is not known, the sick or injured animal shall be destroyed by the animal control officer. The animal control officer shall keep a record of such animal, to include breed and sex of the animal, when the animal came into possession of the city, the type of injury or sickness of such animal, the date the animal was destroyed, and any other information relevant to the health, condition and description of such animal.

Section 5-3-10. Fastening Animals; Turning Animals At Large.

A. Fastening Prohibited; Impounding:

1. No person shall at any time fasten any horse or other animal to any hydrant, shade tree or to any box or case around such tree, or to any public ornamental tree on any street or public ground.

2. The animal control officer or other authorized person may impound the animal so fastened until any penalty as· may be provided and any expenses reasonably incurred in keeping and caring for the animal are paid. If the fine and charges are not paid within seventy two (72) hours of impoundment, as provided in this code, the animal shall be deemed a stray and treated as provided for in this chapter.

B. Turning Animals At Large: 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 5-3-11. Property Owner May Impound Animal.

A. Removal To Animal Shelter: Any person who finds an animal on his property to his injury or annoyance may remove such animal to an animal shelter, public or private, except those stray animals will be handled as provided by this chapter.

B. Retain Possession; Notify City: Property owner may also retain possession of such animal or fowl and, within twenty four (24} hours, notify the animal control officer or other appropriate existing agency of this custody, giving a description of the animal and the owner's name if known.

C. Care In Moving Animal: Removal of the animal from property shall be done in such a manner so as not to cause injury to the animal.

Section 5-3-12. Noisy Animals; Complaint Procedure.

A. Disturbing Noise, Nuisance: No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.

B. Complaint To Court: Any person with knowledge thereof may file a complaint in the municipal court against the owner or keeper of an animal which disturbs the comfort or repose of any person in the vicinity or which is in violation of this chapter. If the court finds that an animal is a nuisance or in violation of this chapter, then the court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs.

Section 5-3-13. Rabies Control; Vaccination Requirements.

A. Vaccination And Certificate Required: Any warm blooded animal, capable of transmitting the rabies virus, maintained or harbored at any time in the corporate limits of the city 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. Report Biting Incident; Quarantine; Costs:

1. The name and address of the owner of any animal, regardless of immunization status, that bites or scratches a person shall be reported within four (4) hours to the animal control officer, and county health department.

2. The animal control officer shall immediately securely quarantine such animal for not less than ten (10) days from the date the person was bitten or scratched. At the discretion of the animal control officer, or the preference of the owner or keeper, such quarantine may be at a veterinarian hospital, or the animal shelter, at the owner's expense. The expense for quarantine at a veterinarian hospital is ten dollars ($10.00) per day, quarantine at the animal shelter shall be ten dollars ($10.00) per day.

3. Failure of the owner or keeper to quarantine the animal within the four (4) hour period herein will make the owner guilty of an offense.

4. In case of animals whose ownership is unknown, such quarantine shall be at the 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. Death Of Animal; Examination By State: 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 or a licensed veterinarian shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper health officer of any reports of human contact.

D. City Order For Quarantine And Muzzling:

1. 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 city council a communitywide quarantine.

2. Upon the invoking of such quarantine by the city council, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under the leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the corporate limits of the city without written permission of the animal control officer.

3. The city council may also, by resolution and following a public hearing, order all dogs muzzled.

E. Disposition Of Animals Bitten By Rabid Animal: During such period of quarantine, every animal bitten by an animal adjudged to be rabid shall be destroyed; or, at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian; or held under six (6) months' quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

F. Removing Animal From City Prohibited; Other Prohibited Acts:

1. No· person shall remove from the corporate limits of the city any animal suspected of having been ·exposed to rabies, or any animal which has bitten a human, except as herein provided.

2. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand; and the animal control officer shall direct disposition of said animal.

3. No person shall refuse- to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

G. Forced Quarantine; Appeal By Owner:

1. Animals with known owners, who refuse to voluntarily quarantine their animal, may be taken into custody by the animal control officer and quarantined at the animal shelter or appropriate veterinarian hospital at the expense of the owner.

2. Owners who desire to challenge this decision of the city official authorized to enforce the provisions of this chapter may appeal that decision to the city attorney or his designee within twenty (20) days of the quarantine.

H. Rabies Vaccination And Certificate Required:

1. It shall be the duty of every person within the corporate limits of the city 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, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

2. It shall be unlawful to not abide by the municipal vaccination requirements after fifteen (15) days of residency.

Section 5-3-14. Rabies Vaccination Required for Dogs and Cats.

A. Vaccination Required: No person shall own, keep or harbor any dog or cat within the corporate limits of the city unless such dog or cat six (6) months of age or older is vaccinated for rabies by a licensed veterinarian.

B. Adoption From Shelter: Any person who adopts a dog or cat from the animal shelter shall have such dog or cat vaccinated by a licensed veterinarian within two (2) weeks from the date of adoption or within two (2) weeks after the dog or cat reaches the age of six (6) months.

C. Noncompliance Considered Offense: Unless the owner of any dog or cat furnished written proof that a licensed veterinarian has vaccinated the dog or cat for rabies in the past twelve (12) months, the owner shall be guilty of an offense.

Section 5-3-15. Tag and Collar Requirement.

A. Issuance Of Tag: The owners of all dogs and cats are required to have the dogs or cats vaccinated against rabies with an approved vaccine administered by a licensed veterinarian. The veterinarian shall issue a metal tag showing the name of the veterinarian, the tag number, and the year of issuance.

B. Tag Affixed To Collar:

1. Every owner of a dog or cat is required to affix the tag issued by a license veterinarian for rabies vaccination to a collar to be worn by the dog or cat at all times while off the premises.

2. It shall be unlawful for any person other than the owner to remove the collar from the dog or cat.

C. Use Of Proper Tag: No person shall use a rabies tag or veterinarian certificate or receipt for any dog or cat other than for that dog or cat to which the rabies tag, veterinarian certificate, or receipt was issued.

D. City Authority To Demand Proof Of Vaccination:

1. The animal control officer or any police officer may check any residence, at any reasonable time, and demand proof of rabies vaccination, on any animal released from the animal shelter to the people living at that residence.

2. Any owner not possessing a current rabies tag, certificate or receipt for such dog or cat over six (6) months of age may be cited by the animal control officer.

Section 5-3-16. Running At Large Without Tag and Collar.

A. Impoundment: Any dog or cat running at large within the corporate limits of the city, not provided with a collar to which is attached the rabies tag, and city tag, as required, shall be taken up by the animal control officer and impounded at the animal shelter.

B. Citation: The animal control officer may, at his discretion, cite 'the owner of such dog or cat to appear in municipal court to answer charges of violation of this chapter.

Section 5-3-17. 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 5-3-18. Killing Certain Dogs Running Loose.

A. City Authority To Kill Vicious Dog: The animal control officer, his designated representatives, or any law enforcement officer of the city shall be required to kill any dog running loose within the corporate limits of the city, which is determined by the animal control officer or law enforcement officer to be vicious or crazed and a threat to the public 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 animal shelter for any period of time.

B. Authority Of Person To Kill Rabid Dog: Any person may kill a dog when its appearance or conduct is such. that it would cause an ordinarily prudent person to believe the dog to be afflicted with rabies.

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

Section 5-3-19. Inspections for Enforcement of Chapter.

A. City Authority To Inspect: The local health official, the chief of police, the animal control officer, the city manager or any ·member of the city council, upon complaint of any person or on his own initiative, shall inspect any structure or place wherein an animal is kept.

B. Complaint Before Municipal Judge: The local or county health official, the chief of police 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.

C. Issuance Of Orders By Officials: The local ·or county health official, the chief of police or the animal control officer may issue any such reasonable order as he may deem 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.

Section 5-3-20. Zoning Regulations To Prevail.

A. Zoning Ordinance Prevail: 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. Violation Prohibited: No animal shall be kept in violation of the zoning ordinance.

Section 5-3-21. Dog and Cat Sterilization; Deposit.

A. Requirement; Deposit: No dog or cat may be released for adoption from a releasing agency in the corporate limits of the city unless said animal has been surgically spayed or neutered, or unless the adopting party signs an agreement to have the animal sterilized, and deposits funds with the releasing agency to ensure that the adopted animal will be spayed or neutered. The amount of the deposit shall be thirty dollars ($30.00).

B. Refund Of Deposit: Half of 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 within 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. Additional Rules Of Releasing Agencies: Releasing agencies may adopt any additional rules to implement the state dog and cat sterilization act1; 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. Extension ·Of Deadline: 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 spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports stating their necessity.

E. Death Of Adopted Animal: If requested to do so, releasing agencies shall refund deposited funds to the adopting party upon reasonable proof being presented to 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. Disposition Of Forfeited Funds: 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. Adoption Standards: 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 standard for pets in their care; provided, that in the case of public facilities, said standard must be reasonably related to the prevention of cruelty to animals, the responsible management of dogs and cats in the interest of preserving public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

H. Exceptions: The provisions of the state dog and cat sterilization act shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of 4 Oklahoma Statutes sections 391 through 402.

Section 5-3-22. Conducting Animal Fights Prohibited.

No person shall permit or conduct any dog fights, cockfights or other combat between animals, or between animals and humans.

Section 5-3-23. Confining Vicious or Dangerous Animals.

A. Confining Required: The owner shall confine within a building or secured enclosure any dangerous or vicious dog or other animal, and not take such dog or other animal out of such building or secured enclosure unless such animal is securely muzzled. Vicious or dangerous animals shall not be, or permitted to be, at large.

B. Impoundment And Redemption:

1. Any vicious, wild or dangerous animal found at large shall be impounded by the city and shall not be redeemed by the owners until such redemption is authorized by a court having jurisdiction.

2. Any animal described in subsection A or 81 of this section found at large shall be impounded by the city and may be redeemed by the owners as provided in section 5-3-27 of this chapter.

C. Destruction Of Animal: When in the judgement of the animal control officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

Section 5-3-24. Wild or Exotic Animals; Licensing and Fee.

A. Definition: For the purpose of this section, a "wild or exotic animal" means an animal which is usually not a

domestic animal and which can· normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to: lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, and like animals.

B. License Required:

1. It is unlawful to keep or harbor any wild or exotic animal in the corporate limits of the city as a pet or for display or for exhibition purposes whether gratuitously · or for a fee, except as may be licensed by the state wildlife department.

2. All wild animals owned by a circus or traveling animal show shall not be permitted within the corporate limits of the city unless the owner or person in charge of said circus or show, or designated representative, has first obtained a license for said animals from the city clerk.

C. Exception: This section shall not apply to zoological parks or zoos, performing animal exhibitions, circuses, edu9ation or medical institutions in accordance with any applicable regulations of the council.

D. Issuance; Term:

1. Said license shall be issued by the city clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare.

2. Said license, so issued, shall be valid for a term of one month.

E. Fee: To cover insurance and enforcement costs, the applicant shall pay a fee of twenty dollars ($20.00) to the city clerk. The written receipt may constitute the license.

Section 5-3-25. Parks and Jogging Trails; Dogs Restricted.

Dogs are prohibited from all jogging paths, in all parks in the corporate limits of the city, unless restrained by leash and with the owner or keeper of such animal. When dogs are found on jogging paths or trails with the owner, but are not restrained, such dogs need not be impounded, but the animal control officer may, at his discretion, cite the owner of such dog to appear in court to answer charges of violation of this chapter.

Section 5-3-26. Impoundment; Disposition of Unclaimed Animals.

A. Animals Running At Large:

1. Any dog or cat or other animal kept as a house pet found running at large shall be picked up and immediately impounded in the animal shelter and there confined in an humane manner.

2. Dogs and cats and other animals not claimed by their owner before the expiration of seventy two (72) hours, exclusive of Sundays and city holidays, shall become the property of the city and shall be disposed of at the discretion of the city.

B. Unvaccinated Animals: Unvaccinated animals, other than dogs or cats, shall be impounded when found running at large within the corporate limits of the city, and disposed of in accordance with the provisions of this chapter or other applicable law.

C. Record Of Impoundment; Notice To Owner:

1. The animal control officer, upon receiving any animal for impoundment, shall record or cause to be recorded the description, breed, color, sex, name and address of owner if known, and date and time of impoundment.

2. If the owner is known, the animal control officer shall telephone the owner or shall mail notice -at the address shown on city records to notify the owner that unless reclaimed in accordance with this chapter within seventy two (72) hours after impoundment, Sundays and city holidays excluded, the animal will be destroyed or otherwise disposed of by the city.

D. Disposition Of Unclaimed Animals:

1. At the end of the period prescribed in this chapter, animals that have not been reclaimed by the owner thereof shall be destroyed, sold, adopted or otherwise disposed of in an humane manner and as required by law.

2. Any animal, which is eligible for adoption, may be adopted after the seventy two (72) hour period, but shall be destroyed or otherwise disposed of after one hundred twenty (120) hours after impoundment.

E. License Required Before Release: Before any dog or cat is released for adoption from the city's animal shelter, such dog or cat shall be issued a license, as provided for in article A of this· chapter, if such dog or cat has not previously been licensed.

F. Grace Period On Adoption: There is hereby established a grace period of seven (7) days beginning on the day of adoption and ending at the close of business on the seventh day thereafter, during which period an animal adopted from the city's animal shelter may be returned to the animal shelter for a refund of the adoption fee, or at the option of the adopting party, a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.

Section 5-3-27. Redemption of Impounded Animals; Vaccination

A. Compliance With Requirements; Payment Of Fees: The owner shall be entitled to resume possession of any impounded dog or cat, or other animal kept as a house pet, except as hereinafter provided in the cases of certain dogs, cats, or other animals kept as house pets, upon compliance with the vaccination provisions of this chapter and payment of impoundment fees as

provided in this chapter, and upon payment of the animal shelter boarding fees.

B. Time Limit For Vaccination: Owners of unvaccinated animals returned to them after impoundment shall have two (2) weeks in which to have the animal vaccinated against rabies and return the proof to the animal shelter as provided therein. Failure of the owner to comply with these provisions shall render such owner guilty of an offense.

Section 5-3-28. Dead Animal Pick Up; Fees.

Dead animals may be picked up from residences by the animal control officer upon payment of a pick-up fee of twenty dollars ($20.00). An individual may drop off a dead animal for disposal for a fee of fifteen dollars ($15.00).

Section 5-3-29. Penalty.

A. Right Of Entry: The animal control officer, his designated agent, or any law enforcement officer, or agent of the city, shall have the right of entry into or upon any property during reasonable hours within the corporate limits of the city to enforce regulations and investigate complaints and determine compliance.

B. Penalty Imposed; License Revocation: Any person, firm, or corporation who violates any provision 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, shall be fined a sum not to exceed the limits established in section 1 10-24 of this code, 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.

Article A. Licensing and Registration Requirements

Section 5-3A-1. Licenses and Tags for Dogs and Cats; Fee.

A. License Required: No person, without first obtaining a written animal license from the office of the city clerk, shall own, keep or harbor or have custody of any dog or cat over six (6) months of age.

B. Exceptions: No license shall be required for animals temporarily (7 days or less) brought and kept within the city, or for seeing eye or hearing impaired dogs, when such dogs...are actually used to aid blind or hearing impaired persons.

C. Vaccination Required: License shall be issued only on presentation of proof of current vaccination for rabies, as required by this chapter.

D. Information; Registration: The owner of the dog or cat shall, at the time of paying the license fee, register the dog or cat by giving the city clerk the name and address of the owner, the name, breed, color and sex of the animal, and such other reasonable information as the city clerk may request.

E. Tag And Receipt: The city clerk shall deliver an appropriate tag for the dog or cat, in addition to the written receipt; the tag shall constitute the license.

F. Attaching Tag To Collar: The owner shall cause the tag received from the city clerk to be affixed to the collar or harness of the animal upon which the license fee has been paid so that the tag can be easily seen by officers of the city, and the owner shall see that the tag is worn at all times.

G. Tags Nontransferable And Nonrefundable: Dog and cat license tags shall not be transferable from one dog or cat to another, and no refunds shall be made for any dog or cat license fee because of the death of the dog or the owner's departure from the community.

H. Counterfeiting Tags: No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat, as provided in this chapter.

I. License Fee:

1. A license tax fee of ten dollars ($10.00) per year for every dog or cat, more than six (6) months of age, kept or harbored within the corporate limits of the city is hereby levied upon the owner thereof.

2. The owner shall pay such license tax for every calendar day before January 3, or upon acquiring after that day, any dog within the corporate limits of the city upon which the said tax has not been paid for the year.

J. Annual Due Date: All license fees shall be paid to the city clerk, and shall be due not later than January 1 of each year, or within one week after bringing such an animal into the corporate limits of the city, after such date.

K. Replacement Tag; Fee: In the event of loss of the tag before the end of the year for which it was issued, the owner may secure another for the dog or cat by presenting the original receipt and the sum of two dollars ($2.00) to the city clerk.

L. License Sales By Veterinarians, Animal Shelters: Licensed veterinarians or approved animal shelters may serve as agents for the city to sell dog or cat licenses, subject to a written agreement being executed between said parties detailing responsibilities, fees and charges for said service. Written proof of vaccination shall be provided from a veterinarian.

Section 5-3A-2. Notice of Revocation of License and Certificate.

A. Time Limit To Remedy Violations: If the person holding the license refuses or fails to comply with the provisions of this chapter, or any law governing the protection of animals, official notice shall be given by the animal control officer of intention to revoke the license. If within fifteen (15) days after official notice is given, evidence shows the offense has not been corrected, the license and certificate shall be automatically revoked.

B. Reasons For Revocation: In addition to the immediately preceding provision, a license and certificate issued under this article shall be automatically revoked for any of the following reasons:

1. Impoundment of the same dog or cat by the city three (3) times or more, during a twelve (12) month period.

2. When the owner of such dog or cat has three (3) or more convictions for violating any provisions of this chapter.

3. Any combination of impoundments and convictions totaling three (3) incidents.

4. Upon determination by the animal control officer that an impounded dog or cat is vicious.

Section 5-3A-3. License Reapplication.

A. Waiting Time: Any person having been denied a license for his dog or cat if such license has been revoked shall wait at least sixty (60) days before making reapplication.

B. Assurance Of Compliance: Reapplication will not be accepted unless the animal control officer is satisfied that the owner of such dog or cat will comply with the provisions of this chapter.

C. Fee: Fee for reapplication shall be the same as the fee for the initial license.

Section 5-3A-4. Kennels and Pet Shops; License and Fee; Requirements.

A. License Required: No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the city unless such kennel license is obtained as hereinafter provided. (See definition of "kennel" in section 5-3-1 of this chapter.)

B. Application For License:

1. Application for such license shall be made to the city clerk 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.

2. Said kennel must be-in compliance with any applicable portions of any present or future zoning ordinance adopted by the city.

C. License Fee:

1. The annual kennel license fee shall be thirty dollars ($30.00) and such license shall be exhibited in a conspicuous place on the premises.

2. Each animal kept in a kennel shall also be required to have all other appropriate licenses, tags, etc.

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

E. Proof Of Rabies Vaccinations: A kennel owner must show proof of rabies vaccination on all animals over six (6) months of age when applying for a license.

F. Premises Requirements; Exception: All kennels within the corporate limits of the city shall meet the following minimum standards:

1. The kennel floor shall be made of concrete at least four inches (4") thick, with a smooth surface, which shall have one-fourth inch (1//) of slope per foot of fall for drainage. The drainage shall slope to a cleanout gutter, and all drains shall be connected to the sanitary sewage line.

2. Each cage shall have sleeping quarters and a lounging area. Sleeping quarters for the animals shall be protected from the weather, and each lounging area shall be individually enclosed by a chain link material.

3. The cages for cats shall be completely enclosed.

4. There shall be at least one cage, which must be completely enclosed to house female dogs and cats in heat.

5. The provisions of this section shall not apply to kennels operated and maintained by licensed veterinarians, to commercial pet stores where all animals are kept within the establishment, or to animal shelters.

G. Sanitary Conditions:

1. 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 and any present or future zoning ordinance.

2. Nonconforming kennels shall be deemed a public nuisance.

H. Location: No kennel or other establishment wherein animals are kept shall be maintained closer than two hundred feet (200') of 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.

I. Records; Maintenance Conditions: All pet shops and kennels shall:

1. Maintain records and retain such records for a two (2) year period on all dogs and cats maintained in such a 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, and clean and sanitary facilities.

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

J. Pet Shop Licensing: Pet shops shall be subject to the same requirements for licensing · as kennels. In addition, any other requirements of this chapter or of the adopted zoning ordinance which may involve specific animals sold in a pet shop shall also be included in those regulations applicable to pet shops.

Section 5-3A-5. Dangerous Dogs; Registration and Fee; Requirements.

A. Certification Of Registration Required; Exception:

1. It shall be unlawful for an owner to have a dangerous dog in the corporate limits of the city without a certificate of registration issued under this section.

2. This section shall not apply to dogs used by law enforcement officials for police work.

B. Conditions For Issuance: The city clerk shall issue a certificate of registration to the owner of a dangerous dog if the owner presents the city with sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.

2. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under 36 Oklahoma Statutes, in the amount of not less than fifty thousand dollars ($50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

C. Annual Fee: The city may charge an annual fee not to exceed ten dollars ($10.00) in addition to regular dog licensing fees. Fees shall be retained by the city.

Section 5-3A-6. Restraint of Dangerous Dog; Exception.

A. Restraint Or Muzzling Outside Enclosure:

1. It shall be unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure, unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person over sixteen (16) years of age.

2. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

B. Authority To Regulate: Prohibited, potentially dangerous, or dangerous dogs may be regulated by the city. Nothing in this chapter shall prohibit the city from enforcing penalties for violation of such local law.

C. Exception: Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.

Section 5-3A-7. Confiscation of Dangerous Dog; Other Remedies.

A. Reasons For Confiscation; Penalty: Any dangerous dog shall be immediately confiscated by the animal control officer if:

1. The dog is not validly registered under section 5-3A-5 of this article.

2. The owner does not secure the liability insurance coverage or surety bond required under section 5-3A-5 of this article.

3. The dog is not maintained in the proper enclosure.

4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the physical restraint of a responsible person. The owner shall be guilty of a misdemeanor punishable by imprisonment in the city jail for not more than ten (10) days or by the imposition of a fine not to exceed one hundred dollars ($100.00) or by both such fine and imprisonment. Any such fine, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an attack by the dog; however, insurance payments may not be considered as an offset.

B. Additional Remedies: It is the purpose of this article to provide additional an<;f cumulative remedies to control dangerous and potentially dangerous dogs in the corporate limits of the city. Nothing in this chapter shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

Section 5-3A-8. Court Authority Regarding Dogs or Other Animals Attacking Persons.

A. Authority To Order Hearing: If any animal within the city shall bite, scratch, chase, or otherwise attack any person; and, if the person so attacked was not at the time trespassing upon the property of the owner of such animal; and, if it cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such animal, the city court shall have the authority to order and hold a hearing.

B. Court Order: If the court determines that any animal is vicious or dangerous to persons or other animals, the court may order that such animal be kept muzzled, or be kept within a sufficient enclosure, or that such

animal be delivered to the animal control officer and by him destroyed.

Article B. Municipal Pound

Section 5-3B-1. Municipal Pound Authorized.

A. Pound Established; Jurisdiction: The city council is hereby authorized to establish a municipal pound, under the jurisdiction of the police department, and under the immediate control of the animal control officer. He shall provide proper sustenance for all animals impounded and shall treat them in a humane manner.

B. Shared Or Contractual Basis; Location: 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 corporate limits of the city.

Section 5-3B-2. Impoundment of Animals.

A. Animals: It shall be the duty of the animal control officer (or any other designated officer or employee of the city), to take into custody and impound any animal running at large in violation of the provisions of the chapter.

B. Dogs And Cats: The animal control officer shall also proceed to impound any dog or cat that is running at large within the corporate limits of the city, or that is not confined with a secure and suitable-sized leash (as provided in this chapter), regardless of whether or not the owner may have a permit, the dog or cat has been vaccinated or the dog or cat bears a tag.

C. Keeping In Violation Of Chapter: The animal control officer shall immediately pick up and impound any and all dogs or cats which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this chapter.

D. Redemption; Payment Of Charges: 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 or cat therein impounded, shall have such dog or cat returned to him, upon the payment of the charges due, as authorized by the provisions of this chapter.

E. Disposition Of Unclaimed Animals: The animal control officer shall destroy animals taken into custody as provided in this chapter, in a humane manner; provided, that the animal taken into custody shall not be destroyed until such animal shall have been impounded at least forty eight (48) 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. Scientific Or Educational Research: 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 remained unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.

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

Section 5-3B-3. Fees for Impounding and Keeping.

A. Fees Established: The fees for impounding and keeping an animal, to be paid upon redemption, shall be twenty dollars ($20.00), plus ten dollars ($10.00) per day of impoundment, for each tagged and licensed dog or cat. For any untagged or unlicensed dog or cat, the owner shall also pay a ten dollar ($10.00) penalty, in addition to the costs for licensing the dog or cat.

B. Payment Of Fees; Receipt: All fees shall be paid to the Anadarko police department during normal business hours. Receipt for payment of fees on an impounded animal shall be presented to the animal control officer before the animal is released. No animal shall be released from the municipal pound without approval of the animal control officer.

C. Redemption Of Impounded Animals: 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.

D. License And Tag Required: Any person claiming an unlicensed dog or cat shall pay the required license fee to the city clerk, 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 or cat is licensed, but not wearing the tag, the animal control officer shall require adequate evidence of proper licensing before the animal's release.

Section 5-3B-4. Sale of Impounded Animals.

A. Posting Notice Of Sale: As soon as practicable after any animal has been impounded, the animal control officer or the chief of police shall thereupon post a conspicuously visible notice thereof at the city 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 the animal is claimed, the animal may 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 third day after posting of the notice and the time of holding such sale for all other animals shall not be before the tenth day after the posting of the· notice.

B. Sales To Highest Bidder: Sales provided herein shall be for cash to the highest bidder; the minimum to cover fees for impounding and keeping the animal until the date of sale, plus a ten dollar ($10.00) fee to reimburse the city 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 city hall, if he

believes that a bid would be made at a later time. Otherwise, after any 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. Title To Animal Purchased: A purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

D. Monies Paid To Clerk: The chief of police shall pay to the city clerk all monies received from the sale of impounded animals on the day it is received, or on the next day upon which the office of said city clerk is open for business.

E. Claim For Sale Proceeds: 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 city 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 city council, the city clerk shall pay the claimant the excess. If a claim is not so made, the excess shall belong to the city.

Section 5-3B-5. Impoundment or Destruction of Cats Upon Complaint.

Any cat, which is apparently a stray cat, may be impounded upon complaint of any citizen having knowledge thereof and any cat not wearing a collar and tags shall constitute prima facie evidence of said cat being a stray cat. If such a cat cannot be captured, it may be immediately destroyed. Any such cat so impounded shall be kept for a period of at least forty eight (48) hours during which time such cat may be redeemed by the owner thereof, upon the payment of the fee provided for by section 5-38-3 of this article. In the event such cat is not redeemed within such period, it may be destroyed or disposed of in such a manner as may be directed by the animal control officer.

Section 5-3B-6. Breaking Pound.

No unauthorized person shall break open, or attempt to break open, the pound or take or let out any animal therefrom, or make an attempt to take from any officer or employee of the city, any animal taken into custody as provided by this chapter, or in any manner interfere with or hinder such officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals, as provided in this chapter.

Section 5-3B-7. Zoonotic Disease Control Rules.

The particular code listed below are hereby adopted and incorporated in this chapter, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried on within the corporate limits of the city:

Zoonotic disease control rules. Oklahoma administrative code (OAC) 310:599

Article C. Prohibited Animals

Section 5-3C-1. Keeping of Certain Animals Prohibited.

It shall be unlawful to keep, harbor, own or in any manner possess within the corporate limits of the city of Anadarko:

A. Any warm blooded, carnivorous or omnivorous, wild or exotic animal excluding fowl, ferrets and small rodents of varieties used by a research veterinarian for laboratory purposes; and excluding exhibitions of an animal maintained by a zoological park.

B. Any animal having a poisonous bite.

Chapter 4. Fair Housing

Section 5-4-1. Certain Acts Prohibited.

It shall be unlawful for any person, firm or corporation, or the authorized agents or representatives 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, religion, gender, national origin, age, handicap, or familial -status;

B. Refuse to negotiate with any person for the sale, rental or leasing 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, religion, gender, national origin, age, handicap, or familial-status;

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, religion, gender, national origin, age, handicap, or familial status, either by direct solicitation or inducement, or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed, material or statements designed to induce a residential property owner to sell or lease his property, due to such change in a neighborhood; or to

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

Section 5-4-2. Certain Acts Exempted.

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

B. The sale of a dwelling which is, or was at the time when first offered for sale, the residence 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 5-4-3. Fair Housing Board Created.

See title 2, chapter 6 this code.

Section 5-4-4. Grievance Procedure.

A. File Complaint With Board: Any person aggrieved by a discriminatory housing practice prohibited by municipal ordinance may file a written signed complaint with the fair housing board.

B. Contents Of Complaint: Said complaint shall state the name and address of the person alleged to have violated the provisions of this chapter, or any other municipal ordinance, and shall set forth the particulars of said violation.

C. Investigation; Hearing Date: 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. Notice Of Hearing: 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. Hearing Conducted Fairly: 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. Findings Of Board:

1. Dismissal Of Case: 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 practices, it shall state its findings and dismiss the case.

2. Findings Of Discrimination: If the fair housing board, by majority vote at said hearing, finds that the person has engaged in discriminatory housing practices, it shall state its findings in writing and submit them to the respondent and the city attorney for consideration. Unless the complaint is withdrawn or the city attorney finds that there is insufficient information upon which to base a charge, the charge shall be filed in the municipal court within twenty (20) days of said hearing.

Chapter 5. Fair Housing Ordinance

Section 5-5-1. Policy.

It is the policy of the City of Anadarko to provide, within constitutional limitations, for fair housing throughout the City of Anadarko.

Section 5-5-2. Definitions.

A. Dwelling means any building, structure or portion thereof which is occupied as or designed or intended for occupation as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

B. Family includes a single individual.

C. Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries.

D. To rent includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises owned by the occupant.

E. Discriminatory housing practices means an act that is unlawful under Sections 5-5-4, 5-5-5, and 5-5-6.

Section 5-5-3. Unlawful Practices.

Subject to the provisions of subsection B and Section 5-5-7, the prohibitions against discrimination in the sale or rental of housing set forth in Section 5-5-3 shall apply to:

A. All dwellings except as exempted by subsection B.

B. Nothing in Section 5-5-4 shall apply to:

1. Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of any such single-family house shall be excepted from the application of this Title only if such house is sold or rented:

i. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or

renting dwellings or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and

ii. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of Section 5-5-4(C) of this policy. However, nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as is necessary to perfect or transfer the title; or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one such living quarters as his residence.

C. For the purposes of subsection B, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

2. He has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Section 5-5-4. Discrimination in the Sale or Rental of Housing.

As made applicable by Section 5-5-3 and except as exempted by Sections 5-5-3(B) and 5-5-7, it shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law.

B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling on in the provision of services or facilities in connection therewith because of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law.

C. To make, print or publish or cause to be made, printed or published notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law, or an intention to make any such preference, limitation or discrimination.

D. To represent to any person because of race, sex, color, religion, national origin, disability or familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law, that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

E. To induce or attempt to induce any person to sell or rent any dwelling, for profit, by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law.

Section 5-5-5. Discrimination in Financing or Housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law, of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section 5-5-3(B).

Section 5-5-6. Discrimination in the Provision of Brokerage Services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law.

Section 5-5-7. Exemption.

Nothing in this Policy shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of

race, sex, color, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law. Nor shall anything in this Policy prohibit a private club, not, in fact, open to the public which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 5-5-8. Administration.

A. The authority and responsibility for administering this policy shall be in the Chief Executive Officer of the City of Anadarko.

B. The Chief Executive Officer may delegate any of these functions duties and powers to employees of the City or to boards of such employees, including functions, duties and powers, with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this Policy. The Chief Executive Officer shall, by rule, prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the City, to boards of officers or to himself, as shall be appropriate and in accordance with law.

C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purposes of the policy and shall cooperate with the Chief Executive Officer to further such purposes.

Section 5-5-9. Education and Conciliation.

Immediately after the enactment of this Policy, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this policy. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this policy and his suggested means of implementing it and shall endeavor, with their advice, to work out programs of voluntary compliance and of enforcement.

Section 5-5-10. Enforcement.

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint or within thirty days after the expiration of any period of referenced under subsection C, the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion, nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this policy without the written consent of the persons concerned. Any employee of the chief executive Officer who shall make public any information in violation of this provision shall, upon conviction, be fined not more than $100.00 or imprisoned not more than 10 days.

B. A complaint under subsection A shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and, with the leave of the Chief Executive Officer which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

C. If, within thirty days after a complaint if filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this policy, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.

D. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate court against the respondent named in the complaint to enforce the rights granted or protected by this Policy insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. In any proceedings brought pursuant to this section, the burden of proof shall be on the complainant.

F. Whenever an action by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

Section 5-5-11. Investigations, Subpoenas, Giving of Evidence.

A. In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statement of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials or the appearance of such persons and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if the

subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.

B. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

C. Witnesses summoned by subpoenas of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fee payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him. Within five days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous or for other good reason.

D. In case of contumacy or refusal to obey a subpoena, the Chief executive Officer or other person at whose request it was issued may petition for its enforcement in the Municipal or State Court for the District in which the person to who the subpoena was addressed resides, was served or transacts business.

E. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than $100.00 or imprisoned not more than 10 days, or both. Any person who, with intent to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents or shall willfully mutilate, alter or by any other means falsify any documentary evidence shall be fined not more than $100.00 or imprisoned not more than 10 days, or both.

F. The City's Attorney shall conduct all litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this Ordinance.

Section 5-5-12. Enforcement by Private Persons.

A. The rights granted herein by Section 5-5-3, 5-5-4, 5-5-5, and 5-5-6 may be enforced by civil actions in State or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this Section or Section 5-5-10(D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this Policy and involving a bona fide purchaser, encumbrancer or tenant, without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Policy, shall not be affected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order and may award to the plaintiff actual damages and not more than $1,000.00 punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing plaintiff, provided that the said plaintiff, in the opinion of the court, is not financially able to assume said attorney's fees.

Section 5-5-13. Interference, Coercion or Intimidation.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his having exercised or enjoyed or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Sections 5-5-3, 5-5-4, 5-5-5, or 5-5-11. This Section may be enforced by appropriate civil action.

Section 5-5-14. Separability of Provisions.

If any provision of this Policy or the application thereof to any person or circumstance is held invalid, the remainder of the Policy and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 5-5-15. Prevention of Intimidation in Fair Housing Cases.

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

A. Any person because of his race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law, and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

B. Any person because he is or has been or in order to intimidate such person or any other person or class of persons from:

1. Participating without discrimination on account of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law, in any of the activities, services, organizations or facilities described in subsection 5-5-15(A); or

2. Affording another person or class of persons opportunity or protection so to participate.

C. Any citizen because he is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, disability, familial status, sexual orientation, gender identity, or any other characteristic protected by Federal Law, in any of the activities, services, organizations or facilities described in subsection 5-5-15(A) or from participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than $100.00 or imprisoned not more than 10 days, or both; and if bodily injury results, shall be fined not more than $100.00 or imprisoned not more than 10 days, or both; and if death results, shall be subject to imprisonment for any term of years or for life.

TITLE 6 – MOTOR VEHICLES AND TRAFFIC

Chapter 1. State Traffic Code; Traffic Regulations

Section 6-1-1. State Highway Safety Code Adopted.

A. State Statute Adopted: The Oklahoma Highway Traffic Safety Code (Title 47 of the Oklahoma Statutes, as amended, and every 10 years' recodification thereof) is hereby adopted and incorporated into this city code, as if set out at length herein, for the purposes of establishing locally appropriate rules and regulations for the control of traffic within the city.

B. Definitions: The definitions of words used in this title shall be the same as those definitions in 47 Oklahoma Statutes sections 1-101 through 1-186, as amended.

C. Copies On File: The office of the city clerk shall maintain at least three (3) copies of the current Oklahoma highway traffic safety code adopted by this section, on file in the office of the city clerk. (1988 Code § 18-1).

Section 6-1-2. City Authority for Enforcement of Regulations.

A. Council Authority: The city council is hereby empowered to adopt and provide for the enforcement of regulations necessary to make the provisions of this title and any other traffic or related ordinances of the city effective, and to adopt and provide for the enforcement of temporary regulations to cover emergencies or special conditions.

B. Compliance With Directions Of City Officials: No person shall wilfully fail or refuse to comply with any lawful order or direction of the chief of police, any police officer, firefighter or any other authorized municipal employee. (1988 Code § 18-5).

Section 6-1-3. Public Officials and Employees.

A. Applicable Of Provisions: The provisions of this title 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 said driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state laws.

B. Exceptions: This title shall not apply to the military forces of the United States and organizations of the national guard when performing military duty. (1988 Code§ 18-121).

Section 6-1-4. Obedience to Regulations.

A. Compliance With Regulations: It shall be unlawful for any person, firm or corporation to authorize or knowingly to permit any vehicle registered in his or its name, to be driven or be parked in violation of any provisions of this title.

B. Parental Responsibility: 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 title. (1988 Code § 18-120).

Section 6-1-5. Necessity of Signs.

No provisions of this title 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. (1988 Code§ 18-122)

Section 6-1-6. Speed Regulations.

A. Driving In Reasonable And Prudent Manner: No person shall drive a vehicle on any street within the corporate limits of the city at a speed greater or less than is reasonable or prudent under the conditions then existing (including, among other things, the condition of the vehicle, roadway, weather, visibility, amount of traffic, presence of pedestrians and any obstruction of view).

B. Ease In Stopping: No person shall drive any vehicle upon a street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

C. Speed Limits Established: No person shall drive any vehicle, except an authorized emergency vehicle (as provided in this chapter), at a speed greater than:

1. Adjacent To Schools:

   i. Highways: Twenty five (25) miles per hour on any highway adjacent to any school between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. on days when school is in session.

   ii. Roads: Fifteen (15) miles per hour on any road adjacent to any school or designated by resolution as a school traffic route between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. on days when school is in session.

2. Cemetery And Park: Ten (10) miles per hour on any road or street located within Memory Lane Cemetery and Randlett Park at any hour of the day or night.

3. Other Areas: Twenty five (25) miles per hour on other highways and on highways adjacent to schools, at other times than that specified immediately above. The City Council by resolution may adjust the speed limit in specific designated areas as traffic safety warrants and cause the City Manager to post the new speed limit.

Section 6-1-7. Citation Tags; Failure to Comply.

A. Issuance of Citation:

1. Police officers are hereby authorized to give notice to persons violating provisions of this title, by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in. violation of this title, by affixing such

tags to the vehicles by means of which the violation occurred.

2. 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 within ten (10) days, or such other reasonable time as may be specified thereon.

3. Nothing in this section shall abridge. the power to arrest any violator, to take him into custody or to file a complaint against him at any time.

B. Numbering And Use Of Tags: The city council may require that police officers use serially numbered citation tags furnished by the city clerk, and said city council may also regulate the use and handling of citation tags.

C. Failure To Appear; Filing Of Complaint: If a violator of any provision of this title 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 his authorized agent shall send a letter or other written notice to the owner of the vehicle involved, informing him of the violation, warning him to appear and directing that, in the event such letter or notice is disregarded for a period of ten (10) 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 against him prior to the expiration of such time.

D. Issuance Of Arrest Warrant: 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 his arrest.

Section 6-1-8. Authorized Emergency Vehicles.

A. Driver Privileges: 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 title);

2. Proceed past a red or stop signal or sign (slowing down as may be necessary for safe operation);

3. Exceed the maximum speed limits so long as he does not endanger life or property; or

4. Disregard regulations governing direction of movement or turning in specific directions.

B. Audible Or Visual Signal: 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. Yield Right Of Way: Upon the immediate approach of any authorized emergency vehicle making required use of audible and/or visual signals, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way, 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. Drive Safely: 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. (1988 Code § 18-8).

Section 6-1-9. Duties of Police and Fire Officials.

A. Enforcement: It shall be the duty of the chief of police and any police officers to enforce the traffic regulations of the city, and all of the state vehicle laws applicable to traffic in the city, to make arrests for traffic violations, to investigate accidents, to cooperate with other city 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 officers by this title and any other traffic or related ordinances of the city.

B. Directing Traffic During Emergency: The chief of police and his assistants are hereby authorized to direct all traffic by voice, hand or signals 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. Firefighters Assisting Police: Firefighters, when at the scene of a fire, may direct or assist the police in directing traffic. (1988 Code§ 18-9).

Section 6-1-10. Stopped School Bus.

A. Passing Prohibited: 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. Stopping Upon Approach: All persons shall stop upon approaching a stopped school bus (as described in subsection A of this section) regardless of the direction of said approach.

Section 6-1-11. Accident Reports; Leaving Accident Scene.

A. Report Required:

1. 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 one hundred dollars ($100.00) shall,

as soon as practicable, report such accident to the chief of police or to the police department.

2. 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 Scene: Leaving the scene of an accident, as defined by current state law, shall be unlawful within the corporate limits of the city.

Section 6-1-12. Driving by Unauthorized Persons.

A. Driver's License: 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 city.

B. Permitting Unlicensed Driver To Drive: It shall also be unlawful and an offense for any person to permit an unlicensed driver to operate a motor vehicle within the corporate limits of the city.

C. Allowing Unauthorized Person To Drive: It shall be unlawful and an offense for any person to authorize, or knowingly permit, any vehicle owned by him or under his control, to be driven upon any of the streets or highways of the city by any person who is not authorized, under the laws of the state of Oklahoma, to operate such vehicle.

Section 6-1-13. Reckless Driving.

It shall be unlawful for any person to drive any vehicle within the corporate limits of the city 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 6-1-14. 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 city.

Section 6-1-15. Driving on Sidewalks Prohibited.

The driver of any vehicle shall not drive upon any sidewalk or sidewalk area, except at a permanent or temporary driveway.

Section 6-1-16. 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 6-1-17. Backing.

A. Safety: 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. Distance Restriction: 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 extended backing shall be permitted. (1988 Code§ 18-17)

Section 6-1-18. Riding Motorcycles, Motor Scooters or Motor Bicycles.

A person operating a motorcycle, motor scooter or motor bicycle 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 person, in which 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. (1988 Code§ 18-125)

Section 6-1-19. Construction Zones.

A. Authority To Close Streets; Barricades Required: City personnel, contractors or utility companies, while repairing or improving the streets of the city, or when installing, improving or repairing lines or other utility facilities in the streets, are hereby authorized, subject to control by the city manager, 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. Driving On Closed Streets Prohibited; Exception: When any street has been closed to traffic under the provisions of subsection A of this section and traffic control devices or barricades have been erected, it 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 entering therein for the protection of lives or property or to persons having their places of residence or business within such closed area, who may travel through such area at their own risk).

C. Streets Not Closed; Warning Devices Required: Whenever construction, repair or maintenance of any street, utility line or facility is being performed, and the street is not closed to traffic in accordance with this section, the city personnel, contractor or utility company concerned shall erect warning devices for the public. Every person using such street shall obey such warning devices.

Section 6-1-20. Persons Working on Streets.

A. Workers Exempted From Regulations: Unless specifically made applicable, the provisions of this title, 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. Compliance With Regulations: The provisions of this title shall apply to such persons and vehicles when traveling to or from such work.

Section 6-1-21. Riding on or Clinging to Vehicles.

A. Prohibition; Exception: 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 persons riding within truck bodies in space intended for merchandise.

B. Bicycles, Roller Skates: No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 6-1-22. 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 6-1-23. Funeral, Other Processions.

A. Driving Between Vehicles: 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. Exception: This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Section 6-1-24. Eluding 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 any other manner, to elude the police officer, or to elude such police officer.

Section 6-1-25. Fire Apparatus; Fire Hose.

A. 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 feet (500'), or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

B. Crossing Fire Hose: No vehicle shall be driven over any unprotected hose of 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 official in command.

Section 6-1-26. Obstruction of Driver's View.

A. Driver Restricted: No person shall drive a vehicle when it is so loaded, or when there are, in the front seat, such a number of persons exceeding three (3) as to obstruct the view of the driver to the front or sides of the vehicle, or, as to interfere with the driver's control over the driving mechanism of the vehicle.

B. Passenger Restriction: No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Section 6-1-27. Seat Belts; Child Passenger Restraints.

A. Seat Belts Required For Operator, Front Passenger: Every operator and front seat passenger of a passenger car operated in this city shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 CFR section 571.208. For the purposes of this section, "passenger car" shall mean "vehicle" as defined in 47 Oklahoma Statutes section 1102. "Passenger cab" shall include the passenger compartment of pickups, vans, minivans, and sport utility vehicles. "Passenger car" shall not include trucks, truck tractors, recreational vehicles, motorcycles, or motorized bicycles. "Passenger car" shall not include a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of 47 Oklahoma Statutes section 1134.

B. Exceptions:

1. The commissioner of public safety, upon application from a person who, for medical reasons, is unable to wear a safety belt system supported by written attestation of such fact from a physician licensed pursuant to 59 Oklahoma Statutes section 495, may issue to the person an exemption from the provisions of this section. The exemption shall be in the form of a restriction appearing on the driver's license of the person and shall remain in effect until the expiration date of the driver's license. Nothing in this subsection shall be construed to prevent the person from applying for another exemption as provided for in this section. The issuance of an attestation by a physician and the subsequent issuance of an exemption by the commissioner, in good faith, shall not give rise to, nor shall the physician, the state or the city thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety belt system.

2. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. postal service.

C. Fine For Violation: Fine and court costs for violating the provisions of this section shall not exceed twenty dollars ($20.00).

D. Child Passenger Restraints:

1. Every driver, when transporting a child under four (4) years of age weighing sixty (60) pounds or less in a motor vehicle operated on the roadways,. street, ·or highways of this _city shall provide for the protection of said child by properly using a child passenger restraint system. For

purposes of this section "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash tested systems as set by the United States department of transportation.

2. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt.

3. The provisions of this subsection shall not apply to:

   i. A nonresident driver transporting a child in this city;

   ii. 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;

   iii. The driver of an ambulance or emergency vehicle;

   iv. A driver of a vehicle if all of the seat belts in the vehicle are in use; or

   v. The transportation of children who for medical reasons are unable to be placed in such devices.

4. 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 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.

5. Any person convicted of violating subsection D1 or D2 of this section shall be punished by a fine of ten dollars ($10.00) and shall pay a maximum of fifteen dollars ($15.00) court costs thereof. This fine shall be suspended, in the case of the first offense, upon proof of purchase or acquisition by loan of a child passenger restraint system.

6. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.

7. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

Section 6-1-28. Playing in Streets.

No person shall sled, skate, rollerboard, fly a kite, or play any game of ball or other game on any street of the city. However, nothing in this section shall prohibit the setting aside of streets, or sections thereof, for limited periods of time, for playground purposes by the officials of the city having charge thereof.

Section 6-1-29. Penalty.

Any person, firm or corporation who violates any provision of this title, performs any unlawful act as defined in this title or fails to perform any act required in this title, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in section 1-10-24 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Vehicle Licensing; Inspection; Security Verification

Section 6-2-1. Proper Equipment.

It shall be unlawful to operate a vehicle which is not equipped as required by law upon any street within the city. 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 the city.

Section 6-2-2. License Plate.

It shall be unlawful to operate a vehicle of any kind upon a street of the city, unless such vehicle is licensed and displays a valid license plate thereon, as required by state law.

Section 6-2-3. State Inspection Sticker.

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.

Section 6-2-4. Security Verification Form.

A. Definitions: The following definitions shall apply to this section:

   1. Compulsory Insurance Law: The law requiring liability insurance in conjunction with the operation of a motor vehicle in this state, as found in 47 Oklahoma Statutes 7-600 et seq.

   2. Operator’s Policy: An “operator’s policy” of liability insurance shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner’s policy.

   3. Owner’s Policy: An “Owner’s Policy” of liability insurance:

      i. Shall designate, by explicit description or by appropriate reference, all vehicles with respect to which overage is thereby to be granted;

      ii. Shall insure the person named therein and insure any other person, except as provided in subsection 3 of this definition, using an insured vehicle with the express or implied

permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

iii. May provide for exclusions from coverage in accordance with existing laws; and

iv. Shall be issued by an authorized carrier providing coverage in accordance with 47 Oklahoma Statutes section 7-204.

4. Security:

i. A policy or bond meeting the requirements of 47 Oklahoma Statutes section 7-204

ii. A deposit of cash or securities having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond; or

iii. Self-insurance, pursuant to the provisions of section 47 Oklahoma Statutes section 7-503, having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond.

5. Security Verification Form: 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

vii. A warning to the owner of state law requirements.

B. Security Verification Form Required: The owner of a motor vehicle registered in this state and operating said vehicle within the boundaries of the city shall carry in such vehicle at all times a current owner's security verification form listing the vehicle (or an equivalent form which has been used by the state - department of public safety), which shall be produced by any driver thereof, upon request, for inspection by any law enforcement officer and, in case of a collision, the form shall be shown, upon request, to any person affected by said collision.

C. Exceptions: The following shall not be required to carry an owner's or operator's security verification form (or ·an equivalent form) from the state 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 state 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.

D. Carrying Form: Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle within the boundaries of the city, 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 state 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 and current security verification form (or equivalent form) which has been issued by said state department upon request of any peace officer of the city police department shall be guilty of an offense.

E. Suspended Sentence: A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

F. Dismissal Of Charges: Any person producing proof in court that a current security verification form or equivalent form which has been issued by the state 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.

G. Forward Abstract To State: Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the state department of public safety within ten (10) days reflecting the action taken by the court.

Section 6-2-5. Inspecting and Testing Vehicles.

Police officers shall have authority to inspect and test any vehicle upon the streets of the city at any time, with reasonable cause, to determine whether it is safe, properly equipped and whether its equipment is in proper adjustment and repair.

Chapter 3. Traffic Control Devices

Section 6-3-1. Installation of Traffic Control Devices.

The city manager shall have traffic control signs, signals and devices placed and maintained, as required under the ordinances of the city, to make the provisions of such chapter effective.

Section 6-3-2. 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 city. 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 6-3-3. Turn Signs and Indicators.

A. Authority To Post Signs: The city council 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. Obedience By Drivers: 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. Right Turn On Red: Unless otherwise indicated by such signs, a right turn on red or stop shall be permitted after the vehicle has come to a complete stop.

Section 6-3-4. Designation and Marking of One Way Streets.

Whenever the city council designates any street, alley or part thereof as a one-way street or alley, the city manager 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 6-3-5. Marking of Traffic Lanes.

A. Authority To Have Lanes Marked: The city manager is hereby authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Compliance By Drivers: 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 6-3-6. Designation and Marking of Crosswalks.

The city council 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 6-3-7. Unauthorized Signs or Devices.

A. Unauthorized Signs: 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 projects 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. Commercial Advertising: 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. Exception: Private Property, Information: 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. Nuisance; Abatement: Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance, and the city council is hereby empowered to remove the same, or cause it to be removed.

Section 6-3-8. Classification of Streets.

A. Adoption Of System: The city council may adopt, by resolution, a street classification system for the city. Whenever such a system is adopted, it shall be the duty of the city manager 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. Designation Of Hazardous Intersections: The city council is hereby authorized to determine and designate intersections where a particular hazard exists and to determine:

1. Whether vehicles shall stop at one 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. Placement Of Signs: 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 no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

Chapter 4. Parking Regulations

Section 6-4-1. Stopping or Parking Prohibited in Specified Places.

A. Prohibited Parking Places: 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;
2. In front of, or obstructing any driveway;
3. Within an intersection;
4. Within fifteen feet (15') of a fire hydrant (except in an officially marked parking space);
5. Within or on a crosswalk;
6. Within twenty feet (20') of the driveway entrance to 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 feet (10') of the roadway will be left available for the movement of vehicular traffic; or
10. At any place where official signs prohibit stopping.

B. Time Limit Parking: The city council 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. Private Property; Handicapped Persons: It shall be unlawful for any person to place or park a motor vehicle in any parking space on: 1) private property accessible to the public and where the public is invited; or 2) 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 47 Oklahoma Statutes) and such insignia is displayed as provided in said 47 Oklahoma Statutes (or other regulations adopted pursuant thereto).

Section 6-4-2. Angle Parking.

A. Council Determination: The city council may determine upon what streets and parts of streets angle parking shall be permitted, and shall have such streets marked or signed.

B. Compliance With Street Markings: On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings or outside of the area enclosed by said markings.

Section 6-4-3. Standing or Parking Close to Curb; Brakes.

A. Parallel Parking, Distance From Curb: Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to, and within eighteen inches (18" 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 inches (18") of the left hand curb.

B. Setting Brakes: Adequate brakes shall be set on all parked vehicles.

Section 6-4-4. Parking on Private Property.

A. Permission To Park On Property Of Another: 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. Removal And Impoundment Of Vehicle Or Trailer:

1. 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.
2. 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.
3. The city, 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 his property, or while it is in storage.

Section 6-4-5. Presumption in Reference to Illegal Parking.

A. Registered Owner; Prima Facie Evidence: 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. Issuance Of Citation: The foregoing stated presumption shall apply only when the procedure of giving a citation tag has been followed.

Section 6-4-6. Loading Zones.

A. Council Authority To Designate: The city council 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. Request For Zone And Sign; Payment Of Cost: When such a loading zone is established upon the request of any person, firm or corporation, the city manager shall not have signs placed until the applicant has paid to the city clerk an amount of money estimated by the city manager to be adequate to reimburse the city for all costs of establishing and signing the same.

C. Restricted Use: 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 pick up 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 6-4-7. Storage and Parking of Motor Vehicles.

A. Storage and parking of automobiles, recreational vehicles and commercial vehicles shall not be permitted on any lot occupied by a dwelling or any lot located in a residential zoning district, except in accordance with the provisions specified below:

1. Definitions: For purposes of this section, the following terms shall be used and interpreted as defined hereinafter:

i. Commercial Vehicle: A vehicle with a maximum rated carrying capacity of one and one half (1 ½) tons used for commercial purposes. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle. Also, special mobile equipment including, but not limited to: ditch digger, apparatuses, graders, scrapers, earthmoving equipment and other commercial equipment.

ii. Private Passenger Vehicle: An automobile, station wagon, SUV, van or truck with a maximum rated capacity of one and one-half (1 ½) tons used exclusively as a passenger vehicle and for hauling property of the owner and used to satisfy the daily transportation needs of the inhabitants of the dwelling.

iii. Recreational Vehicle: A vehicle not permanently fixed to the ground and not permanently connected to utilities, including water and sewer. Such vehicle can be self-propelled or towed on its own wheels or transported on a trailer. Such vehicle is used primarily for hobby, vacation, extended travel, camping, sports and/or aquatic use. Such vehicle is designed for temporary occupancy only for such recreational use. For purposes of this title, two (2) wheeled vehicles, whether self- propelled or human powered (i.e., motorcycles and bicycles), tents and camper shells mounted on the walls of the cargo box of pickup trucks are not considered recreational vehicles. For purposes of this title, recreational vehicles shall include motor homes and converted buses, camping and travel trailers, collapsible camper trailers, light duty utility trailers and transporters, horse and cattle trailers, and "off street" vehicles, including snowmobiles, four (4) wheelers, dune buggies, and all-terrain vehicles with three (3) wheels, boats and other water- craft with their trailers (a boat trailer without a boat mounted on it shall be considered to be a recreational vehicle).

B. Commercial Vehicles:

1. Only one commercial vehicle, not exceeding one and one-half (1 ½) tons rated capacity shall be permitted on a lot occupied by a dwelling or a residentially zoned lot. Exceptions to these regulations are commercial vehicles when in service to the lot such as pick ups and deliveries and repairs and maintenance being done on the lot. Gardening, lawn tractors and implements used exclusively for upkeep and maintenance of the lot are allowed on a residential lot.

2. In no case shall any commercial vehicle which might be permitted in subsection 81 of this section be used for hauling explosives, gasoline, or liquefied petroleum.

C. Recreational Vehicles: No more than three (3) recreational vehicles shall be parked or stored on any lot outside of the main or accessory buildings, either temporarily or permanently. For purposes of this title, carports open on two (2) or more sides shall not be considered main or accessory buildings.

1. No recreational vehicle shall be parked or stored in a manner that would constitute a traffic hazard or be parked or stored in a public right of way.

2. No recreational vehicle shall be used for living, sleeping or housekeeping purposes, except visitors for no more than seventy two (72) hours at any time.

D. Prohibited Parking:

1. Parking Of Certain Vehicles On Private Property: It shall be unlawful and an offense for any person to park any “private passenger vehicle,” “recreational vehicle” or “commercial vehicle” as defined in subsection A of this section, in the front

yard or exterior side yard of any residence lying within an agricultural, residential, commercial, or industrial district.

2. Exceptions: Exceptions include:

   i. Vehicles parked within a designated parking area such as a garage, carport, or driveway;

   ii. Lots that have no access to an alley and have no driveway; and

   iii. Lots that are smaller in size than the zoning district requirements.

3. Temporary Parking Permits; Disabled Persons: Residents with special circumstances such as those with disabilities may seek a temporary parking permit from code enforcement. These permits shall be good for no longer than one year and are personal to the resident requesting same.

Chapter 5. Vehicle Equipment and Condition

Section 6-5-1. Obstructive Vehicles; Oversized Vehicle Permits.

A. Injurious Vehicles Or Objects Prohibited: No vehicle or object which injures, or is likely to injure, any street within the city shall be driven or moved on any street within the city.

B. Oversized Vehicle Permit Required: 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 city clerk.

Section 6-5-2. Size and Weight of Vehicles; Truck Routes.

A. State Permit Required: 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. Authority To Prescribe Routes; Signs:

1. The city council may prescribe routes through the city for the use of trucks and/or other vehicles, which are not ordinary private passenger vehicles, passing through the city.

2. The city manager shall see that appropriate and adequate signs are placed along such rout s so that drivers of such vehicles may follow the routes.

3. 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 city, shall keep on such route and shall not deviate therefrom, except in case of emergency

Section 6-5-3. Limited Access Facility System.

A. System Created; Costs:

1. A system of limited access facilities, consisting of the streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways hereinafter described, is hereby established and created within the corporate limits of the city as now existing or as the same may be hereafter extended.

2. In recognition of the general use of said streets, avenues, boulevards, ways and parts thereof, and of the wear and destruction of the same by heavy general traffic thereon, including passenger automobiles, buses, trucks and other vehicles, and to the extent that the costs of acquisition of rights of way and property necessary in the establishment of said limited access facilities are hereby declared to be improvements of a general nature, such costs, to the extent that they exceed the benefits to property abutting thereon, are hereby declared to be costs of a general nature.

B. Facilities Established; Arterial Highways Designated: The following streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways within the corporate limits of the city, as now existing, or as the same may be hereafter extended, are hereby designated as limited access facilities and as arterial highways, the same being streets or highways especially designed for through traffic, entrance into which at intersections may be limited by requiring all entering vehicles to be brought to a complete stop. The city council may otherwise protect the right of way of vehicles thereon. Said arterial highways shall be described as follows: Beginning 4,200 feet east of the east end of Central Boulevard, thence west along Central Boulevard and U.S. Highway 62 to the intersection with Mission Street, thence south along Mission Street and U.S. Highway 62 for a distance of one mile.

C. Use Of Facilities Limited: The use of limited access facilities within the city shall be regulated and controlled by the ordinances of the city, as now existing or as they may hereafter be enacted or amended.

D. Zoning Regulations Excepted: Nothing herein contained shall be construed to affect the zoning ordinance, or parts thereof, relating to the construction or use of improvements on property abutting on any limited access facility.

Chapter 6. Pedestrians

Section 6-6-1. Application of Chapter.

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 chapter.

Section 6-6-2. Driver and Pedestrian Requirements.

A. Driver To Yield: 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. Pedestrian Entering Path Of Vehicle: No pedestrian shall suddenly leave any place of safety, and walk or run into the path of a vehicle.

C. Driver Behind Stopped Vehicle: 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 6-6-3. Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions of this chapter, 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.

Chapter 7. Bicycles

Section 6-7-1. Traffic Laws Applicable to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of 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 city applicable to the driver of a vehicle, except as to special regulations in this title and to those provisions of state law or" ordinances which, by their nature, can have no application.

Section 6-7-2. 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 feet (500') 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 feet (300') to the rear, when directly in front of lawful upper beams of headlamps on a motor vehicle.

Section 6-7-3. Obedience to Traffic Control Devices.

A. Obey Signs And Signals: 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. Turning Movements: Wherever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

Section 6-7-4. Riding on Bicycles.

A. Carrying Persons: No bicycle shall be used to carry more persons at a time than the number for which it is designed and equipped.

B. Right Side Of Roadway: Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a vehicle standing or proceeding in the same direction.

C. Use Of Bicycle Paths: Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and not the roadway.

D. Speed: No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

E. Emerging From Alley, Driveway: The operator of a bicycle emerging from 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 vehicles approaching on such roadway.

F. Riding On Sidewalks: The city council is authorized to have signs placed on any sidewalk or traffic way prohibiting the riding of bicycles thereon by any person. When such signs are in place, no person shall disobey the same.

Chapter 8. Vehicle Impoundment

Section 6-8-1. Purpose and Effect of Impoundment.

Impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety, 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 city from obstructions placed and left in derogation of those rights, and for" safeguarding and protecting recovered stolen vehicles.

Section 6-8-2. Place of Impoundment.

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage, or other place of safekeeping designated by the city manager, and shall not be removed to any other place.

Section 6-8-3. Duration of Impoundment.

A. Release Upon Written Order: Unless otherwise provided hereinafter, any vehicle impounded under the provisions of this code shall be·· stored and held safely until a written order for its release, signed by the chief of police (or his designated representative), has been issued.

B. Conditions Of Release: 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 city because of traffic law or other law violations

involving the vehicle, or proper security posted for said fine or law violation.

Section 6-8-4. Redemption and Release of Vehicle.

A. Presentation Of Order For Release: 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. Releasing To Persons Other Than Owner: The city clerk is hereby authorized to release vehicles which have been impounded (and accept agreements and bonds to save the city harmless by such releases) to persons other than the registered owner of the vehicle.

C. Requirements: Any party claiming an interest in an impounded vehicle shall submit (by written instruments on other documents), to the chief of police, proof of compliance with the following requirements:

1. Proof of interest;

2. Agreement to save and hold harmless the city and all of its employees; and

3. If not the outright owner of the vehicle, proof of financial responsibility showing the net worth of the party seeking the vehicle to be in excess of twenty thousand dollars ($20,000.00), or a surety bond in an amount no less than double the value of the vehicle sought to be released.

Section 6-8-5. Authority to Impound Vehicles.

A. Police Authority: The chief of police of the city, and members of the city police department, are hereby authorized, within the limits set forth in this chapter, to impound vehicles under the circumstances hereinafter enumerated.

B. Valid Impoundment: No impoundment shall be valid unless made under order of an authorized police officer, and in strict adherence to the procedures established in this chapter and by other policies of the city.

Section 6-8-6. Causes of Impoundment.

A. Disabled Vehicles: A disabled vehicle upon a street or highway may be impounded, under the following circumstances:

1. If left unattended and improperly parked on 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. Unattended Vehicles: An unattended vehicle left upon any bridge, viaduct, causeway or within the structure of a grade separation, may be impounded.

C. Driver Detained: 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 public road, street, highway, or any public or private parking lot, driveway, right of way or other property adjacent thereto, the vehicle may be impounded.

D. Illegally Parked Vehicle: 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. Abandonment; Notify Owner: When any derelict vehicle is discovered by the police department to have been parked upon any street in the city 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. Trespassing; Complaint: A trespassing, unattended vehicle found 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. No Parking Zone: 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. Blocking Fire Escape, Hydrant: Any vehicle illegally parked in such a manner that it blocks a fire escape, ladder or exit, or blocks ready access to a fire hydrant, shall be impounded.

I. Street Intersection: Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of. the vehicle being present shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

J. Stolen Vehicle: 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 stolen

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.

Section 6-8-7. Abandoned, Wrecked or Nonoperating Vehicles.

A. Abandonment Prohibited; Nuisance:

1. Except as otherwise provided, no person shall abandon any partially dismantled, non-operating, wrecked or junked vehicle, nor leave such vehicle for such time, and under such conditions, as to cause it to reasonably appear to have been abandoned, upon any private property, dedicated street right of way or public easement.

2. Vehicles so abandoned or left shall constitute a public nuisance.

B. Exceptions: Persons excepted from subsection A of this section are those who maintain such vehicles:

1. In enclosed buildings;

2. On the premises of a business enterprise operated in a lawful place and manner, when such vehicles are necessary to the operation of said business; or

3. In an appropriate storage facility or depository which is maintained by or for the city.

C. Rebuttable Presumption: A rebuttable presumption exists that vehicles have been abandoned when any one of the following conditions exists:

1. Weeds and/or grass undergrowth indicates to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur; or

2. One or more wheels are flat or missing; or

3. Portions of the vehicle which are needed for its operation or control are missing; or

4. Neighboring residents provide written statements as to the length of time such vehicle has been standing in one place without removal, or statements that parts are taken from, or added to, such vehicle, which would indicate a salvage, garage or used parts operation; or

5. Evidence exists that provisions of the code pertaining to zoning or to junk or salvage yards, are being violated; or

6. No current license tag is present or visible on the vehicle.

D. Authority Of City Officials: Appropriate city officials (including, but not limited to, the mayor, city manager, the chief of police, the city building inspector, the fire chief and the city clerk) may remove and impound, or cause to be removed and impounded, those vehicles which appear to be in violation of this section.

E. Impoundment Notice To Owner: Prior to the removal and impoundment of any vehicle under the provisions of this chapter, or any of the appropriate methods of nuisance abatement (see section 4-3-9 of this code), the appropriate city officials shall attempt to notify, by certified mail, the registered owner of such vehicle, stating that the vehicle appears to be in violation of this chapter, and that the owner has forty eight (48) hours from the receipt of such notice to remove the vehicle. Should the city officials be unable to serve notice upon the owner, a notice containing similar provisions shall be affixed to the abandoned vehicle instead, at least forty eight (48) hours prior to the required time of compliance.

Chapter 9. Operation of Utility Vehicles, Golf Carts, Etc.

Section 6-9-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

A. All-Terrain Vehicle (ATV): A vehicle powered by an internal combustion engine manufactured and used exclusively for off highway use traveling on four (4) or more low pressure tires, and having a seat designed to be straddled by the operator and handlebars for steering.

B. Golf Cart: Any four (4) wheeled internal combustion or electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty five (25) miles per hour designed primarily for the operation on a recreational golf course which is not registered with the state of Oklahoma.

C. Low Speed Electrical Vehicle: Any four (4) wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty five (25) miles per hour and is manufactured in compliance with the national highway traffic safety administration standards for low speed vehicles in 49 CFR 571.500.

D. Maintenance Utility Vehicle: A vehicle powered by either an internal combustion engine or electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty five (25) miles per hour utilized for transportation of city employees or equipment during routine maintenance of city owned property or facilities.

E. Minitruck: A foreign manufactured import or domestic manufactured vehicle powered by an internal combustion engine with a piston or rotor displacement of one thousand (1,000) cubic centimeters or less, which is sixty seven inches (67") or less in width, with an unladen dry weight of three thousand four hundred (3,400) pounds or less, traveling on four (4) or more tires, having a top speed of approximately fifty five (55) miles per hour, equipped with a bed or

compartment for hauling, and having an enclosed passenger cab.

F. Low Speed Utility Vehicle: A vehicle powered by an internal combustion engine, manufactured and used exclusively for off highway use, equipped with seating for two (2) or more people and a steering wheel, traveling on four (4) or more wheels and not exceeding 25 miles per hour.

G. Street Legal Utility Vehicle: Any motor vehicle having: (1) a bench seat or side-by-side seat for the use of each rider; (2) four wheels in contact with the ground; (3) a combustion engine with a piston or rotor displacement of one hundred fifty cubic centimeters (150 cu cm) or greater and capable of maintaining speeds of forty-five (45) miles per hour or greater; (4) for each occupant, safety belts or safety shoulder harnesses which shall be a type and shall be installed pursuant to 49 C.F.R., Section 571.208 et seq); and (5) all equipment required by the previous of Article II et seq. of Chapter 12 of Title 47 of the Oklahoma Statues, with respect to equipment on vehicles.

Section 6-9-2. Special Provisions; Exceptions.

A. Notwithstanding the definitions of the terms "motor vehicle" and "motorcycle", contained in the motor vehicle license and registration act, 47 Oklahoma Statutes section 562, 1975, motor driven cycles, known and commonly referred to as "minibikes", "trail bikes", "all-terrain vehicles (ATV)" and other similar trade names, shall not be permitted to be operated on the streets or highways of the city of Anadarko.

B. The provisions of this section shall also apply to those motor driven or operated vehicles known as "go-karts" and power lawn mowers and other motor vehicles which are manufactured principally for use off the streets and highways. However, this shall not prohibit occasional necessary movement of such golf carts, go-karts, power lawn mowers and other vehicles on streets, and shall not prohibit the use of minibikes and trail bikes used by participants in parades.

C. Nothing in this section shall be interpreted as prohibiting farm vehicles from using the streets or highways.

D. Golf Carts and Low Speed Utility Terrain Vehicles (LSUTV), side by side four-wheelers and small vehicles commonly known as minitrucks are prohibited from operating on federal and state highways and city streets within the limits of the City of Anadarko except as follows:

1. When the LSUTV or golf cart is operated by a person sixteen (16) years of age or older and possesses a valid driver's license during the daylight hours only. Daylight hours are determined to be one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset as listed by the national oceanic and atmospheric administration.

2. LSUTV's and golf carts may operate on a federal or state highway only if making a perpendicular ninety degree (90o) crossing of a federal or state highway located within the limits of the City of Anadarko.

3. Every person operating a LSUTV or golf cart upon a street shall be granted all of 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 rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to the special regulations in this section and except as to those provisions of laws and ordinances which by their nature can have no application.

4. All such golf carts and LSUTV's while operating in the limits of the City of Anadarko shall have a slow-moving vehicle emblem which shall be affixed to the rear portion of the aforementioned vehicles. Golf carts and LSUTV's shall be equipped with a lap safety belt for each occupant of the golf cart or LSUTV. Passengers under the age of six (6) years old are restricted from riding upon such golf cart or LSUTV, unless the driver of the golf cart LSUTV is twenty-one (21) years of age or older.

5. All such golf carts and LSUTV's while operating in the city limits of the City of Anadarko shall be restricted from operating on a street or highway with a posted speed limit greater than thirty-five (35) miles per hour and shall not be driven at a speed greater than twenty-five (25) miles per hour.

6. All such golf carts and LSUTV's shall operate in the limits of the City of Anadarko only during the period from November 1 through December 31 of each calendar year

E. City owned maintenance utility vehicle(s) may be operated anywhere within the city limits of the city of Anadarko while performing authorized city functions. Operation of the maintenance utility vehicle on any street or highway with speed limits posted greater than thirty five (35) miles per hour must be authorized by the city manager or his/her designee:

1. Permitted only while performing specific task.

2. Required to be done during normal business hours (daytime only).

3. The restriction of use will be determined by the city manager or his/her designee.

F. All SLUTV vehicles operated on any city street of the City of Anadarko shall:

1. Meet all all requirements and provisions of Section 6-9-1(G.) of the Anadarko City Code as well as Section 1-171.1 and other applicable provisions of Title 47 of the Oklahoma Statutes.

2. Be registered as a motor vehicle with required license plate.

3. Be otherwise subject to the provisions of Oklahoma State Statutes applicable to same.

4. Operator shall be at least sixteen (16); hold a valid driver's license; and comply with

compulsory insurance laws pursuant to 47 O.S. §7-600 et seq.

G. All golf cart, LSUTV, or SLUTV vehicles operated on any city street of the City of Anadarko will be required to:

1. Have the golf cart, LSUTV, SLUTV inspected by, and registered with, the Anadarko Police Department.

2. Purchase a city permit in the amount of fifty ($50) dollars for such operation. Permits will be valid from January 1st, or date of purchase, until December 31st, each year. Permits will renew yearly on January 1st.

3. Carry proof of liability insurance issued through a licensed insurance company.

4. Permits shall be subject to suspension or revocation by the Chief of Police, or his designee, if: (1) there is any material misrepresentation made by applicant on the application for permit, or (2) the required liability insurance is no longer in full force and effect.

TITLE 7 – PUBLIC WAYS AND PROPERTY

Chapter 1. Streets, Sidewalks and Public Ways

Section 7-1-1. Trees and Shrubbery; Central Boulevard.

A. Trimming Required:

1. 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 streets, sidewalks or alleys.

2. 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. Injuring Prohibited: 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. View Obstruction: Any owner, lessee or occupant of any property abutting on any street shall not allow any manmade or natural view obstruction within the "sight triangle" created by definition in the city's adopted zoning ordinance.

D. Injuring Trees, Flowers On Central Boulevard:

1. It shall be unlawful for any person to destroy or damage any trees, shrubbery, flowers or curbing on, or to take any trees, shrubbery or flowers from, the ·center median on Central Boulevard, except by authority of the city manager or park superintendent.

2. It shall be unlawful for any person to enter the shrubbery beds or flower beds located within Central Boulevard, except by authority of the city manager or park superintendent.

Section 7-1-2. Rights of Way and Easements.

A. A. Obstructing Prohibited: 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 city owned property, whether platted or unplatted; provided, that the city may prevent or provide access to such streets, alleys, easements and city owned properties from time to time, in the public interest.

PARADES

1. Permit required: Any person desiring to stage, present or conduct a parade, motorcade, march or any other planned movement of persons, vehicles or animals on the streets of the City of Anadarko shall first secure from the City a permit to engage in such activity.

2. Penalty for violations: Any person who shall stage, present or conduct or attempt to stage, present, conduct or participate in a parade on the city streets without first having obtained a permit or who shall otherwise violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $200.00.

3. Exceptions:

i. The provisions of the article shall not be applicable to funeral processions or to parades by the forces of the United States Armed Services, the military forces of the state or forces of the departments of police and fire of the city.

ii. No part of this article shall be construed to interfere with any)awful assembly.

4. Application for permit:

i. Any person desiring to conduct or manage a parade shall, no later than (15) days before the date on which it is proposed to conduct such parade, file with the City a verified application for a written route clearance on a form furnished by the Chief of Police/ Designee setting forth the following information:

a) The name of the person or organizations wishing to conduct such parade;

b) If the parade is proposed to be conducted for, on behalf of or by any organization, the name address and telephone number of the headquarters of the organization and the authorized and responsible head of such organization:

c) The name, address and telephone number of the person who will be the parade chairman and will be responsible for its conduct;

d) The name, address and telephone number of the person or organization to whom the permit is desired to be issued;

e) The date when such parade is to be conducted;

f) The route to be traveled, the starting point and the termination point;

g) The approximate number of persons who and animals and vehicles which will constitute such parade; the type of animals and description of the vehicles;

h) The hour when such parade will start and terminate;

i) The total numbers of hours between the starting time and termination time, not to exceed four hours:

j) Whether such parade will occupy all or one-half of the width of the street proposed to be traversed;

k) A description of assembly and disassembly areas and streets to be used by such parades;

l) The time at which units of the parade will begin to assemble at such assembly area; total time of assembly not to exceed one hour;

m) The interval of space to be maintained between units of such parade, not to exceed 20 feet.

ii. If such parade is designed to be held by and on behalf of or for any organization other than the applicant, the applicant for such permit shall file with the City a communication in writing from such organization, authorizing the applicant to apply for such permit on its behalf.

5. Route clearance: Any applicant for a permit under this article shall present to the ·City, at the time of filing of the application, written route clearance from the Chief of Police/Designee.

6. Consideration of application: After the application for a written route clearance has been filed, the Chief of Police/Designee shall consider the application and such other information as may be otherwise obtained and shall assign the number of police officers as determined necessary to accompany the parade from the time of assembly of the parade until such time that the parade shall terminate.

7. Compensation of police and City Departments:

i. The police officers shall be compensated at the city's overtime rate, provided that no more than ten police officers shall be compensated with funds provided by the person or organization who is named as applicant on the application.

ii. The City shall also determine if compensation is required for any other departments (Street. Fire, etc.). If determined that compensation is required it shall be at the city's overtime rate.

iii. When the Chief of Police/Designee determines that the parade organizer shall provide the compensation of the assigned police officers or other departments, the organizers shall be notified of the amount to be paid. The amount shall be paid to the city at the time that parade organizers obtain the permit. No permit shall be issued until such amount has been paid.

iv. When an event is sponsored by a council approved or funded activity or is a part of a cultural activity celebrating the history, cultural or heritage of the city, the City Manager may waive the cost of compensation.

8. Standards for issuance:

i. The Chief of Police/Designee shall issue written route clearance for a parade if, from a consideration of the applicant or such other information that may otherwise be obtained, or both, the Chief of Police/Designee finds that:

a) The conduct of such parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

b) The conduct of such parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto so as to prevent normal police protection to the rest of the city;

c) The concentration of persons, animals and vehicles at the assembly areas of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;

d) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

e) The conduct of such parade is not reasonably likely to cause injury to persons or property;

f) Such parade will move from its point of termination in two hours or less;

g) The conduct of such parade will not obstruct any construction or maintenance work scheduled to take place upon the public streets; and

h) The applicant meets with all the requirements of this section.

9. Alternative date, time, route: If the conduct of the parade on the proposed date, time and route is found by the Chief of Police/Designee to conflict with any of the requirements of this section, an alternate date, time and route may be suggested. If the applicant desires to accept such alternate date, time and route, he may, within seven days prior to the parade, file a notice of acceptance with the Chief of Police/Designee; and the Chief of Police/Designee shall proceed to issue the written route clearance.

10. Action upon application: The Chief of Police/Designee shall, after the filing of such application for a written route clearance, act thereon within 72 hours. If the Chief does not act within 72 hours the application shall be deemed denied. If the Chief of Police/Designee finds that such written route clearance should be issued,

he shall proceed to issue the same; and upon presentation of written route clearance from the Chief of Police/Designee, the city shall issue a permit for the parade.

11. Contents of permit

Parade permits issued under this article shall prescribe:

i. Starting time;

ii. Termination time;

iii. Minimum speed;

iv. Maximum speed;

v. Maximum interval of space to be maintained between the units of such parade;

vi. What portion of the streets to be traversed may be occupied by such parade; and

vii. The actual distance of such parade route.

12. Denial of permit: If the Chief of Police/Designee finds that such written route clearance should not be issued, he shall mail notice of his actions denying the written route clearance to the applicant, stating in general terms the reasons for the denial thereof within 48 hours of such denial.

13. Notice to city departments: Upon approval of a written route clearance, the Chief of Police/ Designee shall be responsible for notifying the Fire Chief and the Street Department Head, utilities, health and any other departments of the city as the Chief of Police/Designee deems should be notified of the proposed parade as well as all public utilities to be affected by the proposed parade.

B. Fenced Property; City Easement: The mayor and city council may permit certain streets, alleys, easements and city 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 the council 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. Land Dedicated For Farming Or Grazing: Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened, streets, alleys, easements or city 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 city; and

4. Permit access to the property at any time when requested to do so by a city officer or employee.

D. Fence Prohibited: 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 city.

E. Procedure For Closing Public Ways Or Easements

Definitions:

1. As used in this article, the following terms shall have the meanings ascribed to them in this section:

i. "Close" means a legislative act of the governing body of a city or town discontinuing the public use of a public way or easement without affecting title to real property;

ii. "Director" means the director of the planning department or his designated representative;

iii. "Easement" means rights in real property as set forth in Section 49 of Title 60 of the Oklahoma Statutes;

iv. "Public agency" means the city, state or federal government or any of their agencies or political subdivision; and

v. "Public way" means a street, avenue, boulevard, alley, lane or thoroughfare open for public use.

2. Application. Any person desiring to have a public way or easement closed within the corporate limits of the city shall:

i. Submit a written application to the city planning department on a form prescribed by the director and containing such information as prescribed therein;

ii. Submit an ownership list of all owners of record of property within three hundred (300) feet of that portion of the public way or easement to be closed. The ownership list shall be taken from the current year's tax rolls of the county treasurer; and

iii. Submit a map which reflects the public way or easement sought to ·be closed and the property lines for each owner appearing on the ownership list.

3. Fees: All applicants, except in the case of a public agency, shall submit with their application a fee in the sum of $100.00 and shall in addition thereto be responsible to pay costs of publication and notices as provided for in Subsection 6(ii).

4. Investigation by director: After the application has been submitted along with all requested information, the director shall make an investigation to determine the desirability of closing such public way or easement. Upon completion of the investigation, the director shall make such recommendations as he deems appropriate to the council.

5. Determination of date and franchise holders: If the council determines that an ordinance closing a public way or easement should be considered, it shall designate the date upon which such ordinance shall be considered and determine those holders of a franchise and others having a special right or privilege granted by ordinance or legislative enactment to use the public way or easement.

6. Notice:

   i. Not less than thirty (30) days' written notice shall be given prior to the proposed enactment of an ordinance closing a public way or easement to those property owners whose names appear on the ownership list and any holder of a franchise and others determined by the council to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement. The notice shall be mailed to the last- known address of the party and will be deemed to have been given from the date it is mailed.

   ii. Notice of the consideration of the proposed ordinance shall be given by at least one publication in a newspaper of general circulation in the city, not less than ten (10) days prior to the consideration of such ordinance. All costs of publication and notices shall be paid for by the applicant.

7. Passage of closing ordinance: Upon consideration of an ordinance closing a public way or easement, the council may pass such ordinance in the same manner as other ordinances; however, if the closing of the public way or easement in question is protested by the property owners of one--half (½) or more of the total front footage on such public way or easement sought to be closed, it shall require an affirmative vote of not less than three-fourths (¾) of the council members to pass such ordinance.

8. Reopening: The city shall retain the absolute right to reopen a public way or easement without expense to the municipality and may reopen by its own motion whenever the governing body deems it necessary or an application of the property owners owning more than one-half in area of the property abutting on the public way or easement previously closed is filed with the governing body.

9. Rights of utilities: The closing of a public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall such closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

F.

1. Purpose and intent. The purpose of this article is to ensure that all special events within the city are properly permitted to protect the health, safety and welfare of the city's citizens and to ensure the proper coordination of city, county and other agencies services when necessary.

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

   i. Applicant means a person or entity who has filed a written special event application.

   ii. Nonprofit means any bona fide charitable, benevolent, eleemosynary, education, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsor is a for-profit or nonprofit organization.

   iii. Permittee means the applicant to whom the special event permit has been issued.

   iv. Public place(s) means streets, sidewalks, parkways, highways, boulevards, avenues, alleys, plazas, medians, entrances and all spaces dedicated to the public or used in any way by the city for the benefit of the public, including, but not limited to, buildings, parks and all public areas.

   v. Special event means a temporary event, gathering, or organized activity on any city street, public property, or private property, or in any city park, building or other facility, when an organized activity is conducted involving one or more of the following factors:

      a) Closing of a public street, sidewalk, or alleyway;

      b) Blocking or restricting public property;

      c) Blocking or restricting access to private property of others;

      d) Use of pyrotechnics or special effects;

      e) Use of open flame, explosions, or other potentially dangerous displays or actions;

      f) Use or display of animals, aircraft, or watercraft;

      g) Sale or service of merchandise, food or nonalcoholic and alcoholic beverages on public and private property where otherwise prohibited by ordinance;

h) Installation of a stage, band shell, vehicle(s), of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public or private property where otherwise prohibited by ordinance;

i) Placement of "No Parking" signs or barricades in a public right-of-way;

j) Amplification of music, voices, sounds, or activities that require a broadcast permit;

k) Determination by city staff that the event will result in substantial impact on city resources, facilities or public safety services in response thereto.

Examples of special events include, but are not limited to, the promotion of sales, holidays, concerts, markets, seminars, expositions, community events, fairs, festivals, carnivals, filming, processions, parades, circuses, amusement rides, rodeos, fundraising, marathons and other running events, walkathons, block party, bicycle races and tours, sporting events, revivals, dances, assemblages, or any other similar organized activity, whether for profit or not for profit, wherein public or private property are to be utilized and any other situations which are outside the normal scope of permitted activities for a location, or which may have some impact on the community-at-large.

Special event shall exclude any and all activities associated with standard park rentals.

vi. Special event application is an official form to be completed by the person or entity planning an event or activity on public or private property in the city and requesting approval of said event or activity. The special event application is determined to be complete on the date on which all the required documentation has been submitted. The date for the special event shall be considered confirmed when the applicant has fully complied with all the necessary requirements and the special event permit has been issued by the city. The city's acceptance of the special event application is not considered approval of the planned event or activity.

vii. Special event permit means written, signed authorization by the city to hold a special event. All permits for special events shall be defined within one of the following subcategories:

a) Broadcast permit: the applicant anticipates broadcasting or transmitting music or sound by loudspeakers, amplifiers, public address systems, and similar devices in such a manner that would be unreasonably loud and raucous or that would reasonably be calculated to attract a crowd or cause numbers of persons to congregate in or on any open space.

b) Block party and public assembly permit: the planned event will cause or require one or more of the following:

1) Temporary obstruction of or redirection of normal traffic flow on public right-of-way or traffic control during abnormally high traffic caused by an event;

2) Temporary street closure to vehicular or pedestrian traffic, parking or other public use and for the use temporarily of any portion of any public street, alley, sidewalk, or any other public way;

3) City, county, or staff involvement before, during and/or after the event, such as, but not limited to:

i) Planning or consultation;

ii) Police officers and fire department;

iii) Traffic control personnel.

iv) Clean-up of streets or other public property.

Permits may be issued to persons or organizations, and a planned event is permitted only after city review and approval of the street closure, a traffic control plan, and payment of all costs anticipated to be incurred by the city.

3. Event permit required.

i. Special event permits are required for all special events as defined by this article, and it shall be unlawful to engage in special event without a special event permit.

ii. Application, contents. Application to conduct a special event shall be made to the city manager or his/her designee, in writing no later than thirty (30) days before the event, by the person or persons in charge or responsible therefore. The application shall set forth, at a minimum, the following information:

a) The name and address of the organization, group, or person.

b) The name, address and telephone number, fax number and email address of the applicant or person who will act as the person in charge of the special event and be responsible for the conduct thereof.

c) The name and location of the event as well as the signature of the property owner allowing the use of the subject property for the event, as well as the signature of the person in charge of the event.

d) A list of the special event subcategories for the applicant to identify the nature of the event or activity.

e) The estimated number of people attending the special event.

f) The number of participating event staff to be provided.

g) A complete description of the event or activity for which a permit is requested.

h) The method of notifying participants of the terms and conditions of the special event.

i) The exact date(s) and time(s) the event is to be conducted and the hours it will commence and terminate.

j) The specific assembly and dispersal locations, the specific route and the plans, if any, for disassembly and dispersal.

k) Whether any music will be provided, either live or recorded.

l) The number, types and locations of all loudspeakers and amplifying devices to be used.

m) Whether any food or beverages will be served.

n) Assurance that all food vendors are properly licensed by the appropriate regulatory agency.

o) Assurance that the applicant will make provisions for adequate police presence, if any, and that the applicant will conform to necessary fire prevention, building code, public works requirements, and/or any other city/county/state rules, regulations and guidelines. The level of police presence shall be determined by the police department. The city reserves the right to deny any permit based on the applicant's failure to meet any of the provisions listed above.

p) Assurance that the applicant will make provision for garbage and litter cleanup associated with the special event during and after the special event in the specified area. The assurance shall also include the posting of a performance bond in the amount hereinafter provided, which bond shall be forfeited to the city if the cleanup is not adequate. Adequacy of the cleanup effort will be assessed by the city manager or his/her designee.

q) Assurance that the applicant will cause all booths, stands, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event.

r) Assurance that the special event will be conducted for a lawful purpose.

s) A provision whereby the applicant shall agree to indemnify and hold harmless the city, its servants, agents and employees, for all claims caused by or arising out of the activities permitted.

t) As determined by the city, the applicant shall provide an appropriate policy of insurance to protect the city from liability that may result from the special event.

u) Such other information as the city may deem necessary in order to provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

v) The city may grant permission to the sponsor of an event in a public right-of-way to charge an admission fee for attendance at the event. Consideration and granting of such permission shall be based upon the location and duration of the event, its impact upon traffic circulation, provisions for emergency access and crowd safety and control, the frequency of event at the location, and other appropriate factors.

w) Certify that the information provided on the application is true and factual.

x) Provide a plan for restroom based upon the estimated attendance.

4. Posting of permit. All permits required by this article shall be posted in a conspicuous location at the site on which the special event or activity will occur. Upon the request of any police officer or code compliance officer of the city, the owner, lessee of the property or other representative of the special event shall produce such permit for inspection.

5. Designated person required.

   i. The person designated in the permit application required in this section as being the person in charge of the event or activity for which the permit is sought must remain at the location of the event or activity during the entire time stated in the permit for which the event or activity is authorized.

ii. Surrender of permit upon demand. It shall be unlawful and a violation of this section for the person designated in the permit application as being in charge of the event for which a permit is sought to fail or refuse to surrender the permit, on demand, to any state, county, or municipal police officer.

6. Permit Fees.

i. There shall be no fees charged for the issuance of this permit, however, all individual vendor fees shall be collected as outlined in other titles and section of the City Code. A deposit may be required for the assurance of clean-up after the event as determine by the City Manager based upon the size of the area. The deposit can be refunded after inspection by the City Manager or his designee. All fees for utilities usage and the estimated cost associated by each department shall be paid in advance.

ii. The City Manager may waive the fees if they determine the event is held for the benefit of the community and open free to the general public.

7. Administrative procedures. The city manager is hereby authorized to promulgate reasonable rules and procedures for application for, issuance and revocation of such permits. These rules and procedures shall serve to implement the intent and purpose of this article so that necessary and beneficial activities may occur while providing for protection of the public.

Section 7-1-3. Obstructions.

A. Interference With Pedestrian Or Vehicular Traffic: It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights of way of the city in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose of said easement or right of way.

B. Sweeping Refuse Into Street: 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. Hazardous Conditions On Sidewalks: 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. Openings In Sidewalks: 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 city.

E. Excavations: It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except where authorized to do so by the city manager. Excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

F. Obstructing Drainage Easements: 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 7-1-4. Drainage of Polluting Substances.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 Oklahoma Statutes section 1084.2, as amended) into any street, alley, sidewalk or public right of way of the city.

Section 7-1-5. Penalty.

A. Violation; Notice: Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in section 7-1-1 of this chapter, after receiving ten (10) days' notice from the chief of police to do so, shall be guilty of an offense.

B. Penalty Imposed: 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 1-10-24 of this code. Every day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Park and Recreational Facilities

Section 7-2-1. Park Board Created.

See section 2-2A-7 of this code.

Section 7-2-2. Consistency with Adopted Plans and Policies.

All expenditures, improvements, additions, construction, maintenance, alterations, demolition, landscaping, etc., within Randlett Park, shall be consistent with any adopted plans, policy resolutions or statements, zoning ordinance requirements, etc., for said Randlett Park, as well as considerate of appropriate guidelines for work on or in historic structures or areas. The city manager shall ensure that all such work, etc. (including requests for exceptions), is reviewed by the planning and preservation review commissions and approved by the city council, as required by applicable rules, regulations, ordinances and policies.

Section 7-2-3. Rules and Regulations.

A. Definitions:

1. CITY OWNED PARKS: Randlett North and South Parks and Mini Park on North 1st Street, Unity Park behind City Hall and Rotary Park. The City Council may designate other parks by resolution that may be owned or leased.

2. PARK BOARD: A five (5) member park board, recommended by the city manager and approved by the city council.

3. PARK BOARD MEETING: The park board should establish regular scheduled meetings to be opened to the public and the schedule should be posted no later than December of each year.

4. PARK SUPERINTENDENT: The supervisor of the park maintenance crew.

B. Authority Of Park Board To Promulgate Rules And Regulations:

1. The park board shall have control and management of all city owned parks and playgrounds. (See article XIII of the city charter.)

2. The board may, by resolution, promulgate rules and regulations for all city owned parks, provided such resolutions are not inconsistent with the ordinances of the city. Resolutions, when adopted by the board and approved by the city council, shall be enforced by the Anadarko police department.

C. Authority To Close Parks:

1. Authorization: The park superintendent is authorized to close any or all city owned parks when such closing is necessary for the public safety and welfare or for the protection of public property.

2. Council Power Not Limited: Nothing in this subsection shall be construed as limiting the power of the city council to close any or all city owned parks under the provisions of applicable state law.

D. Prohibited Acts: The following acts or omissions shall be prohibited upon any city owned park property:

1. Camping: Camping other than in an RV park upon any part of park property which is not specifically designated and posted as a camping area by the park superintendent.

2. Swimming: Swimming in the river in any area within the city owned park.

3. Speed Of Vehicles: The speed of automobiles or other vehicles shall be at a rate not to exceed fifteen (15) miles per hour.

4. Damaging Trees Or Shrubs: Chopping, breaking, driving nails in putting wire around, or damaging trees or shrubs in any manner within the city owned parks.

5. Flowers: Entering flowerbeds or taking flowers therefrom.

6. Digging For Bait: Digging for bait or for any purpose within the city owned parks.

7. Loaded Firearms: Being in possession of any loaded firearm within any city owned parks.

8. Animals: Permitting any loose dogs, horses or domestic animals of any kind in a city owned park.

9. Moving Park Furniture, Written Consent: The removal of any furniture or anything else from one place in the park or from the park without written consent from park superintendent.

10. Advertising: Advertising of every kind and nature, unless approved by the park board.

11. Killing Of Wildlife: To chase, capture, injure or kill wildlife in any city owned park except for aquatic life.

12. Driving Vehicles Prohibited In Certain Areas: Driving of any motor vehicle in any area marked or chained off, on any ball field, on the jogging trail or on the walk bridge across the river.

13. Throwing Refuse In River Of Park: Throwing or depositing in the water of the Washita River or upon the land of the city owned park, refuse of any kind, or any substance which by its decay or putrefaction would tend to contaminate the water or adjacent soil or would be offensive.

14. Glass Bottles: Possession of glass bottles in parks.

15. Moving Rocks, Gravel Or Soil: Moving or displacing rocks, gravel or soil, digging holes or building of mounds or moving or displacing the bank protection or riprapping along the river.

16. Damaging Picnic Tables, Signs, Fences: Damaging, destroying, displacing or removing picnic tables, or seats, signs, fences, guard- rails or any other public property manmade or naturally growing.

17. Drunkenness; Gambling; Disorderly Conduct: Use or drinking intoxicating beverages, drunkenness, gambling or engaging in dis-orderly, unchaste, or lewd conduct; habitual loafing or sleeping on the ground or benches, making, aiding or assisting in making of any disorderly noises, riot or breach of peace.

18. Metal Detectors; Digging On Ball Fields: The use of metal detectors may be used, however no digging of any kind for any reason will be permitted on any of the ball fields.

19. Unsupervised Children: Children under the age of ten (10) years old shall be directly supervised by a person above the age of sixteen (16) years old or an adult.

20. Access To The Dam: No person shall have access to the dam and anyone found on the dam will be considered to be trespassing.

E. Nonliability Of City Provided Before Issuance Of Permits: Before any permit or reservation required shall be issued, the party applying therefor, in consideration of the issuance of the permit, shall agree in writing to release the city, and any person acting for or on behalf of the city, from all liability from accidents that may occur on the lands of all city owned parks whether or not such accident is caused by negligence of the city. Said agreement shall be

binding upon the heirs, executors, administrators and assigns of said party whom the application for a permit is made.

F. Right Of City To Negotiate Contracts For Concession: The city reserves the right to negotiate and enter into contracts granting con- cessions upon any and all city owned parks covering the privilege of selling of cold drinks, food or other confections.

G. Fishing:

1. State And Federal Regulations Applicable: All state and federal regulations regarding fishing and hunting or the taking of fish or limits of catch must be observed within the city owned parks.

2. Restrictions On Type Of Fishing Equipment:

i. Nets, Seines: No nets, traps, gigs, spears, trammel nets or seines of any kind shall be used.

ii. Minnow Traps: Each person holding a fishing license shall be allowed one minnow trap having a funnel entrance which shall not exceed eighteen inches (18") in any dimension.

3. Use Of Unbaited Hook To Snag Fish Prohibited: No person shall engage in the “snagging” "pulling", or "jerking" an unbaited hook through the water for the purpose of hooking or snagging fish.

4. Minors: No minor under the age of ten (10) years old shall be unsupervised fishing in the city park.

H. Boats: All boats shall comply with the Oklahoma boating safety regulation act, as amended, in addition to the following requirements and rules:

1. Life Preservers: All boats shall be equipped with one approved life preserver for each person in such boat.

2. Maximum Boat Speed: All boats shall observe a five (5) mile per hour maximum speed limit within the park area.

3. Prohibited Area: Boats shall not approach within three hundred feet (300’) of the dam above or within one hundred feet (100’) below the dam.

I. Picnic Shelters: The following rules and regulations shall be in effect for the procuring and use of the picnic shelters in the city owned parks:

1. Reservation and Use Fee and Deposit:

i. There is hereby levied a charge of twenty-five dollars ($25.00) per day for the reservation and use of each picnic shelter in Randlett Park and a twenty-five dollar ($25.00) refundable cleaning deposit to be made at the time reservations are made at all city parks. Cleaning deposits will only be refunded after an inspection by park staff to ensure proper cleanup in all city parks. Patrons requesting electrical service shall pay a twenty-five dollar ($25.00) per day usage fee at all city parks.

ii. Nonprofit organizations are exempt from the twenty-five dollar ($25.00) reservation fee. All nonprofit organizations must register with the city and provide a copy of their nonprofit status with the IRS and the Oklahoma tax commission.

2. Time Limit on Making Reservations: Reservations may not be made more than ninety (90) days in advance. Reservations canceled within fourteen (14) days from the time of event are nonrefundable.

3. Multiple Reservations, Time Period: A group may not have more than two (2) reservations within a thirty (30) day period unless special permission is granted.

4. Cancellation of Reservations: The park board, acting through its representative, reserves the right to cancel reservations for groups not using the shelter in accordance with the rules and regulations for city owned parks.

5. Decorating Shelters: Plans for decorating the shelters must be approved prior to any installation taking place.

6. Charging for Food or Drink: Only nonprofit organizations may collect for food or drink at any shelter and the proceeds must be donated to a charitable or public service activity.

7. Leaving Shelter In Clean Condition: The group using the shelter assumes the responsibility of leaving the shelter in clean condition.

8. Blocking Pedestrian or Vehicular Traffic: No blocking of roads or interference with pedestrian or vehicle traffic may occur.

J. RV Campsites: The thirty-five(35) RV pads are provided for rental and have electrical hookups at each site. Water is available but not at each individual site. The following rules apply:

1. Camping Fees; Collection Procedure: The fee for camping overnight is sixteen dollars ($16.00) and shall be collected by the park department during the hours of eight o’clock (8:00) A.M. and five o’clock (5:00) P.M. daily Monday through Friday and by the police department five o’clock (5:00) P.M. to eight o’clock (8:00) A.M. Monday through Friday and on all Saturdays and Sundays. All camping fees shall be paid in advance.

2. Time Limit for Parking: The time period for RV camping shall be fourteen (14) days in the park and then three (3) days out. A person wishing to stay longer than fourteen (14) consecutive days may gain approval by applying for an exception to the park board.

3. Group Reservations Made in Advance: Groups may reserve the RV pads in advance; reservations must be made at least thirty (30) days prior to date needed.

4. Compliance with Park Rules and Regulations: All applicable park rules and regulations must be observed by the RV users.

5. Single Camping Unit Per Pad: Only one camping unit per pad will be permitted.

6. Group Use, Picnic Shelter Assigned: When ten (10) or more camping units per club or organization use the park, the picnic shelter shall be assigned to them.

K. Curfew Established: There is hereby established a curfew for all city parks of ten o'clock (10:00) P.M. Sunday through Saturday, except those attending an organized activity.

L. Ball Fields:

1. Names and Designation of Ball Fields: The city park system has three (3) lighted ball fields and one unlighted ball field. The ball field on the south side of the Washita River is called Randlett Field; the first ball field on the north side of the river is called Randlett Baseball Field; the middle ball field is called Don Bell Field and the unlighted field is called Little League Field.

2. Reservations: Reservations for the use of any of the ball fields must be obtained prior to use. All deposits and fees shall be paid at the time of reservation.

3. Board Approval: The park board must approve all reservations through its representative prior to use.

4. Deposit and Rental Fees: A deposit and rental fees will be required on all fields for use.

5. Nonprofit Use of the Ball Fields: Nonprofit organizations that are recognized by the IRS or the Oklahoma tax commission may have their fees waived by a vote of the park board after they have made the request and submitted their schedule for the season. The park board reserves the right to provide an exemption to the IRS status to allow an organization providing services to the youth to complete the process. In the interim, the park board shall require a registration of all expenses and revenue be submitted to ensure that no profit is being made for purposes other than supporting the youth programming.

6. Ball Field Use Requirements:

i. Advance Reservations: Reservations of the ball fields must be made at least seven (7) days in advance, except in case of a cancellation. (After a cancellation of a reservation occurs, the field will be open on a first come, first served basis.) Deposit is nonrefundable if field is not reserved by another user.

a) Organized groups that wish to use the ball fields shall submit their schedules for the coming year by the following deadline in order to have first priority for reservations:

1) Youth baseball shall be March 31.

2) Adult leagues and tournaments shall be submitted by April 15.

3) T-ball, girls softball and machine pitch shall be submitted by April 30.

b) Payment of deposit and fees for organized groups shall be at least three (3) business days prior to use. Failure to make payment of deposits and fees will result in the cancellation of the remaining reserved schedules and future reservation will require payment and fees in advance.

ii. Approval of Reservations: Reservations will be approved by the park board or its designee.

iii. Deposit and Rental Fee: A deposit of one hundred fifty dollars ($150.00) per field shall be required for the use of the fields and a rental fee of one hundred twenty-five dollars ($125.00) for one days' use or two hundred twenty-five dollars ($225.00) for two (2) days' use. A user must obtain the permit to use the fields through the city clerk or designee:

a) Deposit amount shall cover fifty dollars ($50.00) for the keys to each ball field and one hundred dollars ($100.00) for the cleanup of the ball fields and the immediate area around the fields including the restrooms.

b) The deposits will be returned to the user upon return of the keys and satisfactory cleanup of the field and area. (Park superintendent must certify that the area has been cleaned.)

c) No duplicate keys shall be made from the keys issued.

d) The user shall be responsible for all damages that may occur to the ball field during their use of the field.

e) The use of the concession stand building shall be negotiated with the park board acting through its representative.

1) Nonprofit organizations may negotiate the free use of the concession stands, provided they are incorporated and hold a tax exemption status. The revenues derived from the use of the concession stand must be used in the operations of their immediate league.

2) For users who wish to operate the concession stand for profit, the fee shall be twenty-five dollars ($25.00) per day in addition to the rental and deposit for the use of the field. Each concession will have its own keys and shall be returned to the park department the next business day. Failure to return the key by the deadline will result in a new lock placed on the concession stand and the renter will be charged for the new lock.

3) For organized league users, the use of the concession stand shall be negotiated on a percentage basis by the park board unless all the revenues are used for direct cost of the league program. Example: league fees in state or national programs, umpires, field equipment, etc. Organized groups may not store their belongings or concession products in the concession stand. The city is not responsible for lost or stolen property left in the concession stand.

f) There will be no softball permitted on the Randlett Baseball Field on the north side of the Washita River.

g) No work, additions, deletions or alterations shall be made to any city owned ball field or building without prior approval of the park board or the park superintendent.

h) Lights at the ball field shall not be turned on until thirty (30) minutes before dusk. No lights shall be used on any field unless it has been rented for use. You must have a permit for use. Failure to do so will result in fine for the theft of utilities. Lights shall not be used for practice unless approved by the park superintendent.

i) All equipment owned by the city including, but not limited to, bases and scoreboard controllers shall be returned to the city no later than the first business day following the rental. All city property will be stored and checked out through the parks department. Failure to return equipment will result in a late fee of twenty-five dollars ($25.00) a day and may lead to the revocation of park privileges.

M. Basketball Courts: The basketball courts located in Randlett Park are provided for the use of the public. Reservation for use of the courts may be obtained in the same manner as for other facilities in city owned parks.

N. Reservation of the Splash Pad: The Splash pads may be reserved for private use for a fee of one hundred (100.00) dollars an hour not to exceed two hours. A twenty-five (25.00) refundable cleaning deposit shall be made at the time of the reservation and will be returned after inspection by park staff that the area has been cleaned. At no time shall both splash pads be reserved for private use at the same time ensuring one to be available for the general public. All other rental fees and deposits shall apply for usage of pavilions near splash pads for private usage.

O. Amendments to Rules and Regulations: These rules and regulations may be amended in the following manner: The park board must pass a recommendation for amendment to the city council which may by resolution or ordinance amend these rules and regulations on a majority vote.

P. All rules and regulations for the governance of all city owned or operated parks either approved by resolution or city ordinance shall be enforced by the Anadarko Police Department or by the Park Superintendent or his designee. The authority to issue citations by the Park Superintendent or his designee shall be limited to only the rules and regulations that apply specifically to those adopted to govern the park system.

Q. Park Community Building: The Community Building located in Randlett Park shall be available for rental to the general public for lawful uses. The fee shall be seventy-five dollar fee ($75.00) for half day use not to exceed five hours and a one hundred and fifty dollar fee ($150.00) for a full day use. The fee shall be paid at the time of reservation. No refund of the fee if reservation is cancelled within seventy-two hours of the date scheduled.

Chapter 3. Municipal Cemetery

Section 7-3-1. Control and Supervision.

A. City Council: The municipal cemetery shall be under the control and supervision of the city council.

B. Cemetery Board: Control and supervision of the municipal cemetery shall be coordinated with the activities and responsibilities of the city cemetery board.

Section 7-3-2. Cemetery Board.

See section 2-2A-6 of this code.

Section 7-3-3. Rules and Regulations Permits.

A. Hours: Hours of admission to the cemetery shall be from seven thirty o'clock (7:30) A.M. until dusk. The cemetery will be closed at all other hours.

B. Memory Lane Cemetery: The Anadarko Memory Lane Cemetery is maintained for the purpose of interment of persons without discrimination:

C. Courtesy Required Of City Employees: Uniform courtesy to all is required of all employees.

D. Permit Regulations: Permit regulations shall be as follows:

1. No grave shall be opened until the necessary permit has been issued by the city clerk.

2. All openings of graves, except for disinterments, must be done by the employees of the city.

3. A schedule of grave service charges will be furnished upon an application at the office of the .city clerk and are to be paid in advance of permit approval.

4. All permits must be in the office of the sexton by Friday at five o'clock (5:00) P.M. for a Monday funeral.

E. Compliance With Rules And Regulations; Deed Of Lots: In the deed of all lots there shall be a clause, "Subject to the rules and regulations of the Anadarko Cemetery as adopted by the board and approved by the city council of the city of Anadarko, Oklahoma".

F. Time Allowed For Digging Graves: Orders for digging graves shall be given sufficiently early to allow at least eight (8) working hours for the work, from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M.

G. Number Of Bodies Interred In One Grave: Interment of two (2) bodies in one grave shall be limited to parent and infant child, or two (2) infants. No interment of any body other than that of a human being will be permitted.

H. Dedication Of Certain Lots:

1. War Veterans: The S1/2 of block 34 and the N1/2 of block 37 are hereby dedicated and set aside for war veterans, and the sexton must receive a written order from the commander of the local American Legion Post or VFW for interment.

I. Time Of Making Interments: All interments must be made between eight o'clock {8:00) A.M. and eight o'clock (8:00) P.M., except in cases of emergency under a certificate issued by the city or county health physician. No interment shall be conducted or made in said cemetery on any Sabbath Day, unless interment be ordered as an emergency by the city or county health physician.

J. Societies Or Lodges: Societies or lodges owning lots must have a written order for interment, signed by the president or secretary of their order.

K. Multiple Owners Of Lot: When there are two (2) or more persons interested as owners of a lot, no dividing lines within the same will be recognized by the board, all owners having equal rights of interment.

L. Disinterments; Permit And Fee:

1. No disinterment will be allowed without permission from the board and a permit from the city clerk, paid in advance, with said permit fee being in the amount of two hundred fifty dollars ($250.00).

2. All costs and expenses of moving the monument, the grave con- tents and the reinterment shall be borne by the owner of the lot or the person requesting the disinterment. The city shall not perform any of the work required for moving the monument, the disinterment, moving the grave contents, or opening and closing the grave from which the disinterment is being made. The disinterment procedure shall be subject to supervision of a licensed funeral director and the cemetery sexton or other designated employee of the city, and in accordance with the laws of the state of Oklahoma.

3. If the grave contents shall be reinterred in the Anadarko Municipal Cemetery, the normal fee for opening the new grave shall be paid to the city clerk, which shall be in addition to the disinterment fee. The city shall be responsible for only opening the new gravesite.

4. Any person requesting disinterment shall be responsible for all damages caused to adjoining gravesites or lots.

M. Dividing Lots Into Parcels: No lot shall be divided into parcels except as shown by the plot of the cemetery on file in the county recorder's office.

N. Recognition Of Heirs: When a lot owner dies intestate, or without a will, the heirs are recognized according to the laws of the state of Oklahoma.

O. Fence Enclosures Prohibited: No plot or lot shall be enclosed by a fence of any kind.

P. Planting Trees Or Shrubs: No lot owner shall have the right to plant trees or shrubs or remove the same without the consent of the cemetery board. Trees are to be trimmed only by the sexton and his staff.

Q. Removal Of Funeral Designs, Floral Pieces: Funeral designs and floral pieces will be removed from graves when they become wilted or unsightly. Persons desiring to retain any funeral design or floral piece must remove the same within one week after placing. In no case will employees attempt to locate designs or floral pieces after their removal from a lot, and the board will not be responsible for anything of this nature.

R. For Sale Signs Prohibited: No signs indicating that a lot or vault is for sale or signs, cards or advertisements of any person or persons will be permitted.

S. Objectionable Structures Or Objects: The board has the right to forbid the placing of any objectionable structure or object.

T. Flowers, Plants And Monuments:

1. All persons are prohibited from pulling flowers or breaking any tree, plant, shrub or in any manner defacing any monument, building or other structure within or belonging to the cemetery.

2. No owner or agent of any lot or plot shall plant or maintain flowers, shrubs, border plants, trees, monuments or corner markers that shall overhang or encroach upon walks, parkways, driveways, private burial graves, lots or plots.

3. When such flowers, shrubs, border plants, trees, monuments or corner markings overhang or

encroach upon any walk, parkway, driveway, private burial grave, lot or plot, the board shall request the owner or agent of the objectionable article to remove the same.

4. If the owner or agent cannot be found when notified by letter at their last known address, the board shall, by a majority vote, cause the objectionable article to be removed. This rule shall apply equally to the present owners or agents of lots or plots, as well as to future purchasers of same.

U. Rules Governing Individual Use Of And Care Of Cemetery:

1. Plot owners may choose to maintain plots at their own expense. They must be marked with the green flags provided by the cemetery staff and placed at the four (4) corners of the plot they wish to maintain. Maintaining the plot does not prohibit the cemetery staff from spraying every plot for stickers.

2. Cemetery staff reserves the right to weed eat and spray around headstones unless notified by the owner they wish to maintain their own plot.

3. Cemetery may be used for walking by community residents provided however that respect and dignity is maintained. All people using the cemetery for walking must park their vehicles near the office so as not to block the roads for cemetery traffic.

4. Watering will be allowed during the operating hours of the cemetery and should not exceed more than two (2) hours. Cemetery staff will turn off all water at the end of the operational hours of the cemetery. The city reserves the right to revoke the right to water based on abuse of the rules.

5. No structures of any kind shall be built or placed in the cemetery without the express approval of the cemetery board. All concrete borders must be built to city code. The city nor the staff of the cemetery shall be responsible for damage to any structure that does not meet city code or have approval.

6. All reports of damage to headstones shall be reported in writing to the superintendent of the cemetery no later than the next business day after discovering the damage.

7. The following items or actions are prohibited in the cemetery: bicycles, skateboards, skates, alcohol or drugs of any kind, pets unless on a leash, owner(s) will remove waste created by animal, bag it and remove from the cemetery, overnight watering, planting of plants or trees without permission, unsupervised children, placement of benches or other objects that obstruct mowing and parking in undesignated areas.

V. Concrete box or vault required: Effective July 1, 2019, all new burials in the cemetery will require that remains be placed in a concrete box or a vault in addition to the appropriate container or casket as approved by state statute.

W. Headstones allowed: In all new sections of the cemetery that are opened to the public for sale of plots after July 1, 2019 flat headstones that are flush with the ground are allowed. Headstones or monuments that are upright shall also be allowed in said new sections as well as in all other parts of the cemetery as long as a permit is obtained for the placing and erection of same.

Section 7-3-4. Rates and Prices of Grave Spaces or Openings.

A. Rates Established: The rates and prices for the sale of grave spaces and for opening graves shall be as follows:

1. Prices of grave spaces:

i.	1 grave space:	$350.00
	Nonresident price:	$600.00
ii.	2 grave spaces:	$600.00
	Nonresident price:	$1,100.00
iii.	4 grave spaces:	$1,200.00
	Nonresident price:	$2,200.00
iv.	8 grave spaces:	$2,400.00
	Nonresident price:	$4,400.00

2. Prices of grave openings:

i.	Adult grave	$350.00
ii.	Infant grave	$200.00
iii.	Disinter body	$400.00
iv.	Cremation	$200.00

B. Number Of Spaces: The required minimum shall be two (2) spaces or any even number thereafter with a maximum of eight (8) with an option to purchase a single space, at three hundred fifty dollars ($350.00) per space. Blocks for single graves may be designated by the sexton.

C. Approval For Purchase Of Additional Spaces: The purchase of additional spaces above eight (8) must be approved by the cemetery board.

D. Grave Opening Cost, Weekends And Holidays: The cost of opening a grave on weekends or city holidays will be four hundred fifty dollars ($450.00). An additional one hundred and fifty dollars ($150.00) will be added for the opening and closing of graves scheduled after 4:00 p.m.

Section 7-3-5. Monuments and Markers.

A. Permit Required: A permit must be obtained from the city and given to the sexton of the cemetery before starting construction of foundations, monuments, grave markers or curbs. The permit fees shall be as follows:

1. Marker or headstone per each (Flat or military stones provided by the US Government) No Charge

2. Lot markers per each (Corner Stones)$10.00

3. Monuments or Memorials
Per each (raised) $25.00

4. Benches $25.00

B. Construction Of Curbs: All curbs must be of reinforced concrete no less than six inches (6") thick, level with the ground and poured in forms six inches (6") deep so a mechanical edger may be operated.

C. Construction Of Markers; Materials: All memorials or grave markers must be of either granite, marble or standard bronze.

D. Concrete Vaults Above Ground: No concrete mausoleums or grave vaults above the surface of the ground will be permitted.

E. Permission Required For Vaults And Mausoleums: Vaults or mausoleums will be permitted, when the design and construction has been approved, on certain lots designated by the cemetery board.

F. Regulations For Vaults Above Ground: Vaults built partially or entirely above the ground shall be regulated as follows:

1. They must be built of either granite or unpolished marble.

2. They must, in all cases, be furnished with catacombs, where interments may be separately made and hermetically sealed at the time of depositing a body.

3. Walls of vaults erected above ground must be at least sixteen inches (16") in thickness.

4. Any lot owner desiring to erect a mausoleum or vault shall submit to the cemetery board a statement in writing giving the lot number and section where the structure is to be placed, and detailed plans and specifications as to the materials and construction. No work shall be done until approved by the board.

5. The erection of mausoleums and vaults will not be permitted during the months of December, January or February.

G. Size Of Lots: No vault or mausoleum shall be built on lots having less than four hundred (400) square feet in area.

H. Rules Governing Monument Work: Rules governing monument work on file at the city clerk's office should be carefully referred to by lot owners before closing the purchase for monuments.

I. Concrete Piling Required: A slab top or prefab slab six inches (6") larger, all the way around, with elevation at the ground level, thus allowing a wheel mower to ride the area and permitting the cutting of grass by such mower. The slab or prefab shall be six inches (6") thick and six inches (6") larger than the marker, on all sides.

J. Base Of Monument: The use of all soft stone for the base of monuments is prohibited.

K. Parallel To Walk Or Drive: All monuments erected must line up with, or be parallel to, the walk or drive upon which the lot fronts.

L. Receptacles For Flowers: Receptacles for flowers must be sunk below the surface of the ground, of such character as not to interfere with the mower, and not appear unsightly when not filled.

M. Supervision Of Work; Compliance With Rules: All work of this kind must be done in the most substantial manner and under the rules and general supervision of the cemetery board. Anyone failing to comply with such rules and supervision will be excluded from within the grounds.

N. Stonework: In the erection of stonework, no workman shall enter on any lot when the surface is in a soft condition due to rains, and before leaving the ground it must be cleaned up. Workmen engaged in the erection of stonework cannot attach ropes to monuments, trees or permanent structures without special permission of the cemetery board.

O. Right To Make Exceptions To Rules: The cemetery board expressly reserves the right to make exceptions to these rules in favor of any construction work the cemetery board considers exceptionally artistic or of general benefit to the appearance of. the cemetery.

P. Location Of Curbs, Monuments: All curbs and monuments must be located inside the boundaries of the lot.

Section 7-3-6. Exchange of Cemetery Lots; Resale Prohibited.

A. Lots Enumerated: Any person, persons or entity owning any of the following described cemetery lots situated within the municipal cemetery shall, upon application to the city clerk, be permitted to exchange any of the following described lots for other lots located within the cemetery:

1. Block 40, lots 1, 10, 11, 20, 21

2. Block 41, lots 1, 10, 11, 20, 21

3. Block 50, lots 1 through 25

4. Block.69, lots 4, 5, 6, 7, 14, 15, 16, 17, 24, 25

5. Block 70, lots 4, 5, 6, 7, 14, 15, 16, 17, 24, 25

6. Block 77, lots 4, 5, 6, 7, 14, 15, 16, 17, 24, 25

7. Block 78, lots 1 through 25

8. Block 84, lots 1 through 15

9. Block 85, lots 1 through 25

10. Block 86, lots 1, 2, 9, 10, 11, 12, 19, 20, 21, 22

11. Block 87, lots 1 through 15

12. Block 88, lots 5, 6, 15, 16, 25

13. Block 91, lots 4, 5, 6, 7, 14, 15, 16, 17, 24, 25

14. Block 92, lots 1 through 15

15. Block 93, lots 1, 2, 9, 10, 11, 12, 14, 20, 21, 22

16. Block 97, lots 1 through 25

17. Block 98, lots 1 through 25

18. Block 101, lots 1 through 25

19. Block 103, lots 1 through 25

20. Block 104, lots 1 through 25

B. Exchange Without ·Charge; Resale Prohibited: The exchange of lots shall be without charge or expense to the applicant requesting the exchange of lots. The owners of the lot being exchanged will surrender the deed or title of the lots to the city. The city will not resell the exchanged lots.

Chapter 4. Municipal Airport

Section 7-4-1. T-Hangar Rental Rates.

T-hangar rental rates at the Anadarko Municipal Airport shall be one hundred dollars
($100.00} per month.

Chapter 5. Railroads

Section 7-5-1. Boarding Trains.

It shall be an offense and unlawful for any person, not being an employee of a railway company, to get upon, hold onto, or board or alight from any moving railway car or engine while the same is in motion within the corporation limits of the city.

Section 7-5-2. Loitering on Railway Premises.

Each and every person, except railway employees, is prohibited to stand, walk upon or sit or recline upon any railroad track, depot, yards or right of way or block or obstruct such property, within the city limits, except if such person shall, at the time of such act, have lawful business with said railway company or be authorized by said railroad company to perform such acts.

Section 7-5-3. Obstructing Public Ways Restricted.

It shall be an offense for any railroad company, its agent or employee to obstruct any street, avenue, alley, highway, road or sidewalk within the city with any railway engine, train or other equipment for a longer period of time than five (5) minutes other than for an emergency.

Section 7-5-4. Speed.

It shall be an offense for the engineer, firefighter or any other railroad employee to run or operate any railway locomotive, maintenance vehicle or cars at any speed greater than the speed set by applicable federal and statute statutes.

Section 7-5-5. Failure to Obey or Observe Warning Signals.

It shall be an offense for any person to refuse to heed or obey any established danger signal posted, or by visual or audible signal, by any railroad company employee or railroad vehicle within the city limits for the purpose of giving a warning of approaching trains or cars. Each and every watchman stationed by any railway company for the purpose of giving signals of danger to the public or warning the public of approaching cars or trains shall be vested with the police power insofar as necessary to prevent any person from driving vehicles across such lines of warning without taking notice of such signals.

Section 7-5-6. Violation; Penalty.

Any person, firm or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed the maximum amount allowed by law and such court costs and/or sentence as prescribed by the court. Each day an offense continues shall be deemed a separate offense.

Section 7-6-1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Section 7-6-2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

A. Damage - any injury to or destruction of a tree, including but not limited to: uprooting: severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

B. Nuisance - any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

C. Parkway - the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

D. Public property - all grounds, medians and rights-of-way (ROWs) owned or maintained by the City.

E. Public tree - any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

F. Top or Topping - the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 7-6-3 Authority and Power.

A. Delegation of authority and responsibility. City Manager and/or their designee, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

B. Coordination among city departments. All city departments will coordinate as necessary with the City Manager and/or their designee and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the City Manager and/or their designee.

C. Interference. No person shall hinder, prevent, delay, or interfere with the City Manager or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

Section 7-6-4. Tree Planting and Care Standards.

A. Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

B. Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.

C. Preferred species list. The City Manager and/or their designee shall maintain an official list of desirable tree species for planting on public property in two size classes:

1. Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the City Manager and/or their designee.

D. Planting distances. The City Manager and/or their designee shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.

E. Planting trees under electric utility lines. Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

Section 7-6-5 Prohibition Against Harming Public Trees.

A. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the City Manager and/or their designee.

B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

C. It shall be unlawful for any person, firm, or corporation to "top" any public tree except as expressly permitted herein. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the City Manager and/or their designee.

D. Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the City Manager and/or their designee and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

E. Each violation of this section as determined and notified by the City Manager and/or their designee shall constitute a separate violation, punishable by fines and penalties under Section7-6-8, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section

Section 7-6-6. Adjacent Owner Responsibility.

A. The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area. Trees must be fifteen (15) feet above roadways and eight (8) feet above sidewalks.

B. No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the City Manager and/or their designee shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

Section 7-6-7 Certain Trees Declared a Nuisance.

A. Any tree, or limb thereof, on private property determined by the City Manager and/or their designee to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.

B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the City

Manager and/or their designee within the written notification period.

Section 7-6-8 Violations and Penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed two hundred dollars ($200.00) for each offense.

Section 7-6-9. Appeals.

Appeals to decisions by the City Manager, or to penalties imposed after violations of this ordinance, shall be heard by City Council.

TITLE 8 – UTILITIES

Chapter 1. Municipal Utility Systems

Section 8-1-1. Utilities Provided Through Public Works Authority.

A. Services Provided By City: The city provides electric, water, sewer and solid waste services for the residents of the city.

B. Services Operated Through Public Works Authority: Electric, water, sewer and solid waste services are operated through the Anadarko public works authority, a municipal trust of which the city is the beneficiary. Said trust shall have control over the operation, maintenance and administration of said systems and services.

C. It's the policy of the City of Anadarko and the Anadarko Public Works Authority that each individual or commercial business seeking services for public utilities must consent to following City Code on the maintenance of their property and utilities. Commercial customers must agree to collect any city taxes that are required. Each individual or commercial customer must sign a letter of consent acknowledging their agreement to follow city code and to the enforcement of the property and maintenance as well as the utility code as a condition of service. The Anadarko Public Works Authority may deny service to potential customers or current customers for failure to provide consent or failure to come into compliance with City Code.

Section 8-1-2. Use of Water and Sewer Systems.

Whenever possible, every residential inhabitant within the corporate limits of the city, 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 the city and leased to the Anadarko public works authority, and connect to the sanitary sewer system owned by the city and leased to said authority, and not otherwise dispose of sewage, unless it is impossible or not feasible to do so.

Section 8-1-3. Operation of Utility Systems.

A. Responsibility of Public Works Authority: The operations of the municipal electric, solid waste, water and sewer systems shall be the responsibility of the Anadarko 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. Combining of Administrative Processes: Administrative processes for all systems may be combined with municipal operation for more efficient operation, at the discretion of the city council and the Anadarko public works authority board.

C. Application of Ordinances: Ordinances relating to these municipal utility systems shall be applicable, whenever possible, to all municipal utility systems, including those operated by the Anadarko public works authority.

Section 8-1-4. Use of Utility Systems.

A. Every resident within the corporate limits of the city, and every commercial or industrial establishment, shall utilize the municipal utility systems of the city, unless it is impossible to do so.

B. Every customer is required to put up a deposit when making application for utility service. When applying for new utility services and an outstanding bill from a previous address exists; the entire amount due must be paid before the new application will be processed. A customer opting for pre-paid electric service shall still be required to make a deposit for all other utility services that they may require.

C. The Anadarko Public Works Authority may accept a letter of guarantee or intent to pay for a deposit from a legal government entity representing the federal, state, or tribal government who has a record in good standing in executing commitment in the letter of guarantee. Failure to meet the obligation under the agreement for letter of guarantee will terminate any further ability of the Authority to accept such arrangements from that particular entity, unless reinstated by the authority.

D. Utility deposits will be applied against the customer's final utility bill. Customers discontinuing services with the Anadarko Public Works Authority must complete a service termination agreement and return it in person to the utility billing counter.

E. Customers obtaining new, or transferred services, must provide the names and contact information for all persons twenty-one years of age or older who shall resided in the residence or the legal business partner in a commercial enterprise. All individuals listed on the application shall be responsible for the services. No utility service shall be opened in the name of a minor unless they have been emancipated by a court of law. The details of the account, including payment terms, disconnection notices, and extensions can only be provided with those persons whose names are included on the account. A customer may authorize another individual or entity to have access to account information.

F. Any person or residence receiving any billable utility service through the Anadarko Public Works Authority shall be required to pay all fees required of all customers regardless whether they are within the city limits.

Section 8-1-5. Billing.

A. All meters will be scheduled for reading during the first twenty working days of each month. Utility bills will be processed and mailed on the last working day of the month. Customers must inform the Anadarko Works Authority of any change in mailing address as we cannot be responsible for bills lost in the mail.

B. Customers are billed for utility services utilized one month in arrears, as a result all payments are due on the 15th of the month following the receipt of services. If the 15th of the month falls on a holiday or weekend, payment will be due on the next working day. A 5% late payment penalty will be added to the amount of the bill if it remains unpaid after the due date.

C. Acceptable forms of payment include: The Authority shall be authorized to accept cash, personal check Master Card, Visa, & Discover Card. Payments are also authorized to be accepted on the City website at http://www.cityofanadarko.org/Home.aspx under Online Bill Pay. The Authority also may draft a checking account, credit card, or a savings account. The Authority is authorized to implement interactive voice response payments through the phone system. The Anadarko Public Works Authority may accept a letter of guarantee or intent to pay for services from a legal government entity representing a local, federal, state, or tribal government who has a record in good standing in executing commitment in the letter of guarantee. The letter of guarantee from any approved entity shall be scheduled 15 days after being entered into with the Authority. No letter of guarantee will be accepted after the 4:30 PM on the 20th of each month. Failure to meet the obligation under the agreement for letter of guarantee will terminate any further ability of the Authority to accept such arrangements from that particular entity.

D. If the customer feels there has been an error made on their utility bill or otherwise questions or disputes the amount of the bill, the customer should discuss the situation with one of the Customer Service Representatives. If the customer does not feel satisfied after the discussion with the Customer Service Representative, the customer may discuss the problem with the Billing Supervisor, City Clerk, or Authority Manager.

E. A customer may request a meter check for electric or water meters if the customer assumes the meter inaccurate. The minimum charge for testing shall be the actual cost of the authority and any additional fees required. This amount will be waived if the tests are out of Anadarko Public Works Authority's accuracy specifications (2%).

Section 8-1-6. Hours of Operation, Services, and Special Fees for Anadarko Municipal Power Service.

A. The Anadarko municipal power service of the Anadarko public works authority, a public trust, Anadarko, Caddo County, Oklahoma, will accept payments until four thirty o'clock (4:30) P.M. daily rather than five o'clock (5:00) P.M., and

B. The Anadarko municipal power service of the Anadarko public works authority, a public trust, Anadarko, Caddo County, Oklahoma, will accept service requests for installations, transfers of service, final cutoffs, and other customer service requests until three thirty o'clock (3:30) P.M. Requests made after three thirty o'clock (3:30) P.M. will be completed the next business day.

C. The Anadarko municipal power service of the Anadarko public works authority, a public trust, Anadarko, Caddo County, Oklahoma, will not turn on a new service if the residents are not at home. A notice will be left at the residence advising that the second service request will need to be scheduled.

D. The Anadarko municipal power service of the Anadarko public works authority, a public trust, Anadarko, Caddo County, Oklahoma, will charge a special fee of twenty five dollars ($25.00) for all second request visits made during the business hours of eight o'clock (8:00) A.M. and three thirty o'clock (3:30) P.M.

E. The Anadarko municipal power service of the Anadarko public works authority, a public trust, Anadarko, Caddo County, Oklahoma, will charge a special service fee of fifty dollars ($50.00) if a utility meter is not accessible and cannot be read. A notice will be left at the residence advising the meter could not be accessed or read. The bill will be estimated for the current billing cycle and the fee will be assessed.

F. The Anadarko municipal power service of the Anadarko public works authority, a public trust, Anadarko, Caddo County, Oklahoma, will charge a special service fee of seventy five dollars ($75.00) for all service request visits made after the hours of three thirty o'clock (3:30) P.M.

Section 8-1-7. Anadarko Municipal Power Services (AMPS) Utility Average Monthly Payment – AMP Plan

A. AMP payments for the next twelve (12) months will be based upon the average of your current billing amount, and the last eleven (11) monthly billing amounts.

B. AMP Payment Calculation:

1. AMP payments will be based upon the average of your current billing amount, and the last eleven (11) monthly billing amounts.

2. If the AMP reserve account has an overpayment, 1/12th of the overage will be deducted from the monthly AMP payment. This will lower your monthly AMP payment amount.

3. If the AMP reserve account has an underpayment in the AMP reserve account, 1/12th of the shortage will be added to the monthly AMP payment. This will increase your monthly AMP Payment.

C. To be accepted for the AMP Plan, a customer must have and agree to maintain the following:

1. A satisfactory billing record, meaning no more than two (2) late payments within the previous twelve (12) months.

2. Maintained residence of the current address for the past twelve (12) months.

3. The account balance paid in full upon entering the AMP Plan.

4. Agree to maintain a good payment record upon entering the program. Payments must be submitted to the Utility Billing Office no later than 4:30PM on the due date each month. Penalty charges are not computed into the billings of AMP Plan customers, thus they will not be permitted.

Section 8-1-8. Turning On Utilities.

A. Permission Required; Payment Of Deposits And Charges: It shall be unlawful for any person to turn the utility on to any premises from any municipal utility system, without written permission of the city clerk. Utilities shall not be turned on until any and all deposits and charges have been paid. The city clerk shall see that the utility is turned on when all requirements for service have been complied with.

B. Turning On After Turnoff By City: When a utility has been turned off by city personnel, it shall not be turned on again without written permission of the city clerk.

C. All customers must apply in person for services with the Anadarko Public Works Authority. No application will be accepted by fax, phone or other electronic means without specific approval by the authority manager. The following documents or information must accompany the application:

1. Two forms of identification issued by the state or federal government (preferably a driver's license, state identification card, social security card or US Passport). One of the identifications must include a picture on it.

2. Documents for right to occupy: Applicants must provide proof of the legal right to occupy a residence or commercial property. The documents can be one of the following:

i. Proof of ownership such as a deed showing proper ownership or court order.

ii. A lease or rental agreement from the property owner. A lease or rental agreement must include the name of each individual that has the legal right to reside at the property. Failure to provide a lease or rental agreement with the above mentioned provision may require an inspection by code enforcement to ensure that the policies of the authority are being observed.

3. A signed work order establishing the date and time that the customer will be available at the property for the utilities to be turned on. Failure to be present at the time scheduled will result in the delay of the utilities being turned on and a second appointment fee being assessed.

4. All deposit, fees or past due accounts must accompany the application in the form of check, cash or credit card.

D. Commercial and Industrial Services -The business applying for service should send someone authorized to sign for the business. The customer must obtain a current business license, which can be purchased at the Utility Billing Office. The customer will then provide identification, sign work order for service, and pay all deposits and fees.

E. Tribal Housing Authorities & Apartment Complexes, etc. can turn on full residential services, without a deposit, for up to 14 calendar days to allow for cleaning and remodeling. If after 12:00 pm at the end of the 14 days and the utilities are not disconnected by the appropriate person; the Anadarko Public Works Authority will disconnect services at 1:00 pm. Full services will be available unless there are extenuating circumstances for not having them.

F. Real Estate Companies may turn on full residential services at a property that is for sale as long as needed in the Real Estate Company's name. The Real Estate Company must come into the office to initiate and/or disconnect such services and will be responsible for the utility bills until proper work orders are signed to discontinue services. Full services will be available unless there is extenuating circumstances for not having them.

G. If an account is in a customer's name that has passed away, the utility services shall be put in the current occupant's name. Current occupant will need to provide a copy of the death certificate and rent receipt or ownership of property, photo identification, social security card or CDIB. Current occupant will have to make deposit in the amount of current meter deposit rates listed below except in the event the current occupant is the legal surviving spouse.

Section 8-1-9. Delinquent Utility Bills.

Payment of Charges Required: A person owing delinquent municipal utility bills or other charges in connection with any municipal utility system shall not be extended additional services until such bills and charges have been paid.

Section 8-1-10. Extension of Time for Late Payment.

A. Utility Bill payments are due prior to the close of business on the due date, normally the 15th of each month, without penalty. All payments must be received and posted in our office before 4:30 pm on the due date, or the customer will be subject to a 5% late payment penalty. Online and IVR payments received after 4:30 pm will be posted on the next day's business and will be subject to the late payment penalty. Payments left in the night drop after 4:30 pm will be posted the next business day and will also be subject to penalty.

B. If payment is not made on or before the due date, a Friendly Reminder will be printed and sent to the customer. Friendly Reminders will be printed no less than one workday after the due date. Services will be disconnected and subject to a Failure to Pay Fee plus the 5% penalty; if the full payment is not received prior to 4:30pm on the 20th of each month. If the total payment is not received in our office before 4:30 pm your account will be on the cut off list. A Failure to Pay Fee will be charged on all accounts appearing on the cut off list. A Failure to Pay Fee will be charged on all online payments paid after 4:30 pm.

C. Requests for extensions must be made in person with no exception. The decision for granting the extension may also be based on credit history. Extensions are for current balances only, may be requested for extenuating circumstances on an individual basis only. The decision for granting the extension may also be based on credit history. Customer(s) who are deemed as a financial risk will be denied an extension. Approved payment plans will require the signature of

the customer(s). Customer(s) who abuse the extension program will be denied any further extensions.

D. The purpose of the payment extension plan is to provide temporary assistance to our valued customers who have encountered difficulties in fulfilling financial obligations on their full-service utility accounts. The definition of difficulty is not defined and circumstances make each situation unique. Therefore, our policy is to review all requests for extensions on a case by case basis. An extension is not a right or term of your utility agreement, but a mechanism for you to regain fiscal stability if approved. The maximum time limit for rendering of full obligations on a payment plan is 30 days from the original due date of the bill or the last day of the current month.

E. Not all extensions will be approved as the City practices fiscal responsibility and cannot accept the likelihood to incur debt by providing services without recovering costs. Customers may be allowed one extension per month. Customers granted an extension will enter into a contract for payment as a term of granting the extension. No requests for extensions or letters of guarantee will be accepted after the 20th day of the month. Only one extension will be granted at a time. Customers will remain responsible for future balances due while engaged in a payment arrangement. If you have a current extension, you are not eligible to request another one.

F. If a customer is granted an extension, they will be required to pay one half (1/2) of their current balance and pay the remaining balance on or before the last business day of the current month. Failure to meet terms of the agreement will result in termination of the extension agreement and no further extensions will be approved until the following quarter. All amounts owed are immediately due and payable, At least 50% of your current bill must be paid in order for the extension to be approved and set up. The Authority manager may wive the 50% payment under extenuating circumstances.

G. A customer with a letter of guarantee for a specific utility service must pay the balance of the remaining bill for those services not to be disconnected. No letter of guarantee will be accepted without the balance of the utility services being paid in full.

H. Letters of guarantee from any agency are also extension agreements, therefore the customer receiving the guarantee for payment must execute and enter into a contract for payment. Letters of guarantee from state agencies, tribal authorities, or any other entities do not constitute payment, but may keep services from being disconnected. Letters of guarantee MUST be Letters of guarantee MUST be provided when the customer executes the Extension Agreement.

I. The customer should bring in the letter of guarantee when they complete the agreement. Letters of intent MUST be presented in person, by fax, email, or mail in person to the billing office no later than 4:30pm on the 20th of each month, there will be no exceptions. Payment in full must be received on or before the arranged extension date or the last business day of the current month. Failure to meet this obligation will be cause to deny further extensions.

J. In the event of a government shutdown, affected employees will be eligible to apply for a special extension of time to pay their utility bill(s) for a period up to two (2) weeks after the employee returns to work. The purpose of the special extension plan is to provide temporary assistance to our valued customers during this time period.

1. Requests for special extensions must be made in person with no exception.

2. The customer will be required to bring in the notice from their employer explaining that they are furloughed due to the government shutdown.

3. The customer will not be required to pay a portion of the unpaid utility bill, however, they will need to sign a special extension agreement.

4. This special extension agreement will not preclude the customer from qualifying for other extension agreements requests in the future.

5. Late charges and other fees will be waived while the special extension agreement is in effect.

Section 8-1-11. Returned Check Policy.

A. If a customer has at least two checks returned to us by your financial institution, a third check will not be accepted as payment. Future payments must be in cash, cashier's check, money order, or accepted credit cards in the utility billing office. You will be charged a fee of $40.00 dollars for processing the returned check.

B. If you have been notified of a pending disconnection and your financial institution returns your check for the delinquent payment, service will be disconnected. Notification of a returned check will be a door hangar placed on the customer’s door by a utility serviceman, and payment must be made within 48 hours of the notice. If not paid within 48 hours, your service will be disconnected.

Section 8-1-12. Service Discontinued; Service Disconnect for Non-Payment.

A. Reasons for Discontinuance of Service: Utilities may be cut off and service discontinued for any of the following reasons:

1. Violation of any provision (city ordinance or APWA resolution) relating to any utility or service system, or violation of any such provision or any provision 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 utility system by the time specified by this code.

3. Abuse Of Another System; Nuisance Condition: A particular service may be cut off for any act or omission in regard to the abuse of another system or service, which jeopardizes the public

health or safety, creates a public nuisance, or interferes with the rights of others.

4. Conservation of Water: The city 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 system.

B. If the bill is not paid, along with all other charges, on or before the date shown on the Friendly Reminder, utility service will be scheduled for disconnection. Accounts with a letter of guarantee or approved extension agreements shall meet the deadline in the payment arrangement.

C. The Friendly Reminder states full payment is required on the past due bill. Although partial payments are accepted, partial payments will not prevent utility services from being discontinued for nonpayment. A customer may be disconnected for any amount due after the date of the Friendly Reminder or extension.

D. On days when disconnection's are to be made, the night deposit box will be checked for overnight payments at 8:00 a.m. If full payment has been made, the customer's name will be taken off the disconnect list before it is given to the utility serviceman. The customer will be charged a Failure to Pay fee. Once the list has been given to the serviceman, full payment of the past due balance and the failure to pay fee must be made, even if the customer comes in to pay before the service has been disconnected.

E. The Anadarko Public Works Authority maintains a list of locations where life support systems may be in use. To be put on this list, the customer should furnish the Anadarko Public Works Authority with a letter from a licensed physician stating the necessity for the system. Being on this list gives the customer priority for having power restored during an outage. However, being on this list will not keep the customer from being disconnected due to nonpayment of the bill.

F. When the serviceman arrives at the location for which the disconnect order was issued, the serviceman is authorized and is required to disconnect the utility service. He is not authorized to contact the customer and he is not authorized to accept payment of the bill or to discuss a partial payment.

G. If a customer has been disconnected for non-payment the water services shall be disconnected 24 hours after electric disconnect. If arrangements are not made in person with the Anadarko Municipal Power Services to reinstate services by the last day of the current month the account shall be finialed (skip final). If a customer account has been skip finaled without proper notification from the customer an additional deposit may be required by the City Clerk (2 ½ rimes an average bill, RES. 87-7). IF 2 ½ times the average bill is not figured/charged, a $50.00 additional Meter Deposit will be assessed.

H. If a customer has been disconnected for non-payment or disconnected (skip final) without proper notification still owing Anadarko Public Works Authority a final bill, regardless of the dollar amount, new or transferred services cannot be obtained by that person until the delinquent bill is paid.

I. A customer with an outstanding balance can NOT put services in any other person (s) name to obtain utility services. The outstanding bill MUST be paid in full before utility services can be restored.

J. Any property owner/landlord who owes a past due bill on any rental property shall not be able to have a renter install utilities at any rental property until all past due bills are paid in full on landlord/owner accounts.

K. Any property where service has been disconnected for nonpayment may require code enforcement to provide an inspection if a new application for service is received within ten business days after disconnection. If any reasonable suspicion exists that a new application for services is being used to restore service to a customer who has an outstanding balance, the authority manager shall be empowered to instruct code enforcement to inspect the property to ensure that authority policy and rules are being adhered to.

Section 8-1-13. Reconnection of Service.

A. Once a customer has been disconnected for nonpayment, the entire past due balance must be paid before utility services will be restored. The Authority Manager may implement a mandatory shift to pre-paid billing for utility accounts with two (2) or more failed extension agreements and/or disconnections due to non-payment within a twelve (12) month period. This is a measure to ensure consistent revenue collection and maintain the integrity of utility services. By transitioning to pre-paid billing, customers are required to fund their accounts in advance, mitigating the risk of unpaid bills and disruptions to essential services. An outstanding account balance at the time of transition to pre-paid may be placed on contract through the pre-paid account.

B. In addition to all other charges, a Failure to Pay Fee must also be paid. Requests for reconnection may be completed between the hours of 8:00 a.m. – 3:30 p.m., Monday through Friday. When a customer is scheduled to be disconnected for nonpayment, they will be charged a Failure to Pay Fee of $50.00.

Section 8-1-14. Collection of Amount Due by Another Party.

A. All active customers should make all utility bill payments to the Anadarko Public Works Authority. After 90 days, former customers who have not paid their skip final or final bill at the Anadarko Public Works Authority shall have their account referred to a collection agency. At the time the account is referred to a collection agency, a collection fee equal to the amount of the collection agency's charge for collecting the account will be added to the customer's account. Most collection agencies charge a fee, which is a percentage of the amount collected, generally 40%.

B. Payment for utility bills referred to a collection agency may be made to American Municipal Services (AMS), 3724 Old Denton, Carrollton, TX 75007 Toll Free Number 888-290-5660. CASH ONLY payments will be accepted at the Anadarko Public Works Authority located at 501 W. Virginia.

Section 8-1-15. Maintenance of Service Pipes; Wasting Water.

All customers using municipal utilities 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 8-1-16. City Not Responsible for Utility Interruption.

The city shall not be responsible for any damages due to stoppage or interruption of any utility or service.

Section 8-1-17. Authority to Inspect Private Premises.

Personnel in the service of the city may enter any private premises served by municipal utilities at any reasonable time, and inspect the pipes, fixtures and/or wiring on the premises. (1988 Code § 16-194) Personnel entering the property of another sovereign entity shall attempt to notify the entity of the time and reason for the entrance.

Section 8-1-18. Tampering with Fire Hydrants; Damaging Utility System.

A. Tampering with Fire Hydrants: 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 city.

B. Obstructing Access to Fire Hydrants: 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. Damaging Utility System: 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 a municipal utility system.

Section 8-1-19. Service Availability Charge.

A. Every utility customer who takes any utility service from the city of Anadarko shall pay a charge monthly for the availability of such service as follows:

	Electric	Water	Sewer
Residential Customer	$22.00	$17.50	$14.00
Commercial Customer	$30.00	$26.50	$24.50
Large Commercial	$110.00	$110.00	$110.00
Large Power (Industrial or Agricultural)	$220.00	$220.00	$220.00

B. One dollar ($1.00) of the monthly charge for the availability of such services (electric, water, and sewer per service) shall be earmarked for capital improvement.

C. A public safety fee of twenty-two dollars ($22.00) shall be charged to each active account.

D. Water customers shall have the option to have additional meters for the purposes of a watering or sprinkler system added to their account. There shall be an additional meter fee for each meter as established in subsection A of this Section. The water rate shall be the same as approved by the City Council and the Trustees of the Authority. A meter added for the purpose of a watering or sprinkler system may not be charged for sewer.

Section 8-1-20. Negotiated Rates.

A. An exception to fixed utility rates for one or more services shall be permitted for negotiations with large commercial and industrial customers based upon factors that include: the amount of economic activity generated in the community by those users, i.e., impact on utility systems; type and volume of services taken from the city; number and kind of jobs (local vs. commuter, etc.) created; taxes paid or generated; local purchasing; other local economic impacts, etc.

B. All rates negotiated by the City Manager or City Clerk as authorized by subsection A of 8-1-20 shall not become effective until approved by both a majority of the City Council and the Trustees of the Anadarko Public Works Authority. No city or authority employee is authorized to adjust rates or create a special rate without it first being approved and authorized by both the City Council and the Trustees of the Anadarko Public Works Authority. Any rates adjusted outside of the approved established rates shall be voided and returned to the approved rate table for the corresponding service and the customer could be backed billed for the appropriate past due amount.

Section 8-1-21. Pass-Through Costs.

Each and every rate, fee, penalty, assessment, or other charge that is added to or included within invoices for excess payment for electric power, water, or any other commodity, service or product purchased by the APWA or the city from any source for resale shall be shown as a separate line item, and passed through on the monthly invoice or statement presented to customers for retail sales or service. Invoices, bills, or statements that include more than one such rate, fee, penalty, assessment or other charge from a single source may be consolidated and presented on the APWA or city statement to customers as a single line item.

Section 8-1-22. Disposition of Revenue from Pass-Through Costs.

A. From and after the adoption date hereof fifty percent (50%) of all revenue accruing from the collection of pass-through costs shall be deposited into a utilities capital improvement account to be held and expended solely and exclusively for the purposes of retiring debt and for capital replacement of the utility systems and equipment of the Anadarko public works authority, and for no other purpose(s).

B. New pass-through deposits into the utilities capital improvement account shall increase at the rate of twenty five percent (25%) on each successive anniversary billing date thereafter until the pass-through total amounts shall reach one hundred percent (100%).

C. The balance of revenue accruing from the collection of pass-through costs shall be deposited into the general operating account of the APWA.

D. Subsection A of this section shall not be amended or changed in any manner so long as the APWA shall be obligated for any outstanding bonds or other debt.

Section 8-1-23. Method for Review and Recalculation of Utility Rates.

A. Rates, fees and charges for all utility services shall be based upon an analysis of the actual cost of services to the city for providing such services, to include operation, maintenance, replacement and contractual obligations.

B. It is the purpose of this section to assure the recovery of costs from users of the city utility system for sustaining and improving the services established herein. All utility services offered by the Authority shall be financially sound and shall charge rates that cover the actual expenses of the operating and maintaining such utility system's service. If a utility system does not cover the cost of the service, the Authority Manager shall provide the Authority with a plan to eliminate the deficit. The Authority shall adopt changes to the rates if it exceeds the Consumer Price Index (CPI) at the time of the adoption of the Authority Budget. The Authority Manager shall provide the Authority a copy of the rate change as a part of the budget adoption process.

C. The beginning of the fiscal year and the following the release of the Consumer Price Index, the City Manager shall review the current rates and fees on all utilities in consultation with the city clerk and the city auditors in order to adjust rates in order to meet the obligation of the Authority. The City Manager should adjust all utility rates by (2) two percent or the consumer price index rounded up to the nearest whole number as published by the U.S. Department of Labor for the Southwest Region, whichever is greater. The rate adjustment shall be effective October 1st of year subsequent year, beginning October 1, 2018.

D. The Trustees of the Authority shall adjust the electrical rate based upon contractual obligations plus the cost of operations and maintenance of the Authority prior to the beginning of the new fiscal year during the adoption of the budget based upon the data available at the time. Any adjustments to the cost of power due to an increase in the demand, fuel or kilowatt rates from the third-party power supplier shall be considered a pass through and shall be reflected in the rates. Any adjustment to the rates due to the contractual obligation after the adoption of the budget shall take effect on the first month the rate is applied to the Authority for the purchase of power. The Authority Manager shall make the adjustment unless the Authority rejects the adjustment by two-thirds vote prior to the effective date.

E. The Trustees of the Authority shall adjust the water and sewer rates based upon contractual obligations plus the cost of operations and maintenance of the Authority prior to the beginning of the new fiscal year during the adoption of the budget based upon the data available at the time. Any adjustments to the cost of water or sewer due to an increase in the rates from the third-party water supplier shall be considered a pass through and shall be reflected in the rates. Any adjustment to the rates due to the contractual obligation after the adoption of the budget shall take effect on the first month the rate is applied to the Authority for the purchase of water. The Authority Manager shall make the adjustment unless the Authority rejects the adjustment by two-thirds vote prior to the effective date.

F. The Authority authorizes the Authority Manager to establish a water rate for customers that receive treated water from a third-party provider but distributed by the Authority's water system. The rate shall be based on the actual cost of the purchase of the treated water plus the maintenance and operation of the utility system.

G. The Authority may reject the annual Consumer Price Index (CPI) adjustments by adopting a resolution by a majority vote at least thirty days prior to the effective date.

Section 8-1-24. Round-Up Program for Customers.

The Authority shall adopt a Round-up program for customers. The Round-up program will adjust up the amount due to the nearest dollar per account with the additional money deposited into a fund to help provide assistance to customers who meet a financial need or energy conservation improvements outline by the program. The Authority shall adopt rules by resolution that establishes the edibility for assistance and application process. The program will be effective October 1, 2019 in the collection of funds and grants shall not be permitted until after one full-year of implementation of the program.

Section 8-1-25. Pre-Paid Billing.

A. Anadarko Municipal Power Services (AMPS) Pre-Paid Billing Program.

1. Pre-Paid Customers will be set up on a daily rate calculation rather than a monthly rate calculation. (The daily rate calculation equals the monthly rate divided by 30 days.) Sensus will update our system daily usually between 12am-1am.

2. Anadarko Municipal Power Services (AMPS) will not disconnect pre-paid customers on Saturday or Sunday; however, by 9am on Monday morning the accounts will automatically be disconnected. The same will be true for holidays. Customers will not be disconnected on a holiday, but by 9am the next day the pre-paid customer's services will be disconnected

3. Pre-paid customers will be charged $.25 per day or $7.50 per month for the pre-paid service.

4. A pre-paid account may not be switched back to a monthly billing cycle unless the customer has had a past payment history in good standing for a twelve (12) month period.

5. If the customer account is eligible to go back to monthly billing, they are required to pay all outstanding balances and a new deposit for electric services prior to conversion.

6. Pledge and/or extension letters will not be accepted on pre-paid accounts. However, the tribe r entity can issue a check which will be

applied directly to the customer's pre-paid account.

7. When the balance reaches $20.00 or less the customer will receive a notification that their balance is low. Customers will be sent emails, phone messages, and/or texts when the account balance falls to $20.00 or less automatically. The customer may choose which notification method best suits their needs.

8. When the pre-paid balance reaches zero (0), the account will be disconnected. When the minimum amount of funds is deposited to the pre-paid account, service will be restored, typically within five (5) minutes.

9. If service is disconnected for lack of pre-paid funds, the unpaid balance due and a new $20.01 minimum pre-paid credit plus any outstanding balance will be required to re-establish service. (Example: If the customer owes $5.67 after shut off then the customer will have to pay $25.68 to have it turned back on.)

10. If service is disconnected and no payment is made to the pre-paid account for 72 hours (excluding weekends and/or holidays), the account will be closed out for failure to maintain a minimum balance. To restore service the customer will be required to re-establish service and a new $40.00 minimum credit will be required.

B. Eligibility For Program.

1. The customer's current and prior bill must be paid including all fees owed. (If an exception is made, the unpaid balance will be collected daily until repaid.)

2. New pre-paid customers will be charged a $25.00 new account/transfer fee to begin the program and will need to ensure that their pre-paid account has a beginning balance of $40.00.

3. The customer must provide a valid e-mail address and telephone number. The customer will be responsible for ensuring that their e-mail and telephone number is current.

C. Converting An Existing Monthly Rate Billing Cycle Customer To A Daily Rate Billing Cycle Customer.

1. Final readings for electric and water will be used to calculate the balance due (including fees/charges) which must be paid prior to converting to the daily rate billing cycle.

2. The existing accounts deposit will first be applied to the balance owed against and the remaining deposit balance will automatically be added to the pre-paid account balance.

3. The customer will have access to our online portal, IVR, mobile app, or the Utility Billing Office to review their account balance and/or make payments.

4. Customers and/or their representatives may make check and/or cash payments on pre-paid accounts at the Utility Billing Teller Windows at any time.

5. The night drop can also be used after normal business hours to accept payments. The payments will be processed the next business day.

6. If the customer comes back in after they are final billed, they must start all over.

7. To reinstate, the customer must pay the past due bill, all fees including their reconnect fee, and deposit $40.00 credit to their account.

Section 8-1-26. Penalty.

Every person who violates any provision of this title, or of any ordinance, code or standard adopted by this title, or maintains or permits to continue any situation defined by this title as unlawful, or makes any false statements, representation or certification in any application, record, report, plan or other document filed, or required to be filed or maintained pursuant to this title, or who knowingly tampers with, falsifies or renders inaccurate any monitoring device required under this title shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in section 1-10-24 of this code. Every day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Water System

Section 8-2-1. Water Connections.

It shall be unlawful for any person, firm or corporation to make a connection to the municipal .water system without first complying with all applicable provisions of this code and all requirements of the Anadarko public works authority.

Section 8-2-2. Mandatory Use of Water System.

A. Conditions For Connection; Time Limit: The owners of all houses, buildings or properties used for human occupancy, employment, education, recreation or other purposes, situated within the city, 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 city water line (in accordance with all city requirements) and pay all city fees and use charges therefor, within one hundred twenty (120) days after the date of official city notice to do so; provided, that the city water line is within three hundred feet (300') of the property line.

B. Private Water Wells:

1. It shall be hereinafter unlawful for any person to maintain or establish a private water well to serve a facility, unless he shall first be connected to the city water system and pay the monthly water fees and charges; provided, that he meets all the requirements for mandatory hookup established in subsection A of this section.

2. Where a city water line does not lie within three hundred feet (300') of the property line in the near future (1 to 5 years), an individual may utilize or establish a private water well without connection to the municipal water system and, therefore, without payment of the municipal water system fees and charges.

C. Application For Connection; Payment Of Fee: No unauthorized per- son shall make any connections with any city water line without first having made application therefor to the city clerk, and without first having paid the established fee.

D. Exception; Rural Water District: The requirements of this section shall not apply to persons currently being served directly by an existing rural water district.

Section 8-2-3. Water Rates, Fees and Charges.

A. Water Rates and Tapping fees are as follows in the chart below:

RESIDENTIAL WATER RATES

First 1,000 Gal	$2.90
Next 1,000 Gal	$3.18
Next 1,000 Gal	$3.33
Next 1,000 Gal	$3.62
Next 1,000 Gal	$3.94
Each Add 1,000 Gal	$4.00

COMMERCIAL WATER RATES
Per 1,000 Gal $3.33

TAPPING FEES

3/4”	350.00*
1”	450.00*
1.5”	1,000.00*
2”	1,500.00*

* Tapping fees include the meter, corporation stop, and saddle. Any other size taps not listed in this section will be charged according to the amount determined by the Authority Manager not to be less than the total of all the material.

All materials needed to complete a new service beyond the tapping fee will be charged according to the cost sheet of the material as determined by the Authority Manager. The cost of the additional material shall not be charged at a lower amount than the actual cost to the authority. There shall be a three-hour minimum of all equipment and labor charges as determined by the rate sheet provided by the Authority Manager.

Sprinkler system meters will be charged for the cost of the installation including material and labor. Tapping fees only apply when a new line is required.

B. Outside City Limits: In addition to the service availability charge, the water rates for the treated water customers outside the city limits shall be four dollars ($4.00) per thousand gallons.

C. Water Deposit: Deposits for water service for residential uses and any business or industrial use, shall be as established in section 8-5-9 of this title.

D. Billing; Nonpayment; Charges For Reconnection:

1. Water service payments shall be due on the fifteenth of the month following billing.

2. Bills shall be sent and service disconnected if payment is not received by 4:30 p.m. on the twentieth of the month.

3. A fee of fifty dollars ($50.00) will be charged for reconnections, seventy-five dollars ($75.00) if the reconnection must be made after normal working hours.

E. Review And Recalculation: The method for annual review and recalculation of water service rates, fees and charges shall be the same procedure as is set out in section 8-1-16 of this title for the establishment of utility rates, fees and charges

F. Bulk Water Rates Established For Treated Water/Potable Water: The rate of one and one-half cents ($0.015) per gallon shall be billed to each customer that shall purchase treated/potable water.

G. Bulk Water Rates Established For Raw Water: The rate of ten dollars ($10.00) per one thousand (1,000) gallons shall be billed to each customer that shall purchase nonpotable/raw water.

H. Billing; Nonpayment:

1. Bulk water payments shall be due on the fifteenth of the month following billing.

2. Late notices/statements shall be sent to any overdue account holders. A five percent (5%) penalty shall be assessed to any past due/overdue balance.

Section 8-2-4. Tampering With or Injuring Water System.

A. Tampering Prohibited: 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 he is duly authorized so to do by the Anadarko public works authority, or in the case of an emergency. (See also section 8-5-4 of this title.)

B. Emergency Action: Any emergency action must be reported to the city manager no later than ten o'clock (10:00) A.M., on the first working day following the emergency action. Alteration of any water meter shall be deemed a separate offense.

C. Alteration Of Water Meters Or System Elements: In addition to the payment of any fines and water service fees and charges due, any alteration of a water meter or water system element which results in damage to said elements, shall also be grounds for payment of costs related to said damages for replacement and repair.

D. Payment Of Costs Before Service Resumed: Service shall not be resumed until all costs have been paid to the city.

E. Replacement Cost Assigned: Any damage caused to a water meter or meter box as a result of an action or

negligence of the property owner or utility holder will result in the repairs and/or replacement cost being charged back to the property/utility holder. Actions shall include, but are not limited to, directly or indirectly permitting a person to park a vehicle on the meter box, attempting to alter the meter, damage by machinery or equipment, and wilful destruction. The property owner will be billed the replacement cost plus labor on their utility account. Second offense may result in the suspension of services plus the cost of replacement.

Section 8-2-5. Penalty.

See section 8-1-17 of this title for penalty provisions applicable to this chapter.

Chapter 3. Sewer System

Section 8-3-1. Use of 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 and all requirements of the Anadarko public works authority.

Section 8-3-2. Mandatory Sewer Connections.

A. Conditions For Connection; Time Limit: The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the city, and abutting on any street, alley or right of way in which there is located a public sanitary sewer of the city 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 twenty (120} days after the date of official city notice to do so; provided, that such public sewer is within three hundred feet (300') of the property line.

B. Serving Or Posting Of Notice: Said notice, as provided for in subsection A of this section, shall be served by any designated agent of the city by delivering a true and correct copy to the property owner, or leaving the same at his usual place of residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

C. Failure To Comply; Discontinuance Of Water Service: 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 city may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

D. Effective February 1, 2020, no person or persons may connect to the Anadarko Public Works Authority sewer system without first being legally connected to the Authority's water system as a customer.

Section 8-3-3. Method for Establishing Sewer Utility Rates.

A. Rates Established: In addition to the service availability charge set out in section 8-1-19 of this title, the rate of two dollars and five cents ($2.05) per thousand gallons of metered water, or of estimated non-metered water used shall be billed to each single-family dwelling unit for sewer service, whether or not located in a multi-family structure, and to each separate commercial or industrial facility served. All new sewer taps one hundred dollars ($100.00). A yearly septic tank trunk dumping permit fee will be two hundred fifty dollars ($250.00) and the charge for dumping into the city system will be fifty dollars ($50.00) per one thousand (1,000) gallons. (Ord. 1245, 10-21-2015)

B. Outside City Limits: In addition to the service availability charge set out in section 8-1-12 of this title, the rate of four dollars ($4.00) per thousand gallons of metered water, or of estimated nonmetered water used shall be billed to each single-family dwelling unit for sewer service, whether or not located in a multi-family structure, and to each separate commercial or industrial facility served.

C. Sewer Deposit: Deposits for sewer service for residential uses and any business or industrial use, shall be as established in section 8-5-9 of this title.

D. Billing; Nonpayment; Charges For Reconnection:

1. Sewer service payments shall be due on the fifteenth of the month following billing.

2. If accounts are not paid by the twentieth of the month, services will be disconnected.

3. A fee of fifty dollars ($50.00) will be charged for reconnections, seventy-five dollars ($75.00) if the reconnection must be made after normal working hours.

E. Review And Recalculation: The method for annual review and recalculation of sewer service rates, fees and charges shall be the same procedure as is set out in section 8-1-16 of this title for the establishment of utility rates, fees and charges.

Section 8-3-4. Private Sewage Disposal Facilities.

A. Compliance With Section: Except as hereinafter provided in this section, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage, within the corporate limits of the city.

B. Construction Regulations: Where a connection to a public sanitary sewer line is not required under the provisions of section 8-3-2 of this chapter, a private septic tank 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 officer, 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. Operation In Sanitary Manner: The owners of private septic tanks shall operate and maintain the same in a sanitary manner at all times, at no expense to the city, 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. Connection To Public Sewer When Available: At such times 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 8-3-2 of this chapter, and the septic tank shall immediately be abandoned and filled with suitable material.

Section 8-3-5. Grease, Oil and Sand Interceptors.

A. Installation Required; Exception:

1. A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in restaurants, hotel kitchens, cafeterias and food processing establishments, and in any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchenwares are washed, or any other establishment where grease or broken glass can be introduced into the drainage system in quantities that can affect line stoppage or hinder sewage disposal. Grease, oil and sand interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other ingredients harmful to the building's drainage system, the public sewer or sewage treatment plant process.

2. Interceptors shall not be required for private living quarters or residential dwelling units.

B. Maintenance And Operation; Inspection: All interceptors shall be of a type and capacity as defined in the city's current adopted plumbing code and shall be approved by the city building inspector. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be properly inspected following construction, by the city building inspector, and shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

C. Avoiding Hazardous Conditions: An oil separator shall be installed in the drainage system of any establishment where, in the judgment of the city building inspector, a hazard exists or where oils or other flammables can be introduced or admitted into the public sewer by accident or otherwise.

D. Certain Business Establishments:

1. All garages, filling stations and car washes having carwash racks or facilities shall install combination grit and grease interceptors.

2. All commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons or other materials detrimental to the public sewage system from passing into the drainage system.

3. Bottling plants shall discharge all process wastes into an interceptor which will provide for the separation of broken glass or other solids, before discharging liquid wastes into the drainage system.

4. Slaughterhouses shall equip all slaughtering room drains with a separator which shall prevent the discharge of feathers, entrails and other material likely to clog the drainage system.

E. Time Limit For Installation: All existing establishments listed in sub- section A of this section shall have ninety (90) days from the effective date hereof to install an improved interceptor or separator. Establishments covered under subsection C of this section will be handled on a case by case basis to determine whether an oil separator is required. All establishments covered under subsection A of this section, constructed henceforth, shall include an approved interceptor.

F. Right Of Entry For Inspections: The city building inspector, utilities superintendent or city manager shall have the right of entry during usual business hours, to conduct an inspection of an interceptor or separator.

G. Violation; Penalty:

1. Notice; Cease Violation: Any person found to be in violation of this section shall be served with a written notice stating the violation and provided forty eight (48) hours for the satisfactory correction thereof. In the event an establishment is cited with a second violation within one year from the first violation, the city of Anadarko will immediately discontinue water service to the establishment for a period of not less than ten (10) days during which time the offender shall correct the violation and will be fined no less than the amount stated in section 8-1-17 of this title. After the first violation, the city of Anadarko will require maintenance logs. These logs will be required, but not limited, to contain the date, time, company, and initials of company's service person cleaning the interceptor. During the one year probation period, the city of Anadarko can and will have permission of person(s) in violation to inspect property at any time for proper maintenance of a grease interceptor.

2. Continued Violation; Fine: Any person who shall continue any violation beyond the time limit provided for in subsection G1 of this section, and upon conviction thereof, shall be fined in an amount not exceeding the limits established in section 1-10-24 of this code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 8-3-6. Penalty.

Unless otherwise provided, section 8-1-17 of this title shall be applicable to persons violating this chapter.

Chapter 4. Industrial Wastes

Section 8-4-1. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

A. The following abbreviations shall have these designated meanings:

1.	BOD	Biochemical oxygen demand
2.	CFR	Code of federal regulations
3.	COD	Chemical oxygen demand
4.	EPA	Environmental protection agency
5.	L	Liter
6.	mg	Milligrams
7.	mg/L	Milligrams per liter
8.	NPDES	National pollutant discharge elimination system
9.	POTW	Publicly owned treatment works
10.	SIC	Standard industrial classification
11.	SWDA	Solid waste disposal act, 42 USC 6901 et seq.
12.	USC	United States Code
13.	TSS	Total suspended solids

B. ACT OR THE ACT: The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

C. APPROVAL AUTHORITY: The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

D. AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: This term may be:

1. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

E. BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees centigrade (20°C), expressed in terms of weight and concentration (milligrams per liter [mg/l]).

F. BUILDING SEWER: A sewer conveying wastewater from the premises of a user to the POTW (see definition of Publicly Owned Treatment Works [POTW]).

G. CATEGORICAL STANDARDS: The national categorical pretreatment standard or standards.

H. CITY: The city of Anadarko, Oklahoma, or the city council of Anadarko, Oklahoma.

I. CONTROL AUTHORITY: Shall refer to the "approval authority", defined hereinabove, or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

J. COOLING WATER: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

K. DIRECT DISCHARGE: The discharge of treated or untreated waste- water directly to the waters of the state of Oklahoma.

L. ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. environmental protection agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

M. GRAB SAMPLE: A sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration of time.

N. HOLDING TANK WASTE: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

O. INDIRECT DISCHARGE: The discharge or the introduction of non- domestic pollutants from any source regulated under section 307(b) or (c) of the act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

P. INDUSTRIAL USER: A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the act (33 USC 1342).

Q. INTERFERENCE: The inhibition or disruption of the POTW treatment processes or operations, which contributes to a violation of any requirement of the city NPDES permit. The word includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the act, {33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the solid waste disposal act {SWDA), the clean air act, the toxic substances control act or more stringent state criteria {including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to

the method of disposal or use employed by the POTW.

R. NATIONAL CATEGORICAL PRETREATMENT STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307{b) and {c) of the act {33 USC 1347) which applies to a specific category of industrial users.

S. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT: A permit issued pursuant to section 402 of the act (33 USC 1342).

T. NATIONAL PROHIBITIVE DISCHARGE STANDARD: Any regulation developed under the authority of section 307{b) of the act and 40 CFR, section 403.5.

U. NEW SOURCE: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the federal register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

V. pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution.

W. POTW TREATMENT PLANT: That portion of the POTW designed to provide treatment to wastewater.

X. PERSON: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

Y. POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage,. sewage sludge, munitions,· chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Z. POLLUTION: The manmade or man induced alteration of the chemical, physical, biological and radiological integrity of water.

AA. PRETREATMENT OR TREATMENT: The reduction of the amount of pollutants, the elimination of-pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes of other means, except as prohibited by 40 CFR, section 403.S(d).

BB. PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

CC. PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by section 212 of the act (33 USC 1292), which is owned, in this instance, by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city of Anadarko, Oklahoma, who are, by contract or agreement with the city, users of the city POTW.

DD. SHALL AND MAY: The word "shall" is mandatory; "may" is permissive.

EE. SIGNIFICANT INDUSTRIAL USER: Any industrial user of the city wastewater disposal system who: a) has a discharge flow of twenty five thousand (25,000) gallons or more per average work day; or b) has a flow greater than five percent (5%) of the flow in the city wastewater treatment system; or c) has in its wastes, toxic pollutants as defined pursuant to section 307 of the act or Oklahoma Statutes and rules; or d) is found by the city, the Oklahoma department of pollution control, or the U.S. environmental protection agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

FF. STATE: The state of Oklahoma.

GG. STANDARD INDUSTRIAL CLASSIFICATION (SIC): A classification pursuant to the standard industrial classification manual, issued by the executive office of the president, office of management and budget.

HH. STORM WATER: Any flow occurring during, or following, any form of natural precipitation and resulting therefrom.

II. SUSPENDED SOLIDS: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

JJ. TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of section 307(a) of the act or other acts.

KK. USER: Any person who contributes, causes or permits the contribution of wastewater into the city POTW.

LL. WASTEWATER: The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and storm water that may be present, whether

treated or untreated which is contributed into or permitted to enter the POTW.

MM. WASTEWATER CONTRIBUTION PERMIT: A permit as set forth in this chapter.

NN. WATERS OF THE STATE: All streams, lakes, ponds, marshes, water- courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Section 8-4-2. New Sewers and Connections.

A. Connection; Compliance With Building Code: The connection of the building sewer into the public sewer shall conform to the requirements of the building code adopted by, and the other applicable rules and regulations of, the city.

B. Design And Construction; Compliance With State Regulations: All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the Oklahoma state department of health regulations.

Section 8-4-3. Cost Recovery; Types of Fees Imposed.

A. Cost Recovery: It is the purpose of this section to provide for the recovery of costs from users of the city wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city schedule of charges and fees.

B. Types Of Fees City May Adopt: The city may adopt charges and fees which may include:

1. Fees for reimbursement of the costs of setting up and operating the city pretreatment program;

2. Fees for monitoring, inspections and surveillance procedures;

3. Fees for reviewing accidental discharge procedures and construction;

4. Fees for permit applications;

5. Fees for filing appeals;

6. Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards;

7. Such other fees as the city may deem necessary to carry out the requirements contained herein.

C. Fees Separate From Other Charges: These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

Section 8-4-4. Method for Review and Recalculation of Industrial Sewer Utility Rates.

The method for annual review and recalculation of industrial sewer service rates, fees and charges shall be the same procedure as is set out in section 8-1-16 of this title for the establishment of utility rates, fees and charges.

Section 8-4-5. Review and Revision of Charges; Periodic Notification.

A. Review And Revision: The user charge provisions of this chapter shall be reviewed not less often than every year regarding the wastewater contribution of users and user classes, the total costs of the operation and maintenance of the treatment works, and its approved user charge system. The charges for users or user classes shall be revised to accomplish the following:

1. Maintain the proportionate distribution of operation and maintenance costs among users and user classes;

2. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation (including replacement) of the treatment works;. and

3. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall be adjusted accordingly.

B. Notification Of Charges: Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment services. Costs shall be broken down to show the operation and maintenance costs attributable to that user.

Section 8-4-6. Record Keeping System.

A record keeping system shall be established and maintained by the city clerk to document . compliance with federal regulations pertaining to the user charge provisions of this chapter.

Section 8-4-7. Billing Procedure.

A. Time And Manner Of Billing: Users will be billed on a monthly basis with payment due fifteen (15) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the city clerk.

B. Notice Regarding Delinquent Accounts: Users with delinquent accounts of thirty (30) days will be notified in writing by the city clerk that water and/or wastewater services will be terminated unless the account is paid in full.

C. Assistance From Law Enforcement Agency: The city clerk will utilize the law enforcement agency to assist

as required in the control and management of the user charge system.

Section 8-4-8. General Discharge Prohibitions.

A. Prohibited Discharges: No person may discharge to public sewers any waste which by itself or by interaction with other wastes:

1. Injures or interferes with wastewater treatment processes or facilities;

2. Constitutes a hazard to humans or animals;

3. Creates a hazard in receiving waters of the wastewater treatment plant effluent; or

4. Allows BOD or SS concentration to exceed four hundred (400) mg/l.

B. Inflow Sources: Any new connections from inflow sources into the sanitary sewer portions of the sewer shall be prohibited.

C. Endangering Public Safety: It is the intention of the city to regulate present and future industrial wastewater which might be discharged by a user of the facilities. Wastewater introduced into the facilities shall contain no toxins or other pollutants in amount or concentration that endanger public safety or the physical integrity of the treatment works, or cause violation of effluent or water quality limitations, or preclude the use of the most cost-effective wastewater treatment and sludge disposal system.

Section 8-4-9. Prohibited Substances Enumerated.

A. Prohibited Substances: No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

3. Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the act.

5. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and re-use or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees centigrade (40°C) (104°F), unless the POTW

treatment plant is designed to accommodate such temperature.

10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration, quantities or flow during normal operation;

11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

B. Hazardous Conditions; Nuisance: When the superintendent determines that a user is contributing to the POTW any of the substances enumerated in subsection A of this section in such amounts as to interfere with the operation of the POTW, the superintendent shall:

1. Advise the user of the impact of the contribution on the POTW; and

2. Develop effluent limitation(s) for such user to correct the interference with the POTW.

Section 8-4-10. Federal Categorical Pretreatment Standards.

A. Federal Standards Supersede Local Regulations: Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

B. Modification Of Standards: Where the city wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by ninety five percent (95%) of the samples taken when measured according to the procedures set forth in section 403.7(c) (2) of title 40 of the code of federal regulations, part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained.

Section 8-4-11. Specific Pollutant Limitations.

A. Limitations Established: No user shall discharge wastewater into the city wastewater treatment system such that the influent to the treatment system exceeds the following:

1. 0.05 mg/l arsenic

2. 0.02 mg/l cadmium

3. 0.20 mg/l copper

4. 0.05 mg/l cyanide 0.1o mg/l lead

5. 0.005 mg/l mercury

6. 1.0 mg/l nickel

7. 0.1 mg/l silver

8. 0.50 mg/l total chromium

9. 2.0 mg/l zinc

10. 1.0 mg/l phenol

B. Assigning Of Limits: Users discharging wastewaters in excess of the above limits may be assigned specific limits by the superintendent to ensure that the treatment system influent limits are not exceeded.

Section 8-4-12. State Requirements; City Right of Revision.

A. Cases Where State Requirements Apply: State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

B. City Right Of Revision: The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 8-4-8 of this chapter.

Section 8-4-13. Excessive Discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the city or state. (Dilution may be an acceptable means of complying with some of the prohibitions set forth in this chapter; e.g., the pH prohibition.)

Section 8-4-14. Accidental Discharges.

A. Protection By User Required:

1. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and

maintained at the owner's or industrial user's own cost and expense.

2. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, when required; and shall be approved by the city before construction of the facility. All existing industrial users shall complete such a plan when required by the permit compliance schedule.

3. No industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

4. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. Notify City Of Accidental Discharge: Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

C. Employees To Be Advised Of Procedure: A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge are advised of the emergency notification procedure.

Section 8-4-15. Wastewater Discharges.

It shall beunlawful to discharge without a city permit to any natural outlet within the city, or in any area under the jurisdiction of the city, and/or to the POTW, any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter.

Section 8-4-16. Wastewater Contribution Permits.

A. Permit Required: All significant users proposing to connect to, or to contribute to, the POTW shall obtain a wastewater discharge permit before connecting to, or contributing to, the POTW. All existing significant users connected to, or contributing to, the POTW shall obtain a wastewater contribution permit within one hundred eighty (180) days after the effective date of this chapter.

B. Application; Required Information: Users required to obtain a wastewater contribution permit shall complete and file with the city an application in .the form .prescribed by the city; and accompanied by a fee as established by resolution of the city council. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to, or contributing to, the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address and location (if different from the address).

2. SIC number according to the standard industrial classification manual, bureau of the budget, 1972, as amended.

3. Wastewater constituents and characteristics, including, but not limited to, those mentioned in this chapter, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR, part 136, as amended.

4. Time and duration of contribution.

5. Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.

7. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

9. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. T e completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

10. Each product produced by type, amount, process or processes and rate of production.

11. Type and amount of raw materials processed (average and maximum per day).

12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

13. Any other information as may be deemed by the city to be necessary to evaluate the permit application.

C. Schedule; Increments Of Progress: The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in subsection C1 of this section shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

D. Evaluate Data: The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to terms and conditions provided herein.

E. Permit Modifications: Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required herein, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required herein.

F. Permit Conditions: Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

2. Limits on the average and maximum wastewater constituents and characteristics;

3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities;

5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

6. Compliance schedules;

7. Requirements for submission of technical reports or discharge reports;

8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

9. Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

10. Requirements for notification of slug discharges;

11. Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

G. Permit Duration; Permit Transfer:

1. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements identified herein are modified or other just cause exists. The. user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

2. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 8-4-17. Reporting Requirements.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if· not, what additional O&M and/or pretreatment is necessary to. bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

Section 8-4-18. Compliance Reports.

A. Periodic Submission Of Reports: Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by sue pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

B. Imposition Of Limitations; Sampling And Analyses: The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the act and contained in 40 CFR, part 136, and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

Section 8-4-19. Monitoring Facilities.

A. Facilities Required: The city shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. Sampling Equipment Maintained: There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Construction Standards: Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety {90) days following written notification by the city.

Section 8-4-20. Inspection and Sampling.

The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and (where the NPDES · state is the approval authority) the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 8-4-21. Pretreatment Requirements.

A. Compliance With Local, State And Federal Regulations: Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review on such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment

facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

B. Publish List Of Users In Noncompliance: The city shall annually publish in a newspaper published and having a general circulation in Caddo County, Oklahoma, a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

C. Records Open To Inspection: All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

Section 8-4-22. Confidential Information.

A. Request Of User: Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

B. Limited Availability: When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this city code, the national pollutant discharge elimination system. (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the -state or any s.tate _agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. Prior Notification: Information accepted by the city as confidential shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten (10) day notification is given to the user.

Section 8-4-23. Harmful Contributions.

A. City Authority To Suspend Service, Permit: The city may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

B. Remedial Action By User: Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

Section 8-4-24. Revocation of Permit; Notification of Violation.

A. Conditions For Revocation: Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;·

3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

4. Violation of conditions of the permit.

B. Notice Of Violation: Whenever the city finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition or limitation of requirements contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

Section 8-4-25. Show Cause Hearing; Legal Action.

A. Notice Of Hearing: The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

B. Council Action: The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the city to:

1. Issue, in the name of the city council, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any manner involved in such hearings;

2. Take the evidence; or

3. Transmit a report of the evidence and hearing including transcripts and other evidence, together with recommendations to the city council for action thereon.

C. Taking Testimony: At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

D. Directives Of Council: After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

E. Action For Relief: If any person discharges sewage, industrial wastes or other wastes into the city wastewater disposal system contrary to the provisions of this chapter, federal, or state pretreatment requirements, or any directive of the city, the city attorney may commence an action for appropriate legal and/or equitable relief.

Section 8-4-26. Penalty.

See section 8-1-17 of this title for penalty provisions applicable to this chapter.

Chapter 5. Electrical System

Section 8-5-1. Control of Electrical System.

A. City Manager:

1. The electric power and distribution plant of the Anadarko public works authority shall be under the control of the city manager, who shall be governed by the rules and regulations set forth herein, and he shall have authority to approve and disapprove all accounts for expenditures in this department. No accounts or claims shall be paid until approved by the city manager and allowed by the mayor and city council. The city manager, with the approval of the council, shall provide regulations for and fix all rates to be charged customers, which shall include fees for extra services relating to nonpayment of bills, disconnect and reconnect service, request for abnormal services, returned checks, and any other nonroutine services.

2. Meters shall be read by the city manager or persons designated by him, and all readings shall be turned over to the city clerk.

B. Lines And Meters Property Of Public Works Authority: Electric lines used for distribution of electricity and the meters attached thereto are the property of the Anadarko public works authority and shall be controlled by it.

Section 8-5-2. Interruption of Service.

A. Changes In Service Lines: No additions, changes or alterations in the service lines shall be made by the patrons, except that the same may be done with the approval of the city manager, and it shall be the contract between the city and each and every consumer that no claim shall be made or allowed against the authority for damages caused by, or because of, the breaking of service lines.

B. Right To Cut Off Service: The authority reserves the right to cut off current anywhere, or the entire system, for repairs, or in case of emergency, storm, fire, etc.

Section 8-5-3. Resumption of Electricity Authorized.

No person, from whose premises current has been cut off for any reason, shall turn the current on, or cause the same to be turned on, without authority from the city manager. Each violation of this section shall be deemed a separate offense.

Section 8-5-4. Meddling with Water and Electric Meters.

No person, except those persons authorized by the city manager, shall turn on any electric meter or water meter after that meter has been turned off by the Anadarko public works authority, nor shall any person, except those authorized to do so by the· city manager, alter, interfere or meddle with, wire around, or use jumpers on any electric or water meter belonging to the Anadarko public works authority, except in cases of emergency. Any such emergency action must be reported to the city manager no later than ten o'clock (10:00) A.M. on the first working day following the emergency action. A violation of this section shall be an offense punishable by a fine not to exceed two hundred dollars ($200.00). Alteration of any meter shall be deemed a separate offense, and each day such violation continues shall be a separate offense.

Section 8-5-5. Unauthorized Service; Fee.

For the first offense, a fee of one hundred dollars ($100.00) will be added to the customer's account if the meter has been tampered with in any manner, so as to reduce or avoid proper registration of utility consumption. For the second offense of meter tampering, a fee of two hundred dollars ($200.00) will be added to the customer's account; for the third offense of meter tampering, a fee of three hundred dollars ($300.00) will be added to the customer's account; and each offense after the third will increase in fifty dollar ($50.00) increments. A cut seal charge of fifty dollars ($50.00) will be added to the customer's account per offense. In addition to these charges the customer's deposit will increase by fifty dollars ($50.00) per offense. These fees will also apply to any customer who has had his service discontinued for delinquency or insufficient checks, and illegally restores his own service. If the problem continues and the customer persists in meter tampering, legal action should be considered to correct the problem. In addition to charges made, the customer is to

be billed for any meter that is missing or has damaged seals, boots, locks, etc., or any property damaged which belongs to the Anadarko public works authority.

Section 8-5-6. Meter Calibration Charge.

If the customer requests a meter calibration to test the accuracy of the meter registration, and the certification returned on the calibration test registers within two percent (2%} accurate, then the customer will be assessed the cost for electric meter tests or the cost of testing a water meter.

Section 8-5-7. Discontinuance of Service for Tampering.

The city manager, or his authorized representative, is hereby directed to discontinue service to any person, firm or corporation- found guilty of violation (examples: meter jumped or bypassed, or meter upside down in meter's base). Service may be disconnected when the police department has completed their initial investigation. Service shall not be resumed until the estimated cost of the service that was used and diverted shall have been paid in full.

Section 8-5-8. Large Industrial Users; Contracts.

A. Basis For Establishing: There is hereby established the following rate for large industrial users of electric power, as defined herein- below:

   1. A rate computed by multiplying total kilowatt hours (kWhs) by the authority's average monthly cost of wholesale power, plus five (5) mills and the authority's purchased power cost adjustment as established by the authority;

   2. Said computation shall use the authority's previous month's power bill from the supplier in arriving at the monthly average cost per kWh.

B. Availability: This rate is available to any retail customer whose consumption exceeds ten million (10,000,000) kWhs annually.

C. Contract: A written contract will be required by the authority which will specifically cover terms of payment, meter readings and adjustments, delivery points and other matters incidental to said contract to provide electric power.

Section 8-5-9. Deposits.

A. Residential:

   1. Homeowner $200.00

   2. Renter 300.00

   3. Water only 75.00

   4. Solid waste only 75.00

   5. If a customer has been disconnected for nonpayment or dis- connected (skip final) without proper notification, an additional deposit may be required by the city clerk.

   6. All outstanding balances owed to the city of Anadarko or Anadarko public works authority must be paid in full prior to services being connected, unless written approval of a payment agreement is authorized by the city clerk.

B. Business:

   1. Minimum deposit, two hundred fifty dollars ($250.00).

   2. A business deposit is to be based upon the city clerk's determination of load requirements, the customer's payment history, the building consumption history for that specific business building, and the consumption history of other similar businesses.

   3. If a customer has been disconnected for nonpayment or dis- connected (skip final) without proper notification, an additional deposit may be required by the city clerk.

   4. All outstanding balances owed to the city of Anadarko or Anadarko public works authority must be paid in full prior to services being connected, unless written approval of a payment agreement is authorized by the city clerk.

Section 8-5-10. Limited Usage Residential Service 120-L.

(Rep. by Ord. 1220, 7-14-2012}

Section 8-5-11. Limited Usage Residential Service 130-1.

A. Availability:

   1. This tariff is available in all service areas for individually metered primary residence use. This tariff is not available for resale, standby, breakdown, auxiliary, supplemental, business or manufacturing use. A written contract may be required at the option of the city of Anadarko when unusual service conditions· exist.

   2. Service will be supplied at one location for the entire electrical requirements of the customer and shall be at a nominal secondary voltage of 120/240 volts single phase unless specifically agreed to by the city of Anadarko.

   3. Service will be furnished in accordance with the city's rules, regulations, and conditions of service.

B. Special Conditions Of Services:

   1. Existing customers will be eligible for the limited usage residential service R-2 rate only if during the past twelve (12) months their monthly usage for each month has been five hundred (500) kilowatt- hours or less. Customers who have been connected for less than twelve (12) months will have their eligibility based on their historical usage.

   2. New customers will have their eligibility determined by requesting verification that their monthly usage will be five hundred (500) kilowatt-hours or less. If the customer does not make the

request, the city of Anadarko will bill under the normally applicable residential schedule.

3. The customer will be allowed to remain on the limited usage residential service R-2 rate as long as his monthly usage is less than five hundred (500) kWh or, in the case when his bill is for more than thirty (30) days, the daily usage must be 16.67 kWh per day or less.

4. During any consecutive twelve (12) month period, a customer receiving service on the limited usage residential service R-2 schedule will be allowed:

   i. One month of usage in excess of five hundred (500) kWh per month (16.67 kWh per day) but not more than twenty (20.00) kWh per day (600 kWh per 30 days); or

   ii. An existing customer is eligible for this only if the customer has an average on peak monthly usage of five hundred (500) kWh or less. At the end of the on peak season, the average daily kWh usage cannot exceed 16.67 kWh.

   If the customer exceeds either of these limits, the customer will automatically be billed on the normally applicable residential schedule for the current month and the next twelve (12) consecutive months before being eligible again for the limited usage residential service R-2 schedule.

C. Prices:

1. Customer charge: Refer to the graph in Paragraph A of Section 8-1-19. Service Availability Charge. This rate will not be offered to new customers after July 1, 2019.

2. Energy charge: 5.5 cents per kilowatt-hour (kWh) used per month.

D. Terms Of Payment: A late payment charge, pursuant to the city of Anadarko's late charge policy, will be assessed on all delinquent bills.

E. Adjustments To Billing:

1. Power Cost Adjustment: The amount calculated at the above prices is subject to increase or decrease under the provisions of the city's power cost adjustment rider.

2. Tax Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city of Anadarko's · tax adjustment rider

3. Fuel Over/Under Recovery Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city of Anadarko's fuel over/under recovery adjustment rider.

Section 8-5-12. Residential Service.

A. Availability:

1. This tariff is available in all service areas for residential use. Each block of this tariff shall be multiplied by the number of separate living quarters served through the meter. This tariff is not available for resale, standby, breakdown, auxiliary, supplemental, business or manufacturing use. Once a tariff is selected, service will continue to be supplied under that tariff for twelve (12) consecutive months unless a material and permanent change in the customer's load occurs. A written contract may be required at the option of the city when unusual service conditions exist.

2. Service will be supplied at one location for the entire electrical requirements of the customer and shall be at nominal secondary voltage of 120/240 volts single phase unless specifically agreed to by the city.

3. Service will be furnished in accordance with the city's rules, regulations, and conditions of service.

B. Prices:

1. Customer charge: Refer to the graph in Paragraph A of Section 8-1-19. Service Availability Charge.

2. Energy charge:

   i. On peak season:

      a) 5.75 cents per kilowatt-hour (kWh) for the first 400 kWh or less used per month.

      b) 7.25 cents per kilowatt-hour (kWh) for the next 400 kWh used per month.

      c) 8.85 cents per kilowatt-hour (kWh) for all additional kWh used per month.

   ii. Off peak season:

      a) 5.75 cents per kilowatt-hour (kWh) for the first 400 kWh or less used per month.

      b) 5.75 cents per kilowatt-hour (kWh) for the next 400 kWh used per month.

      c) 5.75 cents per kilowatt-hour {kWh) for all additional kWh used per month. (Ord. 1220, 7-14-2012)

C. Determination Of On Peak Season: The “on peak season" shall be the city's billing months May through September, inclusive.

D. Determination Of Off Peak Season: The “off peak season" shall be the city's billing months October through April, inclusive.

E. Determination Of Minimum Monthly Bill: The minimum monthly bill shall be twelve dollars ($12.00) per month per residential unit. The mini- mum bill shall be adjusted according to subsection G, "Adjustments To

Billing", of this section. If the customer's load is highly fluctuating to the extent that it causes interference with standard service to other loads, the minimum monthly bill will be increased fifty five cents ($0.55) per kVA of transformer capacity necessary to correct such interference. If individual motors of more than five (5) horse- power are connected, the minimum monthly bill shall not be less than fifty five cents ($0.55) per connected horsepower of such motors.

F. Terms Of Payment: A late payment charge, pursuant to the city's late charge policy, will be assessed on all delinquent bills.

G. Adjustments To Billing:

1. Power Cost Adjustment: The amount calculated at the above prices is subject to increase or decrease under the provisions of the city's purchase power cost adjustment rider.

2. Tax Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's tax adjustment rider.

3. Fuel Over/Under Recovery Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's fuel over/under recovery adjustment rider.

Section 8-5-13. Large Power 1.

A. Availability:

1. This tariff is available on an annual basis to any retail customer who takes service from a primary distribution line (34 kV or lower) with only one transformation provided by the city from the trans- mission system (69 kV or higher). This tariff is not available for resale, standby, breakdown, auxiliary or supplemental service. It is the customer's option whether service will be supplied under this tariff or any other tariff for which he is eligible. Once a tariff is selected, service will continue to be supplied under that tariff for twelve (12) consecutive months unless a material and permanent change in the customer's load occurs. A written contract may be required at the city's option.

2. Service will be supplied at one delivery point and shall be at one standard voltage.

3. Service will be furnished in accordance with the city's rules, regulations, and conditions of service.

B. Prices:

1. Customer charge: Refer to the graph in Paragraph A of Section 8-1-19. Service Availability Charge.

2. Energy charge:

i. 4.1268 cents per kilowatt-hour (kWh) for the first 200 hours used per billing kilowatt (kW) per month.

ii. 3.6593 cents per kilowatt-hour (kWh) for the next 200 hours used per billing kilowatt (kW) per month.

iii. 3.4859 cents per kilowatt-hour (kWh) for all additional kWh used per month.

3. Capacity charge:

i. $5.54 per kilowatt (kW) of billing demand per month.

ii. $0.22 per month for each kilovolt-ampere reactive (kVAR) required above 30 percent of the monthly maximum demand (kW).

4. Transformation charge: $2.26 per kilowatt (kW) of billing demand per month.

C. Determination Of On Peak Season: The “On peak season” shall be the city's billing months of July through October, inclusive.

D. Determination Of Off Peak Season: The “off peak season" shall be the city's billing months of November through June, inclusive.

E. Determination Of Monthly Billing Demand:

1. For the on peak season, the monthly billing demand shall be the greater of: a) ·the current month's maximum demand; or b) ninety percent (90%) of the highest demand occurring in any previous applicable on peak month during the preceding eleven (11) months.

2. For the off peak season, the monthly billing demand shall be the greater of: a) ninety percent (90%) of the highest demand occurring in any previous applicable on peak month during the preceding eleven (11) months; or b) fifty percent (50%) of the highest demand occurring in any previous applicable off peak month during the preceding eleven (11) months; or c) fifty percent (50%) of the current month's maximum demand.

3. The monthly maximum kilowatt (kW) and the monthly maximum kilovolt-ampere reactive (kVAR) requirements are based on thirty (30) minute integration periods as measured by appropriate demand indicating or recording meters.

F. Determination Of Minimum Monthly Bill: The minimum monthly bill shall be the customer charge, plus the capacity and transformation charges based on the current billing demand. The minimum monthly· bill shall be adjusted according to subsection H, “Adjustments To Billing”, of this section, and kVAR charges. If the customer's load is highly fluctuating to the extent that it causes Interference with standard quality service to other loads, the minimum monthly bill will be increased by fifty five cents ($0.55) per kVA of transformer capacity necessary to correct such interference.

G. Terms Of Payment: A late payment charge, pursuant to the city's late charge policy, will be assessed on all delinquent bills.

H. Adjustments To Billing:

1. Power Cost Adjustment: The amount calculated at the above prices is subject to increase or decrease under the provisions of the city's power cost adjustment rider.

2. Tax Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's tax adjustment rider.

3. Fuel Over/Under Recovery Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's fuel over/under recovery adjustment rider.

Section 8-5-14. Large Commercial.

A. Availability:

1. This tariff is available on an annual basis to any retail customer who takes service from: a) distribution secondary lines or trans- formers; or b) dedicated line transformers with or without a specific primary line tap; or c) a primary distribution line _(34 kV or lower) with a transformation provided by the city. This tariff is not available for resale, standby, breakdown, auxiliary or supplemental service. It is the customer's option whether service will be supplied under this tariff or any other tariff for which he is eligible. Once a tariff is selected, service will continue to be supplied under that tariff for twelve (12) consecutive months unless a material and permanent change in the customer's load occurs. A written contract may be required at the city's option.

2. Service will be supplied at one delivery point and shall be at one standard voltage.

3. Service will be furnished in accordance with the city's rules, regulations, and conditions of service.

B. Prices:

1. Customer charge: Refer to the graph in Paragraph A of Section 8-1-19. Service Availability Charge.

2. Energy charge:

i. 4.4898 cents per kilowatt-hour (kWh) for the first 200 hours used per billing kilowatt (kW) per month.

ii. 3.7352 cents per kilowatt-hour (kWh} for the next 200 hours used per billing kilowatt (kW) per month.

iii. 3.6073 cents per kilowatt-hour (kWh) for all additional kWh used per month.

3. Capacity charge:

i. $5.54 per kilowatt (kW) of billing demand per month.

ii. $0.22 per month for each kilovolt-ampere reactive (kVAR} required above 30 percent of the monthly maximum demand (kW}.

4. Transformation charge: Two dollars twenty-six cents ($2.26} per kilowatt (kW) of billing demand per month.

C. Determination Of On Peak Season: The "on peak season" shall be the city's billing months of May through September, inclusive.

D. Determination Of Off Peak Season: The "off peak season" shall be the city's billing months of October through April, inclusive.

E. Determination Of Monthly Billing Demand:

1. For the on peak season, the monthly billing demand shall be the greater of: a} the current month's maximum demand; or b} ninety percent (90%} of the highest demand occurring in any previous applicable on peak month during the preceding eleven (11) months.

2. For the off peak season, the monthly billing demand shall be the greater of: a) ninety percent (90%) of the highest demand occurring in any previous applicable on peak month -during the preceding· eleven. (11) months;. or. b) fifty percent (50%)- of .the highest demand occurring in any previous applicable· off peak month during the preceding eleven (11) months; or c) fifty percent (50%) of the current month's maximum demand. (Ord. 1002, 1-18-1990)

3. The monthly maximum kilowatt {kW) and the monthly maximum kilovolt-ampere reactive (kVAR) ·· requirements are based on thirty (30) minute integration periods as measured by appropriate demand indicating or recording meters.

F. Determination Of Minimum Monthly Bill: The minimum monthly bill shall be the customer charge, plus the capacity and transformation charges based on the current billing demand. The minimum monthly bill shall be according to subsection H, u Adjustments To Billing", of this section, and kVAR charges. If the customer's load is highly fluctuating to the extent that it causes interference with standard quality service to other loads, the minimum monthly bill will be increased by fifty five cents ($0.55) per kVA or transformer capacity necessary to correct such interference.

G. Terms Of Payment: A late payment charge, pursuant to the city's late charge policy, will be assessed on all delinquent bills.

H. Adjustments To Billing:

1. Power Cost Adjustment: The amount calculated at the above prices is subject to increase or decrease under the provisions of the city's power cost adjustment rider.

2. Tax Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's tax adjustment rider.

3. Fuel Over/Under Recovery Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's fuel over/under recovery adjustment rider.

Section 8-5-15. Commercial.

A. Availability:

1. This tariff is available on an annual basis to any retail customer who takes service from: a) distribution secondary lines or trans- formers; or b) dedicated line transformers with or without a specific primary line tap; or c) a primary distribution line (34 kV or lower} with a transformation provided by the city. This tariff is not available for resale, standby, breakdown, auxiliary or supplemental service. It is the customer's option whether service will be supplied under this tariff or any other tariff for which he is eligible. Once a tariff is selected, service will continue to be supplied under that tariff for twelve (12) consecutive months unless a material and permanent change in the customer's load occurs. A written contract may be required at the city's option.

2. Service will be supplied at one delivery point and shall be at one standard voltage.

3. Service will be furnished in accordance with the city's rules, regulations, and conditions of service.

B. Prices:

1. Customer charge: Refer to the graph in Paragraph A of Section 8-1-19. Service Availability Charge.

2. Energy charge:

i. On peak season:

a) 6.00 cents per kilowatt-hour (kWh) for the first 500 kWh used per month.

b) 8.70 cents per kilowatt-hour (kWh) for the next 2,000 kWh used per month.

c) 9.90 cents per kilowatt-hour (kWh) for all additional kWh used per month.

ii. Off peak season:

a) 6.00 cents per kilowatt-hour (kWh) for the first 500 kWh used per month.

b) 6.00 cents per kilowatt-hour (kWh) for the next 2,000 kWh used per month.

c) 6.00 cents per kilowatt-hour (kWh) for- all additional- kWh used per month.

C. Determination Of On Peak Season: The "on peak season" shall be the city's billing months of May through September, inclusive.

D. Determination Of Off Peak Season: The “off peak season" shall be the city's billing months of October through April, inclusive.

E. Determination Of Minimum Monthly Bill: The minimum monthly bill shall be the greater of: 1) twenty dollars ($20.00) per month; or 2) six dollars sixty cents ($6.60) per kW based upon the highest kW measured during any month of the 110n peak season" occurring during the current or eleven (11) preceding billing months under this tariff or any other tariff. Where no demand meter exists, the kW may be estimated on the basis of seven hundred forty six (746) watts per horsepower or connected motor loads. The minimum monthly bill shall be adjusted according to subsection G, "Adjustments To Billing", of this section. If the customer's load is highly fluctuating to the extent that it causes interference with standard quality service to other loads, the minimum monthly bill will be increased fifty five cents ($0.55) per kVA of transformer capacity necessary to correct such interference.

F. Terms Of Payment: A late payment charge, pursuant to the city's late charge policy, will be assessed on all delinquent bills.

G. Adjustments To Billing:

1. Power Cost Adjustment: The amount calculated at the above prices is subject to increase or decrease under the provisions of the city's power cost adjustment rider.

2. Tax Adjustment: The amount calculated at the above prices is subject to adjustment under provisions of the city's tax adjustment rider.

3. Metering Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's metering adjustment rider.

4. Fuel Over/Under Recovery Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's fuel over/under recovery adjustment rider.

Section 8-5-16. Light and Power 7 Peak Management.

A. Availability:

1. This tariff is available in all service areas for any retail customer, with new commercial demonstrated loads of fifty (50) kW or. greater, who takes service from distribution secondary lines or transformers, or dedicated line transformers. with or without a specific primary line tap. Customers served on this rate schedule shall curtail their energy consumption during on peak hours or pay the high energy rate as a result. This tariff is not available for resale, standby, breakdown, auxiliary, or supplemental use. A written term contract shall be required by the city. (Ord. 1220, 7-14-2012)

2. Service will be supplied at one delivery point and shall be at one standard voltage.

3. Service will be furnished in accordance with the city's rules, regulations and conditions of service.

B. Prices:

1. Customer charge: One hundred twelve dollars ($112.00) per month.

2. Energy charge:

i. Time specific off peak, 5.40 cents per kilowatt-hour (kWh) for all kWh used per month outside the specific on peak hours each day of the on peak season (the city's billing months of July through October, inclusive).

ii. Time specific on peak, 64.00 cents per kilowatt-hour (kWh) for all kWh used per month during specific on peak hours each day of the on peak season (the city's billing months of July through October, inclusive). Unless otherwise stated by individual contract terms, that period will be designated as three o'clock (3:00) P.M. until eight o'clock (8:00) P.M. daily. The city may cancel a peak day and peak period, if the city has been notified by WFEC that the peak has been canceled for the day. This notice must be received by e-mail from WFEC and forwarded to the customer by e-mail.

C. Determination-Of Minimum· Monthly Bill: The-minimum monthly- bill·· shall be the customer charge of one hundred ten dollars ($1-10.00). The minimum monthly bill shall be according to adjustments to billing and kVAR charges. If the customer's load is highly fluctuating to the extent that it causes interference with standard quality service to other loads, the minimum monthly bill will be increased by fifty five cents ($0.55) per kVA of transformer capacity necessary to correct such interference.

D. Adjustments To Billing:

1. Power Cost Adjustment: The amount calculated at the above prices is subject to increase or decrease under the provisions of the city's power cost adjustment rider.

2. Tax Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's tax adjustment rider.

3. Metering Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's metering adjustment rider.

4. Fuel Over/Under Recovery Adjustment: The amount calculated at the above prices is subject to adjustment under the provisions of the city's fuel over/under recovery adjustment rider.

E.

1. Availability: This tariff is available to all domestic consumers of the Authority for all uses, who are capable of controlling all or part of their electric requirements through a means of individual load control or self-generation, and volunteer for this rate. All customers who have or intend to install an electric vehicle charging station shall be required to use this rate schedule.

2. Type of Service: Single-phase, 60 Hertz, at available secondary voltage

3. Monthly Rate:

i. Service Availability Charge: $20.00 per month

ii. Demand Charge: $5.00 per Billing kW

iii. Energy Charge: $0.065 per kWh

4. Minimum Charge: The minimum monthly charge under the above rate shall be the Service Availability Charge.

5. Determination of Billing Demand: The Billing Demand shall be the average of the most recent consecutive 12 months of consumer demand, ending with the current billing period, (rolling 12-month average,) coincident with the wholesale power providers monthly control center peaks. New consumers moving into an existing facility shall be billed on the existing facilities rolling 12-month coincident demand history. New consumers moving into new facilities shall be billed on a monthly average for the consecutive months of service at the new facility until 12 consecutive months' service has been reached and then on a rolling twelve months' average, thereafter.

6. Transformer Capacity Charge: Service under this schedule is based on consumers whose load requirements do not exceed 50 kVa of transformer capacity; consumer requiring transformer capacity in excess of 50 kVa shall be required to pay an additional charge of $0.50 per kVa for each one (1) kVa of transformer capacity required for an individual consumer's service above 50 kVa.

7. Billing Adjustments: PCA shall be passed on at the rate per kWh as is applied to all remaining Residential customers.

8. Terms of Payment: Payment shall be due at the office of the Authority within 15 days of mailing.

Section 8-5-17. Method for Review and Recalculation of Electric Utility Service Rates.

The method for review and recalculation of electric utility service rates, fees and charges shall be the same procedure as is set out in section 8-1-16 of this title for the establishment of utility rates, fees and charges.

Section 8-5-18. Penalty.

See section 8-1-17 of this ·title for penalty provisions applicable to this chapter.

Section 8-5-19. Power Cost Adjustment Rider.

Adjustment for the cost of electric power (PCA): The foregoing rates are based upon an average cost of power up to 20.90 mills per kWh. Charges calculated according to the rates shall be increased or decreased for each kWh billed by an amount, by which the average cost of power paid to suppliers of power during the previous month, plus the cost of generation for the previous month exceeds or is less than 20.90 mills per kWh, computed monthly based on the following formula:

PCA = A/1-B

Where PCA is the power cost adjustment to be made per kWh billed and where:

A = The amount (expressed in cents or fractions thereof) by which the average cost of power per kWh paid to suppliers of power and the monthly generation cost by the authority during the last previous calendar month, preceding the end of the billing period for which kWh usage is billed, exceeds or is less than 20.90 mills per kWh.

B = The actual percentage of power losses expressed deciminally and computed monthly according to the following formula:

B = (x-y)/x

Where:

x = The total kWh purchased and generated for the 12 month period ending one month prior to the sales period.

Y = The total kWh sales for the same preceding 12 month period.

When the PCA amount is determined, a factor of 0.000785 shall be multiplied on the total power adjustment to cover the cost of fuel to generate power during outages and called peak time by the supplier to provide the total Adjusted Power Cost Factor.

Section 8-5-20. Tax Adjustment Rider.

The city shall apply a five percent (5%) city and county tax to all residential utility bills and a nine and one-half percent (9 1/2%) city, -county and state tax to all nonresidential utility billing. The foregoing charges shall be adjusted from time to time to account for any increase or decrease in proportion to the amount of new or increased taxes and/or fees not in effect on May 21, 2012.

Section 8-5-21. Net Metering Policy.

The Anadarko Public Works Authority may by resolution establish a policy and rate structure for net metering for electrical services if it is determined to be in the best interest of the Authority and the City of Anadarko. The Authority may be allowed to establish a rate structure as a general policy or establish a contract on a per customer basis whichever is deemed to be the most appropriate. The rate structure or contract must contain the following requirements:

A. Net metering can only occur with a customer connected to the Authority's electrical distribution system who must be in good standing and current with their account.

B. All costs associated with the special requirements of a net metering account will be the responsibility of the customer including but not limited to the actual meter.

C. Net metering can only be with a commercial customer who generates energy from a renewable source.

D. The customer must be able to generate not less than 250,000 kwh per year.

E. The credit shall be less than the wholesale price of energy from the Authority's contracted power supplier.

F. Customer must be responsible for the fixed cost of maintaining the system plus any power cost adjustments on any purchased power.

G. The credit can only be applied on a monthly basis. At no time shall the credit be carried forward month to month nor shall a negative balance result in a refund to the customer.

H. The demand charge shall still apply to any customer that qualified as a demand account.

I. The Authority shall not purchase more than 650,000 kwh per customer.

Section 8-5-22. Standby Rate.

A. AVAILABILITY: Available to all consumers using Non-Firm Standby Service, where the consumer can self-generate fifty (50) kW or greater, or in other ways provide, a portion of their own requirements, but are capable of receiving a portion of their requirements from the Authority when service is taken at one location through one meter. No resale service permitted without Authority approval.

B. TYPE OF SERVICE: Single Phase or Three-phase, 60-Hertz, at available voltage

C. MONTHLY RATE:

1. Service Availability Charge:

   i. Single Phase Distribution Voltage
   $ 50.00 per month

   ii. Three Phase Distribution Secondary Voltage
   $100.00 per month

   iii. Three Phase Distribution Primary Voltage
   $250.00 per month

2. Transformation Charge:

   i. Per kVa of Installed Transformer Capacity
   $ 0.75 per kVa

3. Demand Charge:

   i. Managed Generation Demand Charge
   $ 3.85 per kW of Billing Demand

ii. Base Generation Demand Charge
$ 2.70 per kW of Billing Demand

iii. Reservation Demand Charge
$ 2.11 per kW of Billing Demand

iv. Transmission Demand Charge
$ 2.40 per kW of Billing Demand

v. Distribution Demand Charge
$ 1.69 per kW of Billing Demand

4. Energy Charge:

i. All kWh $ 0.01150 per kWh

D. BILLING ADJUSTMENTS:

1. Wholesale Fuel Charge: An amount equal to the monthly wholesale power suppliers fuel charge per kWh.

2. Wholesale Miscellaneous Charges: This includes any other charges that may be passed on by the wholesale power provider.

E. MINIMUM MONTHLY CHARGE: The minimum monthly charge under the above rate shall be the Customer Charge and Demand Charge.

F. BILLING ADJUSTMENTS: Reference sheet Nos. 1 and 2.

G. TERMS OF PAYMENT: The above charges are due within fifteen (15) days of the date of the bill. A late charge of one and one-half percent (1.5%) will be added in the event the current bill is not paid in full within fifteen (15) days.

H. DETERMINATION OF BILLING DEMEND:

1. Managed Generation Demand is the average of the consumer's coincident peak demand contribution to the three (3) highest annual hourly peak demands or the three (3) previous calendar years 3 highest coincident peak demands coincident with WFEC's control center. The Managed Generation Demand will be reset each January and remain effective during the entire calendar year. The calculated demand shall be greater than zero.

2. Base Generation, Transmission and Distribution Billing Demand is the average of the twelve-monthly hourly peak demands during the previous calendar year, coincident with WFEC's monthly control center peaks, but in no case less than eighty percent (80%) of the maximum demand (NCP) established for any sixty (60) minute period during the current or previous eleven (11) months. The calculated billing demand shall be adjusted for losses to the wholesale delivery point.

3. Reservation Demand shall be the maximum demand (Non-Coincident Peak) established for any sixty (60) consecutive minute period during the current or previous eleven (11) months. The calculated billing demand shall be adjusted for losses to the wholesale delivery point.

4. Retail Demand shall be the maximum rate at which energy is used for any period of fifteen (15) consecutive minutes of the month for which the bill is rendered, as shown by the Authority's demand meter and corrected for power factor.

I. POWER FACTOR ADJUSTMENT: The Consumer agrees to maintain a power factor of not less than ninety percent (90%). The Association reserves the right to measure such power factor at any time. Should such measurement indicate the power factor of the consumer is less than ninety percent (90%), the consumer agrees, upon sixty (60) days written notice, to correct such power factor to ninety percent (90%), or, if the Association shall elect, the total bill shall be multiplied by ninety percent (90%) and divided by the measured power factor.

J. WHOLESALE POWER COST ADJUSTMENT: The rates as stated above are based upon WFEC's wholesale rate STANDBY to the Authority. The Generation Charge, Transmission Charge, and Distribution Charge will be a direct pass through from WFEC and may be adjusted annually by WFEC's Board. The energy charge is based on standard charge of 3.6 per kWh. When the wholesale rate, including any surcharges, under which the Authority purchases electric power and energy for the consumer, is modified, increased or decreased, the Authority shall make a corresponding modification to this retail rate to the consumer.

Chapter 6. Solid Waste Collection and Disposal System

Section 8-6-1. Purpose.

It is the purpose of this chapter and it is hereby declared to be the policy of the city of Anadarko, Oklahoma, and the Anadarko public works authority, pursuant to the authority of the Oklahoma solid waste management act (27A Oklahoma Statutes section 2-10- 101 et seq., inclusive, and as amended), to regulate the collection and disposal of solid wastes 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 8-6-2. Definitions.

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

A. REFUSE: 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: Shall include all putrescible and non-putrescible refuse in solid or semisolid, or liquid form, including, but not limited to: garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes and hazardous wastes (including explosives, biomedical

wastes, chemical wastes, herbicide and pesticide wastes).

C. SOLID WASTE MANAGEMENT SYSTEM: The entire process of storage, collection, transportation, processing and burying solid wastes at or in a site approved by the Oklahoma department of environmental quality.

D. TRASH: Paper, rags, containers of paper, tin 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 city.

Section 8-6-3. Collection and Disposal Declared City Function.

The collection and disposal of garbage, trash and refuse and other solid waste is hereby declared to be a municipal function of the city, as a protection of the public health. The police powers of the city shall be invoked when necessary for the enforcement of this chapter. In addition, the city 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 8-6-4. Charges for Solid Waste Collection and Disposal.

A. Residential Services:

1. Residential Units: All residential units, mobile home units, apartment units or other family dwelling units, either single, in apartment complexes, or mobile home parks in the City of Anadarko, Oklahoma, to which refuse collection is made available by the City or its contractors, shall be assessed a monthly charge for once-per-week collection. Additional fees shall apply for each extra poly cart and for additional weekly pick-ups.

2. Multi-Family Units:

   i. Apartment complexes and mobile home parks with eight (8) or more units shall receive a sanitary container system. The number of containers and pickup frequency will be determined by the City, with a minimum of two (2) pick-ups per week. Additional containers may be furnished upon request if deeded necessary by the City.

B. Business, Industrial and Commercial Services:

1. Mandatory Service: Minimum solid waste service is mandatory for each business, industrial and commercial premises in the city. On the recommendation of the county-city health department and/or upon determination by the city that service above the minimum is required for reasons of health or sanitation or to abate violation of any other ordinance or provision of this code, additional service shall also be mandatory.

2. Monthly Base Charge: Each such premise shall pay a monthly base charge for one-per-week collection. Additional fees shall apply for extra poly carts and for additional weekly pick-ups.

3. Bulk Containers Provided by the City: Business, industrial and commercial users may, at the option of the city council, receive sanitary container system service for the removal of trash and solid waste at the rate table for bulk containers listed by number of weekly pick ups, container size and rate as determined by the contract approved by the council.

4. Expanded Services: The City Council may expand solid waste services beyond those specifically outlined in this chapter (e.g., bulky waste or recycling).

   Bulk Containers:

   The city will furnish a bulk container(s) to be used in collection and removal of trash and solid waste. The number of containers and frequency shall be adequate to sanitarily service the locations involved, as determined by the city. Lock devices may be provided for an additional charge.

5. There shall be established a downtown trash rate to meet the needs of the business community and the services needed to dispose of waste. Downtown business shall have the option of sharing bulk waste containers or having a bulk waste container for their sole use only. The rate for individual bulk waste container shall be the same as all other commercial bulk waste containers.

6. Nonscheduled Pick Ups: Nonscheduled pick ups may be performed upon request by the assigned container user(s).

7. Location Of Bulk Containers: Location of bulk container(s) shall be determined by the city, and it shall be the duty of the user(s) to provide a suitable bulk container site.

8. Users Located In Residential Areas: Where commercial, industrial, or business users are located in an established residential area, the type of container(s), frequency of collection, and rates charged for services shall be determined by the city as set forth in other sections of this chapter.

9. “The initial sanitation rates were established pursuant to Resolution No. 25-20, approved by the Anadarko Public Works Authority at its regular meeting held on June 9, 2025.”

C. Annual Adjustment Of Rates; Consumer Price Index: Rates for residential, commercial, industrial, or business solid waste collection services, as set forth in this chapter, shall be annually adjusted during the month immediately following receipt of notice of change in the consumer price index, with any increase with the percentage according to the U.S. department of labor, bureau of labor statistics or two percent whichever is higher. Rates shall be adjusted based

upon the contracted rate and the Consumer Price Index annually or two percent whichever is higher. Any rate increases outside of contractual agreements with the sanitation service provider shall require approval by Resolution.

Section 8-6-5. Billing by Public Works Authority.

The rates and charges for the use of the garbage disposal system and for the collection and disposing of garbage shall be billed to each user monthly along with the bill for lights, water, sanitary sewer and other services by the Anadarko public works authority and the city of Anadarko, Oklahoma, a municipal corporation, and said Anadarko public works authority is authorized to not accept payment for any electric, water or sanitary sewer bill unless such payment is accompanied with the garbage disposal fee.

Section 8-6-6. Private Collection.

The collection and disposal of garbage shall be made over the entire city, and for reasons of public health, it shall be unlawful for any person, business or organization, except the city of Anadarko, Oklahoma, and the Anadarko public works authority, to use the streets and alleys within the city for the collection of and/or disposal of garbage without first obtaining written authority from the city council. It shall be unlawful for any person, business, or organization to use residential and/or commercial dumpsters for disposal of garbage without first obtaining written authorization from the property owner. Every such act shall constitute an offense.

Section 8-6-7. Container System of Storing Garbage; Container Placement.

A. Compliance Required: It shall be the duty of the occupant of each dwelling and of the occupant of each business or industrial establishment to comply with these provisions of this chapter pertaining to the storage of garbage or trash.

B. Dwellings:

1. Obstructing Access: The placement and use of trash cans in alleys where containers are located is expressly prohibited. The placement or parking of vehicles in alleys where containers are located or in the city right of way so as to deny access to said container is expressly prohibited. The city reserves the right to refuse to collect garbage and trash in containers which are not easily accessible by reason of said parked cars or other such obstructions.

2. Prohibited Items: All trash from dwellings may be stored in such containers for the storage of garbage; provided, however, that the following items shall not be stored in the containers: furniture, appliances, bathroom fixtures, steel, dirt, masonry products, any building and construction debris such as shingles and floor coverings, or any volume of similar materials which because of weight would preclude the city's dumping the container.

3. Littering Ground Near Containers: The placement of any items on the ground beside the container that would normally be placed in the container thereby causing litter is expressly prohibited.

C. Business And Industrial Establishments:

1. All garbage and trash from business or industrial establishments that use the container system shall be placed in the container and the opening be immediately closed and securely fastened.

2. Cardboard boxes which are placed in such containers must be broken down.

3. The same restrictions and prohibitions that apply to dwellings in subsection B of this section shall also apply to business and industrial establishments covered herein.

D. Damaging Or Removal Of Containers: No person shall damage, destroy, or remove from the premises of a dwelling, or the premises of a business or industrial establishment, any container owned by the city, its agents, employees, or contractors. The placement of any items on or around a container that would thereby cause damage to private property or to trucks owned either by the city, its agents, employees, or contractors is expressly prohibited. Any malicious mischief such as moving or defacing a container, setting fire to container contents, or causing the container to burn by the placement of hot ashes in the container is expressly prohibited.

E. Polycarts; User Responsibility: Persons, businesses, commercial or industrial establishments assigned polycarts owned by the city, its agents, employees, or contractors, for use in the collection and disposal of trash and solid waste shall be responsible for reimbursement to the owners of said polycart(s) in the event of loss or damage to container(s) at the current cost of replacement. Such reimbursement may be applied to the utility billing issued by the city to the customer, and divided over a maximum period of ninety (90) days.

F. Residential Cans Or Bags Where Dumpsters Not Provided: It shall be the responsibility of the owner or resident to place their can and/or trash bag in front of their respective residence for pick up on specified days.

G. Additional Regulations: In addition to the regulations set forth in this section, in order to protect the public health, storage of garbage shall be in such manner as is approved by the sanitation and health departments.

Section 8-6-8. Normal and Holiday Collection Schedules.

A. Normal Schedule: Curbside pick ups where polycarts are furnished to each residence shall mean one day per week pick up. Frequency of dumpster pick ups shall be based upon the needs of the user(s), as determined by the city, its agents, servants, employees or contractors.

B. Holidays: The collection of solid waste shall be the same on holidays recognized by the City Council unless specifically mentioned by contract.

Section 8-6-9. Accumulation a Nuisance; Abatement.

A. Accumulations Prohibited; Abatement:

1. 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.

2. Any such condition is hereby declared a violation of this chapter and punishable as such, and in addition is declared to be a nuisance and may be abated as such.

B. Construction Waste:

1. Any person constructing any structure within the city 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 by the person concerned at all times to keep the premises from becoming unsightly with solid waste and shall always be kept covered.

2. 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 prescribed therefor.

Section 8-6-10. Burning of Solid Waste; Incinerators.

A. Burning Prohibited; Exception: 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, except as herein provided:

1. Fires purposely set for the instruction and training of firefighting personnel when authorized by the fire chief or the assistant fire chief.

2. Fires used solely for ceremonial purposes when authorized by written permit from the fire chief or his designative representative.

3. Fires used solely for the purpose of burning of trees, brush, grass, and other vegetative matter for the purpose of clearing or maintaining land zoned agricultural (A-1) when:

i. The burning is not within one hundred fifty feet (150') of an occupied residence or structure other than those located on the property where the burning is conducted;

ii. Care is used to minimize the amount of material being burned so that the burning is manageable by on site fire suppression devices or equipment provided by .the person responsible for the burning;

iii. Oils, rubber. and other similar materials which produce unreasonable amounts of air contaminants and smoke are not burned;

iv. The burning occurs between three (3) hours after sunrise and three (3) hours before sunset;

v. The burning shall be conducted only when wind speeds do not exceed and are not expected to exceed fifteen (15) miles per hour in any direction at the time or during the burning;

vi. There is no visibility hazard created for any roadway, rail track or airfield by the burning;

vii. The person responsible for the burning obtains a written permit from the fire chief or his designative representative;

viii. There is no county or state burn ban in effect for the city of Anadarko that would prevent the burning from taking place.

4. Burning of brush shall be allowed within the corporate city limits by the city employees acting within their scope of employment upon the approval of the city manager in consultation with the fire chief. A designated site shall be selected that provides the least possible fire hazards and be approved by the fire chief.

5. The city of Anadarko will not be responsible for any damages should any person conduct a burn. Liability will rest solely on the person or persons responsible for starting and maintaining the burn.

B. Installation Of Incinerator: It shall be an offense to construct or install, within any building in the city, an unlawful incinerator designed to bum solid wastes.

Section 8-6-11. City Inspection of Premises.

It shall be the duty of the health officer of the city, or his authorized agent, and he is hereby directed, to make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with.

Section 8-6-12. Nonresident Disposal of Solid Waste.

A. Disposal Inside City Limits Prohibited: It shall be unlawful for any nonresident of the city to dispose of garbage and solid waste inside the city limits. unless at a designated location by the city council and a fee for disposal. The City Council shall adopted a rate in the event it allows non-residents to dispose of waste and it shall be adjusted annually according to the cost of providing the service and the Consumer Price Index.

B. Contract For Collection Or Use Of Dump Ground: The city manager is hereby authorized to negotiate contracts with owners, occupants or their agents, on premises located outside the city, for the collection of garbage and/or use of the city dump ground for the disposal of garbage and trash. Upon final approval by the city council, the city manager may execute said contract.

Section 8-6-13. Flat Bed Service.

The city of Anadarko may provide flatbed services to the citizens within the corporate city limits for a fee of twenty five dollars ($25.00) per load. Citizens must request the service by contacting utility billing and having a work order created. Code Enforcement may assess additional fees based on the volume of items, required manpower, and equipment necessary to complete the service. Upon the completion of the work order, the fees may be added to the utility bill upon request and approval of the City Clerk or a property owner with no utilities shall pay the fee upon completion and receipt of Invoice from the City Code Enforcement. The fee shall be waived in the event of a natural disaster declared either by executive order of the president of the United States or the governor of the state of Oklahoma. The fee will only be waived on items specifically outlined by federal and state regulations.

A. Care And Placement Of Items:

1. Tree limbs and shrub type trimmings shall be cut in lengths of not over three feet (3') in length and one and one-half feet (11/2') in diameter, and shall be stacked for each pick up.

2. All items placed in an alley for flatbed service, whether limb trimmings, furniture, appliances or building and construction debris, shall be placed in the alley immediately adjacent to the resident's property line.

3. No items shall be placed against, or on top of, any container.

4. All building contractors, appliance and furniture dealers, and commercial landscaping contractors are prohibited from placing items on any streets, alleys or lots for city pick up.

5. It shall be the responsibility of each business establishment to dispose of their respective items.

B. Certain Materials Collected By City Department: The city solid waste department shall collect certain materials:

1. Grass cuttings shall not be placed in garbage or trash containers, but shall be placed in separate boxes, cartons or baskets of not more than three (3) cubic feet in capacity; measurements shall also apply to brushwood. Tree and shrub trimmings which have not been bundled as described herein shall be removed by the owner or person in charge thereof, at the owner's expense.

2. Tire pick up will be limited to five (5) automobile tires, two (2) truck tires and one tractor tire. Amounts generated in excess of those set out herein will be the owner's responsibility and will be disposed of at the owner's expense.

Section 8-6-14. Penalty.

See section 8-1-17 of this title for penalty provisions applicable to this chapter.

Section 8-6-15. Use of Jetter Truck.

The City Manager is authorized to allow the usage of the Jetter Truck to any political subdivision of the state including other municipalities and tribal governments for a service charge of three hundred dollars ($300.00) per hour plus the cost of a city employee assigned to operate the vehicle including the cost of over time if required. The City Manager shall also charge mileage at the prevailing federal reimbursement rate in addition to the hourly rental charge. The City Manager at his discretion may waive the fee for any municipality or political subdivision of the state who offers mutual assistance for like services at no charge to the City of Anadarko.

Chapter 7. Public Utilities

Section 8-7-1. Public Utilities Placement and Depth.

A. Application: All public utilities located inside the corporate city limits of Anadarko shall make application with the city manager or his representative for permission to locate any utilities in a public right of way. The application shall describe the location and type of utilities being placed in the easement. The city reserves the right to specify the exact placement of the utility and inspect the project to ensure compliance with this code.

B. Depth Of Underground Lines: The depth of underground lines shall be as specified herein for each type of utility. Where placements at such depths are impractical or where unusual conditions exist, the department shall specify other protection as may be appropriate in lieu of the depth of bury required for the particular utility line. Any and all buried utility lines will be placed at a minimum depth of thirty six inches (36”). Any deviation from the specified depth must be requested in writing and approved by city council.

1. High pressure gas and liquid petroleum lines will be constructed no less than forty eight inches (48”) lower than the lowest part of the drainage or bar ditch, and the drainage is to be considered at least two feet (2') below the center of the roadway.

2. Fiber optic lines will be constructed no less than forty eight inches (48”) lower than the lowest part of the drainage or bar ditch,. and the drainage is to be considered at least two feet (2') below the center of the roadway.

3. Communications cable will be constructed no less than thirty six inches (36”) lower than the lowest part of the drainage or bar ditch, and the drainage is to be considered at least two feet (2') below the center of the roadway.

4. Water lines will be constructed no less than thirty six inches (36”) lower than the lowest part of the drainage or bar ditch, and the drain- age is to be considered at least two feet (2') below the center of the roadway; crossings to be encased.

5. Underground power line crossings and longitudinal shall be encased (placed in conduit) and buried a minimum of thirty six inches (36”) under roadway ditches, and sixty inches (60”) below the pavement surface.

6. Cable television and copper cable communication lines shall have a minimum depth of cover twenty four inches (24”) under ditches or eighteen inches (18”) beneath the bottom of the pavement structure, whichever is greater.

TITLE 9 – BUILDING REGULATIONS

Chapter 1. Model Construction Codes; Administration

Section 9-1-1. Codes Adopted.

The particular model construction codes listed below, to include rules, revisions or amendments to those codes subsequently adopted by the Oklahoma Uniform Building Code Commission, are hereby adopted and incorporated in this chapter, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried on within the corporate limits of the city, reserving unto the city the statutory authority by counsel action to amend such adopted codes to make changes necessary to accommodate local conditions subject to the approval of the Commission:

A. Building Code: The construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and. structures, including commercial structures:

International building code (recommended by the International Code Council).

B. Plumbing Code: The installation or alteration of plumbing and drainage systems for buildings and structures:

International plumbing code (recommended by the International Code Council).

C. Electrical Code: The installation or alteration of electrical equipment for buildings or structures:

National electrical code (recommended by the National Fire Protection Association).

D. Reserved.

E. Property Maintenance Code: The provisions of the basic, minimum housing standards for the maintenance and preservation of the health, safety and welfare of occupants:

International property maintenance code (recommended by the International Code Council).

F. International Fire Code: The provision of basic safeguards to life and property from the hazards of fire, hazardous materials and explosion:

International fire code and appendixes C, D, E, F and G (recommended by the International Code Council).

G. Gas Codes: The installation or alteration of gas systems for buildings or structures:

International fuel gas code (recommended by the International Code Council and the American Gas Association).

H. Energy Conservation Code: The provision of basic standards for energy conservation in buildings and structures:

International energy conservation code (recommended by the International Code Council).

I. Mechanical Code:· The provision of basic standards for mechanical installations in buildings and structures:

International mechanical code (recommended by the International Code Council).

J. Residential Code: Residential code regulating the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures,. including one- and two- family dwellings and multi-family housing:

International residential code, for one- and two-family dwellings (recommended by the International Code Council).

K. Existing Building Code: Commercial code regulating the construction or alteration of existing commercial buildings and structures:

International existing building code (recommended by the International Code Council).

Section 9-1-2. Modifications of Adopted Codes.

A. Definitions:

1. Wherever the words "city", "town" or "municipality" are used in those model construction codes adopted, it shall mean the city of Anadarko, Oklahoma.

2. Wherever the words "inspector" , "building inspector" or "administrative official" are used in those model construction codes adopted, it shall mean the municipal official currently assuming the duties and responsibilities of municipal building inspector for the city of Anadarko, Oklahoma.

B. Official Titles: All official titles used in those model construction codes adopted shall be interpreted as defined in this code.

C. Penalties: Maximum penalties for violation of provisions of those model construction codes adopted shall be as provided in section 9-1-9 of this chapter.

D. Model Construction Codes:

1. Notwithstanding any provisions of any of those model construction codes adopted by this chapter, wood shingles may be used for roofing.

2. All limits, except “fire limits", referred to in any of those model construction codes adopted by this chapter are hereby established as the corporate limits of the city of Anadarko, Oklahoma.

E. Energy Conservation Code: Notwithstanding the provisions ·(or lack· thereof) of the adopted energy conservation code,- the following shall-· apply:

1. Ceilings shall be a minimum R-38; approved batt or blown insulation may be used to achieve the R-38 requirement (10 inch blown insulation).

2. Outside walls shall be a minimum R-19; this can be achieved by use of one or more approved materials.

3. Floors (wood over unheated spaces) shall be a minimum R-9; insulation shall be held in place as recommended by the manufacturer (sill sealer between sole place and floor).

4. Foundation and slab insulation shall be a minimum R-5 (2 inch insulation board).

    i. This insulation shall extend downward from the top of the slab for a distance of twenty four inches (24"); if the stem wall is less than twenty four inches (24", the difference is to be turned in at the footing.

    ii. The insulation may be installed downward to the bottom of the slab for a total minimum distance of twenty four inches (24").

    iii. In the case of a monolithic slab foundation, the insulation may be used outside of the wall from the top of slab downward to the footing.

5. Windows shall not be single glazed. All window areas shall be double or triple glazed.

6. Major areas of concern are exterior joins between wall and foundation, and between wall cavities and window or door frames; exterior joints around windows and doors, between wall and roof, between wall panels at penetrations or utility service through walls, and all other openings in the exterior envelope shall be caulked, weatherstripped, or otherwise sealed. Vapor barriers are to be installed on the heated side of the envelope (avoid double vapor barrier).

7. A card signed by the contractor who installs any insulation material is to be securely affixed to the structure adjacent to the attic access; the card will display the following information:

    i. Name of installing contractor;

    ii. Trade name on insulation(s);

    iii. R factor for walls, ceiling, floor and/or slab; and

    iv. Date of installation.

F. Plumbing Code: The basic plumbing code is hereby amended and changed in the following respects:

1. Joints And Connections; Plastic Pipe Joints: Only solvent cement approved by the National Sanitation Foundation shall be used. The label on the container of solvent cement shall have the manufacturer's name and address, type of plastic (such as PE, PVC, ABS, etc.), the solvent used to join, and the recommended procedure for use.

2. Water Distribution Pipe, Tubing And Fittings: Plastic pipe provided the piping and water service pipe provide the piping and fittings have the NSF seal of approval and water pressure rating of one hundred sixty, (160) psi.

3. Drain Waste And Vent (Aboveground): Plastic pipe and fittings known as ASTM schedule 40 PVC and ABS may be used as soil, waste and vent lines. The piping and fittings shall meet the following commercial standards: PVC - C.S. 272-65; ABS - C.C. 270-65. All piping and fittings shall have the NSF seal of approval.

4. Building (House) Sewer: Plastic pipe may be used, provided the pipe and fittings meet the commercial standards set out for drain, waste and venting in this code. The plastic pipe shall be schedule 40 interior, and four inch (4") schedule 40 from exterior foundation to main sewer tap.

5. Tap Fee: When it is necessary to cut any alley, easement or street for the purpose of tapping a city sewer line or repairing said tap or connection, the following fee, in addition to normal permit fees and charges shall be assessed:

    i. Concrete alley, easement or street: Three hundred dollars ($300.00).

    ii. Asphalt alley, easement or street: Two hundred fifty dollars ($250.00).

    iii. Dirt or gravel alley, easement or street: One hundred. fifty· · dollars ($150.00).

6. Sanitary Sewer Backflow Prevention:

    i. Private Sewer Line Connections: All private service lines connected to the city of Anadarko public sewer system shall include a pop off device, or other city approved backflow prevention device, connected to the sanitary sewer cleanout, to protect against back- flow. Said device shall be of sufficient size and quality to prevent backflow to individual residences or businesses. All installed pop off devices shall be registered with the city of Anadarko and properly maintained and secured by said property owner.

    ii. Exempting Liability: Failure to meet the conditions of this sub- section F6 effectively exempts the city of Anadarko from all liability in the event of a sanitary sewer backup.

G. When it is necessary to install a fire hydrant to the system or move a fire hydrant at the request of a developer the following fees shall apply and must be remitted to the City Clerk prior to the work being started.

Fire Hydrant Installation	$1,760.00	Plus Cost of Hydrant
1 MJ x Swivel Tee	$98.00	
1 6" Gate Valve	$445.00	
1 6" x 12" Dressers	$286.96	
1 6" Swivel Nipple	$97.90	
5' C-900 Pipe	$26.68	
2 6" Mega Lugs	$59.18	
Labor of 3 guys for 3 hours	$144.00	
Truck, Trailer & Backhoe for 3 hours	$450.00	

Section 9-1-3. Adopted Codes on File.

Three (3) copies of the model construction codes adopted by the city are on file in the office of the city clerk.

Section 9-1-4. Codes in Effect.

From the date on which this chapter shall take effect, the provisions of said codes, as herein modified, shall be controlling in those areas set forth hereinabove, within the corporate limits of the city.

Section 9-1-5. Conflicts with City Code.

Whenever any provision of any of those model construction codes adopted by this chapter conflict with this code, the latter provisions shall govern.

Section 9-1-6. Building Inspector; Enforcement.

Any certified city official, or other certified employee designated by the city manager, shall be responsible for enforcing the model construction codes adopted by this chapter. Said persons may bear such titles as "building inspector", "gas inspector", "plumbing inspector", "electrical inspector", etc., as may be deemed appropriate to indicate their respective areas of concern, and shall be appointed or designated by the city manager.

Section 9-1-7. Maintenance of Historic Sites.

A. Maintenance Required; Additional Regulation: Every person in charge of an improvement on a locally delineated historic site or in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair. This section shall be in addition to all other provisions of law, local ordinance or codes requiring buildings or structures to be well maintained.

B. Building Code Variances: Insofar as they are applicable to a landmark, historic site or improvement in a historic district, any provision of the building code may be varied or waived, on application, by the city building inspector, provided such variance or waiver does not endanger public health or safety.

C. Exception: Nothing contained in this chapter shall prohibit the construction, reconstruction, alteration, demolition or any improvement on a historic site or in a historic district pursuant to written order of any federal or state agency or pursuant to any court judgment to remedy conditions determined to be dangerous to life or health. In such case, no approval from the preservation review commission shall be required.

Section 9-1-8. Nonliability of City Officer and Employees.

A. Relief From Personal Liability: Any officer or employee of the city charged with the enforcement of this chapter and acting in good faith and without malice, for the city, in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act or omission required or permitted in the discharge of such duties.

B. Defense Of Suits: Any suit brought against any officer or employee because of such act or omission performed by him in· the enforcement of any provisions of -such codes may be defended· by· the city attorney -until the final termination· of the proceedings.

Section 9-1-9. Penalty.

Any person, firm or corporation who shall fail to do any thing required by this title or by any code adopted by this title, who shall otherwise violate any provision of this title or of any code adopted by this title, or who shall violate any lawful regulation or order made by any of the officers provided for in this title, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in section 1-10-24 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Miscellaneous Building Provisions

Section 9-2-1. Driveway Paving.

Whenever it is necessary to alter an existing driveway or construct a new driveway connecting to existing paving, it shall be a requirement that the driveway shall be hard surfaced from the property line to the existing street pavement, in a manner approved by the city manager. The paving shall conform to the typical paving section and specifications on file in the office of the city building inspector.

Section 9-2-2. Off Street Parking.

All off street parking shall be designed, constructed and utilized in accordance with the provisions and requirements contained in the community's adopted zoning ordinance and subdivision regulations ordinance.

Section 9-2-3. Smoke Detectors Required in Rental Units.

A. Definitions: Definitions of terms used herein shall be as follows:

1. APARTMENTS, MOTELS OR LODGING HOUSES: Shall include dwelling units which are rented for one, two (2), or multi-family use, other than single-family residences not being rented to the public.

2. DWELLING UNIT: A · space for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, for rent to the public.

3. SMOKE DETECTOR: A smoke sensitive warning device···complying with the new construction smoke detector reference of the international building code.

B. Existing Dwelling Units: Existing apartments, motels and dwelling units constructed prior to the building code and new construction requirement for smoke detector inclusion, shall be retrofitted to provide a

minimum of one approved smoke detector, installed in a manner and location which would qualify it for a building permit under current procedures for smoke detector approval in new construction. When actuated, such detector shall be suitable to warn the occupants of an apartment of the presence of smoke and the possibility of fire danger.

C. Installation By Owner: The smoke detector shall be provided and installed in good working order by the owner of the apartment.

D. Maintenance By Occupant: The smoke detector shall be maintained in good working order by the occupant of the apartment.

Section 9-2-4. Fire Extinguishers in Businesses.

Every person, firm or corporation owning or operating a place of business within the city is hereby required to own, keep and maintain therein such firefighting equipment (i.e., fire extinguishers) as the fire department requires. The equipment shall be inspected regularly by the fire department.

Section 9-2-5. Penalty.

See section 9-1-9 of this title for penalty provisions applicable to this chapter.

Chapter 3. Permits and Certificates

Section 9-3-1. Construction/Demolition Permit Requirements; Fees.

A. Various Permits Required:

1. Building Construction, Demolition, Removal: No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile, modular or manufactured home, or initiate any other construction (including any wall, fence, sign, building or swimming pool) without first obtaining a separate construction/demolition permit for each such building or structure from the city building inspector or the office of the city clerk. Said permit shall be in addition to, and separate from, all other requirements for zoning clearance permits, occupancy certificates or certificates of appropriateness.

2. Manmade Changes To Real Estate In Flood Hazard Area: No manmade change to improved or unimproved real estate located within a designated flood hazard area, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate construction/demolition permit has been obtained for each such operation.

3. Mobile, Manufactured, Modular Home Placement: No mobile, manufactured or modular home shall be placed on improved or unimproved real estate without first obtaining a separate construction/demolition permit for each such home.

B. Exception; Minor Repairs: Minor repairs of buildings or structures, the cost of which shall not exceed five hundred dollars ($500.00), shall be made without obtaining a construction/demolition permit; pro- vided, that all plumbing, electrical or mechanical work covered by adopted model construction codes, shall require an appropriate permit. Repairs such as painting, flooring or minor cosmetic are not required to have a permit.

C. Application For Permit; Fee And Information Required:

1. All applications for construction/demolition permits shall be signed and in writing, upon an official blank form supplied by the office of the city clerk or the city building inspector, and shall be submitted to either of said officials, along with the required fee.

2. Applications for construction/demolition permits shall contain all applicable information required on the construction/demolition permit form, and shall be accompanied by drawings of the proposed work (drawn to scale), showing floor plans, structural details, computations and such additional information as may be required of the applicant by the office of the city clerk, the city building inspector, the city manager, this code or the city council.

D. Permit Fees; Calculation; Construction/demolition permit fees shall be calculated on the basis of the project's estimated cost, as follows:

1. All projects requiring permits have a $500.00 minimum

2. $500.00 - $1,000.00 $30.00

3. Above $1,000.00 $30.00 plus $2.50 for each additional $1,000.00 of estimated cost or fraction thereof up to $500,000.00

4. Above $500,000.00 $125.00 plus $0.18 cents per square foot.

5. A permit shall be required for the following building, construction, remodel or placement of the following activities:

i. Curb Cut/Driveway Permit + Cost $25.00

ii. Residential Roof Installation $30.00

iii. Commercial Roof Installation < Than 5,000 Sq. Ft. $100.00

iv. Commercial Roof Installation > Than 5,000 Sq. Ft. $200.00

v. Siding Installation $30.00

vi. Lawn Sprinkler Systems and Plumbing $25.00

vii. Fence Permit $25.00

viii. Storm Shelter Permit $20.00

6. A twenty-five dollar ($25.00) re-inspection fee if the contractor fails to pass the original inspection. The city inspector shall charge a reinspection fee for each additional inspection.

7. Where the estimated cost, as set forth in the construction/demolition permit application, becomes a matter of dispute, the applicant shall file, with the city building inspector, complete specifications and certified copies of any contracts, bills for material and labor and all estimates incident thereto.

8. The fee for moving buildings four hundred square feet (400 sq. ft.) shall be one hundred dollars ($100.00). In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefor will be paid by the applicant, in addition to the normal fee. If a police or city escort is needed to move a structure there shall be a $100.00 per hour fee. Bond or Cash Deposit: No permit shall be issued to any person to move a house or structure unless the person has in effect a bond or a cash deposit with the city clerk in the sum of one thousand dollars ($1,000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto resulting from the moving of any house or structure by him or his agents or employees, and holding the city harmless from liability for any such damages.

9. A fee of four dollars ($4.00), in addition to those permit fees set out in subsections D1 through D3 of this section, shall be assessed and collected by the city clerk for forwarding to the Oklahoma uniform building code commission as provided for by statute plus an administrative fee of fifty cents ($0.50) for any permit issued to a general contractor for new construction, or the remodel of, single and/or duplex residential structures excluding carports, patio covers, storage buildings, accessory buildings, pools or fences.

E. Administration Of Construction/Demolition Permit Process: The office of the city clerk shall be responsible for the administration of the construction/demolition permit process within the city; provided, that construction/demolition permit application forms may be obtained from, submitted to, and approved by, the city building inspector.

Section 9-3-2. Building Plan Review and Inspection.

The city may opt to provide plan review services as required by state law in lieu of the reviews being processed through the state fire marshal's office. In the event the city chooses to retain the authority, it can provide the services through the building inspector or a third party contractor. The building inspector or third party contractor shall provide both plan reviews and inspections.

A. Plan Review Administrative Fee: The city shall charge one hundred dollars ($100.00) administrative fee for plans submitted for review in addition to the cost · of the plan review itself and any other fees required by code.

B. Plan Review Fees: Plan review fees for the city shall be the same as charged by the state fire marshal's office or in the event a third party contractor shall be based on an agreed price approved by contract through the city council.

Section 9-3-3. Review of Construction/Demolition Permit Application Conditions.

A. Requirements:

1. Building Inspector Determinations: Upon receipt of a complete construction/demolition permit application and the required fee, the city building inspector shall review the application to ensure that:

i. The involved land is properly zoned for the proposed use;

ii. Applicable zoning district provisions (including floodway and floodway fringe district provisions), and any applicable historic preservation provisions have been met;

iii. Legally dedicated roadway access is available, and proof of such dedication has been provided;

iv. Adequate and sanitary provisions have been made for utilities, and fire protection is also adequate;

v. All easements and street right of way areas provided in the recorded plat, if any, are not encroached upon;

vi. All other floodplain regulations, if applicable, have been met and the required information provided;

vii. Applicable historic preservation provisions have been met (chapter 4 of this title and appropriate provisions-of title 2, chapter 4 of this code); and

viii. All other required city permits and/or licenses have been obtained.

2. Location; Consent Of Adjacent Property Owners: When an application to construct a building nearer than fifteen feet (15') to the property line adjacent to a street or streets in the city outside of the fire limits is submitted to the city clerk, the applicant shall submit therewith the written consent of seventy five percent (75%) of the owners of the real estate on both sides of the street next nearest the location of the proposed building, within a radius of two hundred feet (200'), exclusive of streets and alleys, from said proposed location. If it is found that it would be against the public interest to permit the building to be located so near the property line, the permit shall be denied.

B. Review Process, Time Limit: The city building inspector and the office of the city clerk shall complete all required review processes in an efficient and effective manner, without unreasonable or

unnecessary delay. Ordinarily, the review process shall take no more than ten (10) days.

Section 9-3-4. Issuance or Denial of Construction/Demolition Permit.

A. Approval: If the city building inspector is satisfied that the proposed work described in the application and attached materials conform to the requirements of the adopted zoning ordinance, building code and other regulations and requirements, he shall authorize the issuance of the construction/demolition permit by signing the application and returning a copy to the applicant.

B. Denial: If the application or attached materials do not conform to pertinent city regulations, the city building inspector shall not approve said application, but shall return the application to the city clerk, along with written reason(s) for disapproval. The city clerk shall return the application, with written reason(s) attached, to the applicant. The applicant may subsequently amend his application, if possible, and resubmit it, or initiate other action to correct the deficiencies.

C. Approval And Issuance Of Construction/Demolition Permit: A construction/demolition permit, once approved and issued, shall be construed as a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any city regulations, nor shall such issuance prevent the city building inspector from thereafter requiring a correction of errors in plans, construction or a violation of this code.

Section 9-3-5. Display of Permit.

Construction/demolition permits shall be conspicuously displayed on the project or site, in a manner visible from the street.

Section 9-3-6. Failure to Initiate Work; Fee; Extension.

A. Permit Considered Null And Void: If the work allowed under an issued construction/demolition permit has not been initiated within six (6) months from the issuance date of said permit, or under which the proposed construction has not been completed within two (2) years of the date of issuance thereof, such permit shall become null and void, unless a request for an extension is submitted to, and approved by, the city council. If said permit becomes null and void, a new permit must be obtained and the regular fee incident thereto collected, in order for the work to be initiated or resumed.

B. Extension; Fees: Upon payment of two dollars and fifty cents ($2.50) per month of each one thousand dollars ($1,000.00) of the cost of which the original permit was issued a construction/demolition permit may be once extended for a period not exceeding six (6) months, upon the approval of the city building inspector.

Section 9-3-7. Record of Permits and Fees.

The city building inspector shall keep a permanent and accurate accounting of all construction/demolition permits, and shall transmit copies of each permit issued to the chairman of the city planning commission, for information purposes. The city clerk shall keep a permanent and accurate record of all permit fee payments.

Section 9-3-8. Revocation of Permit.

The city building inspector may revoke a construction/demolition permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached materials on which the construction/demolition permit approval was based.

Section 9-3-9. Monitor Utility Hookup Requests.

The city clerk and the city building inspector shall monitor city utility hookup requests and shall not allow city utilities to be turned on to any unit, structure or project for which a construction/demolition permit has not been issued.

Section 9-3-10. Appeal Decisions Concerning Construction/Demolition Permits.

Appeals from any aggrieved per- son concerning a decision relative to the granting of construction/demolition permits shall be taken to the city council, who shall act as the permit board of appeals for the city of Anadarko, Oklahoma.

Section 9-3-11. Conflicting Provisions.

In the event of any conflict between these construction/demolition permit provisions delineated herein and any provision(s) of the building code adopted by the city council, the provisions of this chapter shall prevail.

Section 9-3-12. Penalty.

See section 9-1-9 of this title for penalty provisions applicable to this chapter.

Article A. Development in Flood Hazard Areas

Section 9-3A-1. Building Permit Requirements.

Building permit application for development, location, demolition or alteration within delineated flood hazard areas, as shown in the flood insurance study for Caddo County and the city of Anadarko, Oklahoma, dated September 27, 1991, with the accompanying flood insurance rate maps (FIRM) and flood boundary-floodway maps (FBFM), and any revisions thereto, which are hereby adopted by reference as if set out fully herein, shall be reviewed by the city building inspector to ensure that all of the following requirements are met:

A. Building Sites: All building sites shall be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvement (including the placement of prefabricated buildings and mobile homes) shall:

1. Be designed, modified and/or adequately anchored to prevent flotation, collapse or lateral movement of the structure. All manufactured housing to be placed within zone A on the community's flood hazard boundary map (FHBM) shall be anchored by providing over the top and frame ties to ground anchors. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties

per side at intermediate points, and manufactured homes less than fifty feet (50') long requiring one additional tie per side. Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and additions to the manufactured home shall be similarly anchored.

2. Be constructed with materials and utility equipment resistant to flood damage.

3. Be constructed by methods and practices that minimize flood damages.

4. Be constructed with electrical, heating, plumbing, ventilation and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

B. Water Supply Systems: All new and replacement water supply systems within flood prone areas shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

C. Sewage Systems: All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

D. Waste Disposal Systems: On site waste disposal systems within flood prone areas shall be located to avoid impairment to them, or contamination from them, during flooding.

E. Accompanying Data: The city building inspector shall utilize all available 100-year flood elevation data to review building permit applications, and shall require that all applications for development within a flood prone area be accompanied by: 1) the elevation of the lowest habitable floor (including basement) of all new or substantially improved structures; and 2) a certificate signed by a registered professional · engineer or architect, stating that the floodproofing methods to be utilized are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood, and indicating the specific elevation to which the structure will be floodproofed. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

2. The bottom of all openings shall be no higher than one foot (1') above grade; and

3. Openings may be equipped with screens, louvers, valves or other coverings· or devices; provided, that they permit the automatic entry and exit of flood water.

F. Residential Structures:

1. Zones A1-30: All new construction or substantial improvement of residential structures within zones A1-30 on the city's flood insurance rate map (FIRM) shall have the lowest floor, including basement, elevated one foot (1') above the level of the 100-year flood.

2. Zones AO Or AH: All new construction or substantial improvement of residential structures located within any AO (area of shallow flooding) zone, as shown on the city's flood insurance rate map (FIRM), shall have the lowest floor, including basement, elevated above the highest adjacent grade or the crown of the nearest street, one foot (1') above the depth number specified for the area on the city's flood insurance rate map (FIRM). Within zone AH or AO, adequate drainage paths around structures on slopes shall be required.

G. Manufactured Housing: Within zones A1-30 on the city's flood insurance rate map (FIRM), all manufactured housing not in a park or subdivision, all new manufactured housing parks and subdivisions, all expansions to existing manufactured housing parks and subdivisions, and all repairs, reconstruction or improvement of streets, utilities and/or pads in existing manufactured housing parks or subdivisions, shall be located, developed, expanded or improved according to the following criteria:

1. All manufactured housing shall be placed, or be capable of being placed, on compacted fill or on pilings so that the lowest floor of the home will be one foot (1') above the level of the 100-year flood;

2. All lots shall have adequate provisions for surface drainage and access; and

3. All manufactured housing to be elevated on pilings shall: a) be placed on lots large enough to permit steps; b) provide for piling foundations to be placed in stable or stabilized soils, no more than ten feet (1O') apart; and c) provide for reinforcement of piers more than six feet (6') above ground level.

H. Nonresidential Structures:

1. Zones A1-30: All new construction or substantial improvement of nonresidential structures within zones A1-30 on the city's flood insurance rate map (FIRM) shall:

i. Have the lowest floor, including basement, elevated one foot (1') above the level of the 100-year flood; or

ii. Be designed, together with attendant utility and sanitary facilities, so that, below the

level of the 100-year flood, the structure is watertight, with walls substantially impermeable to the passage of water, and contains structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

2. Zones AO And AH: All new construction or substantial improvement of nonresidential structures within any AO (area of shallow flooding) zone on the community's flood insurance rate map (FIRM) shall:

i. Have the lowest floor, including basement, elevated above the highest adjacent grade or the crown of the nearest street, one foot (1') above the depth number specified on the city's flood insurance rate map (FIRM); or

ii. Be completely floodproofed, along with attendant utility and sanitary facilities, to one foot (1') above the depth number specified on the city's flood insurance rate map (FIRM), so that any space below that level is watertight, with walls substantially impermeable to the passage of water, and contains structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

iii. Be required to include, within zones AH or AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

I. Zones A99: The requirements of this chapter shall also be in effect for building permit applications for development located within any A99 zones on the city's flood insurance rate map (FIRM).

J. Floodways; Encroachments Prohibited: Floodways, as designated on the city's official flood hazard boundary map (FHBM), are hazardous areas due to: 1) the velocity of floodwaters which carry debris and potentially damaging projectiles; and 2) the creation of severe erosion problems. The following provisions apply within designated floodway areas:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by .a - professional registered engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

2. If the provisions of subsection J1 of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this code.

Section 9-3A-2. Building Inspector; Additional Responsibilities.

The city building inspector shall have the following additional responsibilities in the review of building permit applications for development, location, demolition or alteration within a delineated flood hazard area:

A. Ensure All Permits Obtained: Building permit applications shall be reviewed to ensure that all necessary governmental agency permits required by state or federal law have been obtained.

B. Alteration Or Relocation Of Watercourse: In the case of building permit applications for alteration or relocation of a watercourse, the city building inspector shall:

1. Notify adjacent communities and the state flood insurance coordinating office prior to such work (and submit copies of such notification to the federal flood insurance administrator); and

2. Obtain written assurances from the building permit applicant that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained.

C. Maintain Records: For the purpose of determining flood insurance risk premium rates, the city building inspector shall maintain records of:

1. The elevation of the lowest habitable floor of all new or substantially improved structures; and

2. Floodproofing certificates (including the specific elevation to which the structures are floodproofed).

D. Regulatory Floodway Not Designated: When a regulatory floodway has not been designated, the city building inspector must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

E. Utilize Full Range Of Regulations: The city building inspector shall utilize the full range of the community's floodplain management regulations in his review, including:

1. This chapter 3, including articles A and B;

2. Title 12, chapter 1 of this code;

3. Title 10 of this code, zoning regulations;

4. Title 10, chapter 3, zoning board of adjustment;

5. Title 11 of this code, subdivision regulations;

6. This title 9; and

7. All other floodplain management policy resolutions, plans and data references available for his use.

Section 9-3A-3. Nonliability of City Officials.

Issuance of a building permit for development within an identified flood hazard area shall not create liability on the part of any city official for any flood damages resulting from

reliance upon the provisions of this chapter, or any administrative decision lawfully made thereunder.

Article B. Special Permits and Certificates

Section 9-3B-1. Demolition Permits and Fees.

A. Permit Required: A special demolition permit shall be required, in addition to the regular building permit, prior to the demolition of any building or part thereof.

B. Application For Permit: Application for permits to wreck or demolish any building or part thereof shall be accompanied by a statement in writing by the owner or his agent, giving the full name and residence of each of the owners of the building to be demolished, the name and address of the person who is to do the work and any other information which may be required.

C. Permit Fee: The fee for a permit to wreck a building within the fire limits shall be:

1. Residential Family $20.00
2. Residential Multi-Family $20.00
3. Residential Accessory Building $20.00
4. Commercial/Industrial less than 10,000 Sq. Ft. $50.00
5. Commercial/Industrial over than 10,000 Sq. Ft. $100.00

D. Bond: Before the permit is issued and approved, a one thousand dollar ($1,000.00) cash or liability bond shall be filed with the city clerk.

E. Mariner Of Tearing Down: In no case shall any wall be taken down more than one story _in advance of any other wall.

F. Lowering Debris To Ground: All material and debris shall be immediately lowered to the ground and shall not be placed on the floors of the building.

Section 9-3B-2. Plumbers' Services.

A. Permit Required: Before beginning any work in the city, no person, firm or corporation shall install or alter the same, or make major repairs to any plumbing without a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a homeowner to install or alter plumbing in a single-family residence; provided, that the homeowner does the work himself and that the building is owned and occupied by the owner at his home. All such work shall meet the code requirements.

B. Application For Permit; Fees: All application for plumbing permits shall be made on suitable forms provided. Applications shall be accompanied by fees in accordance with the following schedule:

1. Sewer and water connections each $20.00 in addition to the Tap fee and the cost to install
2. First fixture $15.00
3. Each additional fixture $7.00

C. Inspection Fees:

1. The fees for inspecting gas piping shall be as follows, and shall be paid to the city clerk's office at the time the application is approved:
2. First heater, etc $10.00
3. Additional heaters $3.00
4. Gas line pressure test $25.00
5. Failure to pay inspection fees prior to commencing work will result in the initial fee doubling.

Section 9-3B-3. Mechanical Contractors' Services.

A. Permit Required; Exceptions:

1. No person, firm or corporation shall install, alter or make major replacements such as receivers, condensers, evaporators, coils, compressors, tubing, piping any other pressure vessel, etc., as herein provided until such person, firm or corporation shall have obtained approval and a permit from the inspector for work specifically intended on each individual system and/or application; provided, that in cases of emergency, the permit shall be obtained within seventy two (72) hours from the time of the start of the installation, alteration or major replacement.
2. This section shall· not,· however, apply to installation, alteration, repair or maintenance work being done on or to existing equipment within the confines of a plant or structure or other premises of private or corporate ownership, where a full time and duly licensed crew or refrigeration maintenance personnel is employed. This exception applies only to issuance of permits and/or inspections, where premises are inspected at reasonable intervals by other agencies whose primary interest is public safety, and shall not be construed to mean that any person, firm or corporation shall be, for any reason whatsoever, relieved of the moral or legal responsibility for maintaining proper and safe standards in relation to any work done to or on any refrigeration and/or air conditioning equipment.
3. One year shall be allowed on the original permit for replacement.

B. Exemptions:

1. A permit shall not be required for installation, alteration or major replacement and use of self-contained unit systems in residential occupancies where no duct work is required, or for new self-contained unit systems containing not more than four (4) pounds of group one refrigerants only, in commercial occupancies; provided, that such unit systems comply with all

other requirements of the code and the rules and regulations of the city.

2. Exemptions also shall include work done by city employees on city controlled equipment.

C. Permit Fees: The permits required by this section shall be issued by the city clerk, but only upon payment of the following permit fees:

MECHANICAL PERMITS SERVICE

1.	Gas Piping Systems	$30.00
2.	Gas Pressure Test	$35.00
3.	Central Heat Unit < 120,000 BTU	$35.00
4.	Central Heat Unit > 120,000 BTU	$65.00
5.	Residential Hot Water Heater	$45.00
6.	Commercial Hot Water Heater	$45.00
7.	Air Conditioners < = 5 tons	$35.00
8.	Air Conditioners 6 to 20 Tons	$65.00
9.	Mini Splits 3 Control Heads or Less	$45.00
10.	Mini Splits Each Additional Head	$10.00
11.	Refrigeration Units	$90.00
12.	Exhaust System < 120 cfm	$7.00
13.	Exhaust Systems > 120 cfm	$28.00
14.	Minimum Mechanical Permit Fee	$35.00

D. Additional Fee Provisions; Minimum Fee:

1. All fees shall be doubled if work is started prior to issuance of a permit. Units rated in tons of cooling rather than horsepower shall be charged for as if one ton were equal to one horsepower.

2. The minimum fee for any such permit shall be thirty-five dollars ($35.00).

Section 9-3B-4. Electrical Inspections and Services.

A. Permit Required: No installation, alteration or removal shall be made in/or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices nor alterations made thereto without a written permit therefor being first obtained from the electrical inspector by the person, firm or corporation having direct charge of such installation.

B. Approval Of Installation: It shall be unlawful for any person, firm, partnership, corporation or individual to conceal or cause to be concealed any electrical equipment used for electric light, heat or power until they know the installation has been approved by the electrical inspector. A tag in the switch cabinet or attached to the service equipment properly signed and dated, so stating, will be sufficient notice.

C. Roughed In Work: New or old work "roughed in" shall include all electrical equipment to make the installation complete, be free from unintentional grounds, with joints properly made up, ready for attachment of fixtures, drop lights and appliances.

D. Inspection: After making inspection of new work "roughed in", the electrical inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the electrical inspector.

E. Notice To Power Company From Inspector: It shall be unlawful for any public service corporation, individual, light, heat or power company to connect, or cause to be connected, any service or buildings for the supply of electric current for light, heat or power, until they have been notified by the electrical inspector that electrical work has been inspected and approved and is ready for electric service.

F. Inspection Fees:

1. For all new construction, the amount of fee or charge to be made for such inspection shall be paid to the city clerk at the rate of three and one-half cents ($0.035) per square foot of building for each and every electrical wiring project in the city. The minimum fee of thirty-five dollars ($35.00).

2. For any remodeling or all other electrical inspections, a charge of twenty-five dollars ($25.00) for each inspection shall be charged.

3. Any property owner doing electrical work on his home premises shall pay said inspection fees and secure said permit before commencing said work and shall make proper arrangements with the electrical inspector at the proper time.

Section 9-3B-5. Certificate of Occupancy.

A. Issuance Of Certificate: No new building shall be occupied, and no change in the use of a building or part of a building or tract of land shall be made, until the city building inspector shall have issued a certificate of occupancy therefor. Issuance shall be conditioned upon passing an inspection for compliance with applicable provisions of this city code.

B. Fee: The fee for such certificate, to be paid upon application, shall be thirty-five dollars ($35.00).

C. Failure to pay inspection fees prior to commencing work will result in the initial fee doubling.

Section 9-3B-6. House Moving.

A. Permit Required; Approval:

1. Before any person shall move any house, building or heavy structure (but not including a mobile or manufactured home) on or over any

street within or through the city, it shall first be necessary to obtain a house moving permit to do so from the office of the city clerk.

2. Said permit shall first be approved by the fire chief or the city manager.

B. Permit Fee; Additional Costs:

1. The fee for a permit to move such house or structure four hundred square feet and over shall be one hundred dollars ($100.00).

2. In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefor will be paid by the applicant, in addition to the normal fee. If a police or city escort is needed to move a structure there shall be a $100.00 per hour fee.

C. Bond Or Cash Deposit: No permit shall be issued to any person to move a house or structure unless the person has in effect a bond or a cash deposit with the city clerk in the sum of one thousand dollars ($1,000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto-resulting from the moving of any house or structure by him or his agents or employees, and holding the city harmless from liability for any such damages.

D. Route; Regulations For Move:

1. It shall be the duty of the fire chief or city manager to approve or determine the route that may be used and the potential for damages, if any, to any property.

2. He may prescribe such rules and regulations as are necessary to promote an effective move and the protection of persons and property.

3. The mover shall erect all necessary danger signals during the operation of moving.

E. Liability For Damaging Property Or Persons: Any person moving any house or any other structure on or over any street or alley shall be liable personally and upon his bond for any damages to trees, public property, persons or any matter whatsoever resulting from such moving. This shall not be construed to authorize any person to cut or trim any trees, or commit any injury to any public or private property which cannot be immediately restored to its former condition, and no permit shall authorize any moving under any conditions which will promote such damage.

Section 9-3B-7. Pavement Cutting and Street Openings.

A. Permit Required; Approval:

1. It shall be unlawful for any person to cut any pavement on any street or alley within the city without a pavement cutting permit from the office of the city clerk.

2. Said permit shall first be approved by the city manager or city building inspector.

B. Deposit Required; Permit Fee: An estimate of the cost of repairing such pavement cut shall be made by the city manager or city building inspector, and a deposit equal to the amount of the estimate shall be made by the applicant, in addition to a permit fee of twenty-five dollars ($25.00) for curb cuts and street or paved alley cuts, and the tradesman or property owner assumes liability for actual replacement cost.

C. Making Repairs To Pavement Cuts: The city may, at its option, either make repairs of the pavement which has been cut under the provisions of this section, and charge the costs of such repairs to the deposit herein provided, or require that the person cutting the pavement make the repairs. In the latter case, the person's deposit shall be returned, upon satisfactory repair of the pavement. Any balance remaining after all such costs are paid shall be returned to the person making said deposit.

1. When it is necessary to cut any alley, easement or street a deposit or fee, in addition to normal permit fees and charges shall be assessed:

i. Concrete alley, easement or street: Three hundred dollars ($300.00).

ii. Asphalt alley, easement or street: two hundred fifty dollars ($250.00).

iii. Dirt or gravel alley, easement or street: One hundred fifty dollars ($150.00).

D. Safeguards At Night: Any person cutting such pavement shall maintain proper safeguards, with suitable lights during the night hours, and sufficient in number to give warning of danger to all persons.

E. Manner Of Making Openings:

1. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.

2. All openings must be replaced in precisely the same condition· as before the excavation started and all rubbish and materials must be removed at once, leaving the streets or sidewalks clean and in perfect repair.

3. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

Section 9-3B-8. Liquefied Petroleum Gas State Permits.

A. Compliance With State And Local Regulations: It shall be unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensing or utilization of liquefied petroleum gas, or to transport, handle or store such gas, unless such person has

complied with, and complies with, all provisions of the state law and local ordinances relating thereto, and has any permit which may be required by state law.

B. Storage: No storage of liquefied petroleum gas, except by retail customers, in reasonable amounts, strictly intended for their own use, shall be permitted within the corporate limits of the city.

Section 9-3B-9. Certificate of Appropriateness for Restoration Work.

A. Purpose: The purpose of issuing a certificate of appropriateness is to make all concerned parties aware that all required submittals and approvals have been completed and that the proper permit may be issued for the start of restoration work.

B. Requirements; Historic Landmarks: The certificate of appropriate- ness is required before a building permit is issued for any of the following to occur in an historic district or on a designated historic landmark or historic site:

1. Demolition of property;

2. Moving of property;

3. Material change(s) such as exterior reconstruction, alteration or color changes other than those approved in the original application; or

4. Building of new structures on property.

C. Procedures; Fee: The following procedures shall be used for applications:

1. A thirty-five dollar ($35.00) filing fee shall be collected by the office of the city clerk.

2. The applicant shall submit for review any sketches, plans, drawings, photos or other information which would clearly ·show the preservation review commission what changes will be made.

3. The application shall be filed with the city clerk.

4. The certificate of appropriateness shall be reviewed by the preservation review commission in the same manner as a rezoning application and request.

5. If work authorized by a certificate of appropriateness is not begun within sixty (60) days, the certificate of appropriateness shall expire and reapplication must be made, unless a thirty (30) day extension is granted by the preservation review commission. No more than two (2) extensions may be permitted on one project.

Section 9-3B-10. Veneer Requirements for Certain Commercial Structures.

A. Any metal, concrete block or tilt-up concrete building proposed to be constructed on property zoned commercial facing or addressed off of any street must comply with this section.

B. Any building permitted under this section shall have its side(s) facing any street contain at least fifty percent (50%) brick, split faced concrete block, glass, rock, stucco, wood or other acceptable decorative exterior material. In cases where a building faces more than one street all sides of the building facing a street must meet the fifty percent (50%) requirement.

C. Other acceptable decorative exterior materials may be approved by community development as part of the plan review and permitting process.

D. Any exposed metal must have a painted, baked-on finish. Any exposed concrete block or tilt-up concrete walls must be painted.

E. Exemptions:

1. Buildings that are undergoing remodeling or renovation do not have to comply with the provisions of this chapter provided the street frontage of the building is not being expanded or remodeled and no canopy is being enclosed.

i. Any canopy that is being enclosed must meet code.

ii. If the street frontage of the building is being expanded or the exterior of the building facing the street(s) is being remodeled or renovated then the entire building must be brought into compliance with this section of the code.

2. Barns for agricultural use on property zoned Agricultural are exempt.

3. Existing buildings in industrial zones that are being used for industrial purposes may be expanded or remodeled without complying with this section of the code.

F. Appeal: Any appeal for relief from this section shall be filed with the planning commission.

Article C. Building and Other Contractors' Registration

Section 9-3C-1. General Provisions.

A. It shall be unlawful for any person, firm or corporation to erect, move, add to, or structurally alter any building or other structure as a contractor upon any lot or parcel of land within the city of Anadarko without first obtaining a contractor's registration certificate from the city of Anadarko. Prior to issuance of any building or other permit required by this chapter or the adopted codes of the city of Anadarko, the applicant for the permit shall have a valid contractor's registration certificate.

B. Resident owners of property are not required to obtain a contractor's registration certificate when performing work on their own property provided all work is performed under permit from the city of Anadarko and performed by the owner and immediate family members.

C. A contractor's registration certificate is not required by persons who have a valid certificate of state license

registration for their specialized trade required by this code and state statutes and pro- vided the work performed is not outside the scope of the requirements of that certification for that trade.

D. Persons, firms or corporations performing work on any building or other structure with a total cost to the consumer of less than five hundred dollars ($500.00) are exempt from the requirements to obtain a contractor's registration certificate unless the work is electrical, plumbing, mechanical or structural. Repairs such as painting, flooring or minor cosmetic are not required for a license.

Section 9-3C-2. Method of Registration.

A. Any person who is required by this article to possess a contractor's registration certificate shall make an application to the city of Anadarko on application forms provided for that purpose by the city.

B. When it is alleged that the applicant has had a contractor's certificate revoked in the past or has shown a history of incompetence in matters pertaining to such license, or a lack of knowledge in matters required to obtain such registration, or failed to perform normal business obligations, the application shall be denied and a hearing scheduled with the board of adjustments.

C. The lending of any certificate or the obtaining of permits thereunder for any other person is prohibited and shall be deemed cause for revocation. A contractor certificate issued by the city is not transferable, and violation of these provisions is a cause for revocation or suspension in addition to other fines or penalties in this code.

Section 9-3C-3. Registration Fee; Annual Renewal Fee.

A. (Rep. by Ord. 1208, 12-21-2009)

B. (Rep. by Ord. 1231, 4-14-2014)

C. (Rep. by Ord. 1208, 12-21-2009)

D. The registration certificate shall expire annually on June 30.

E. Annual renewal of registration certificates shall be accomplished by payment of renewal fees as provided herein and documentation of meeting requirements provided herein.

F. The renewal application, appropriate documentation and fees must be received by the city on or before June 30 of each year hereafter, otherwise the applicant must proceed in the manner required for a new or initial applicant.

Section 9-3C-4. Insurance Requirements.

A. Insurance Required: Each contractor who is defined in the workers' compensation act, 85 Oklahoma Statutes, 1992 supp., section 1 et seq. (the "act" as an employer of employees as defined in the act and not exempt, which contractor is registered under this article shall be required to document to the city of Anadarko and to keep in force during the life of his registration, a workers' compensation insurance policy to protect the contractor's employees against occupational hazards and diseases as regulated and defined in the act.

B. Submission Of Insurance Certificate; Exemption: A certificate of insurance for workers' compensation with the city named as a certificate holder from an insurance company duly licensed to do business ih the state of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the city. Persons who are self-employed or do not fall under the jurisdiction of the workers' compensation act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the applicant must execute and notarize an affidavit declaring exemption from the jurisdiction of the workers' compensation act, or certifying self-employment.

C. General Contractor: Each active general contractor must provide a certificate of insurance evidencing a minimum of fifty thousand dollars ($50,000.00) commercial general liability insurance with the certificate holder to be the city of Anadarko, Oklahoma. The individual license holder's name must be on the certificate and there must be a thirty (30) day cancellation notice.

D. Termination Of Policy: The contractor shall be required to notify the city within ten (10) working days upon termination of an insurance policy. This will cause the city to invalidate the certificate.

Section 9-3C-5. Revocation of Contractor's Registration Certificate.

A. The code official or the building development board of adjustments may revoke any city issued contractor's registration certificate if the holder of such registration certificate shows incompetence or lack of knowledge in matters relevant to such certificate, fails to perform normal business obligations or if such certificate was obtained by fraud. The filing of an appeal to such revocation by the code official shall act as a stop to all actions regarding such revocation until such time as the appeal action is completed.

1. Affected parties may file a written complaint against any general contractor that is alleged to have performed work in a manner that may result in the revocation of said contractor's city registration certificate.

2. Such complaints shall be filed with the city code official, or designee, on forms provided by the city.

3. The city code official shall consider and may investigate any written complaint against a contractor filed with his office.

4. Information obtained from written complaints, and any investigations resulting therefrom, may be considered by the city code official in determining the renewal or revocation status of a contractor's city registration certificate.

B. Certificates revoked by the code official that are appealed to the building development board of adjustments shall be handled by the board as if the

initial action was taken by the board, that being a review held, and action for reinstatement of certificate or revocation of certificate.

Section 9-3C-6. Administrative Authorities.

The code official shall administer this article and continue through the chain of authority that is in effect with applying or enforcing this article.

Section 9-3C-7. Violation and Penalties.

Any person, firm or corporation who violates any provision 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 1-10-24 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 4. Historic Preservation Planning

Section 9-4-1. Statement of Purpose.

A. Design Of Chapter: This chapter is designed to allow for the designation, and subsequent protection of, properties which have been determined architecturally, archaeologically, culturally or historically significant to the city, and to allow interested parties the opportunity to arrange for the preservation of such properties.

B. Purposes: The purposes of this chapter are to:

1. Promote the designation of historic properties and landmarks and the creation of historic districts for the educational, cultural, economic and general welfare of the public;

2. Safeguard the cultural and architectural heritage of the city;

3. Preserve and enhance the environmental quality of neighbor- hoods;

4. Strengthen the city's economic base through stimulation of structural and district conservation, reuse and revitalization;

5. Stabilize and preserve property values; and

6. Promote harmonious, orderly and efficient growth and development of the community, through the integration of the preservation and comprehensive planning processes within the city.

Section 9-4-2. Definitions.

For purposes of this chapter, the following terms shall have the meanings ascribed to them in this section:

A. CERTIFICATE OF APPROPRIATENESS: The approval issued by the city's preservation review commission for: a) alterations of historic properties designated under this chapter or the city's zoning ordinance; b) demolition of such properties; c) new construction in a district designated under said ordinances as historic; or d) projects that may impact upon a designated historic property or historic district.

B. CERTIFICATION AGREEMENT: The executed document between a certified local government (CLG) and the state historic preservation officer (SHPO) for participation in said CLG program.

C. CERTIFIED LOCAL GOVERNMENT (CLG): A local government that has been certified to carry out the purposes of the national historic preservation act, as amended, in accordance with the procedures and guidelines set forth in the "Certified Local Governments (CLG) Program for Oklahoma", as approved by the secretary of the interior.

D. CERTIFIED LOCAL GOVERNMENT FUND: The portion of the state historic preservation officer's annual allocation from the historic preservation fund set aside for certified local governments.

E. CERTIFIED LOCAL GOVERNMENT PROGRAM AGREEMENTS: The contract between the certified local government (CLG) and the state historic preservation officer for transfer of a share of the certified local government fund.

F. CHIEF ELECTED LOCAL OFFICIAL: The mayor of the city of Anadarko, Oklahoma.

G. CITY COUNCIL: The governing body of the city of Anadarko, Oklahoma.

H. DECERTIFICATION: ·The secretary of the interior's revocation of certified local government (C G) status, in accordance with the· requirements of the certified local government's program for Oklahoma.

I. HISTORIC DISTRICT: A geographically definable area with a concentration or linkage of significant sites, buildings, structures or monuments that are unified historically, architecturally, archaeologically or culturally.

J. HISTORIC PRESERVATION FUND: The monies accrued under the outer continental shelf lands act, as amended; to support the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by section 101(D)(1) of the national historic preservation act, as amended.

K. HISTORIC PROPERTY: An individual structure, building, site or monument which contributes to the historical, architectural, archeological and/or cultural heritage of the city of Anadarko, Oklahoma.

L. LOCAL LEGISLATION: The city code, statutes, ordinances, etc., which create the preservation review commission and set forth its functions, responsibilities, membership and other provisions.

M. NATIONAL REGISTER OF HISTORIC PLACES: The national list of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture, maintained by the secretary of the interior under authority of section 101(a)(1)(A) of the national historic preservation act, as amended.

N. NATIONAL REGISTER PROGRAM MANUAL: The manual that sets forth national park service administrative procedures and guidelines for activities concerning the federally related historic preservation

programs of the national trust for historic preservation, the states and local governments. The manual includes guide- lines and procedures for the administration of the historic preservation grants in aid program and supersedes the HPF grants management manual.

O. ORDINARY MAINTENANCE AND REPAIRS: Any work· not requiring a building permit or certificate of appropriateness, where the purpose is to stabilize and not noticeably alter the property's exterior appearance. Any work not satisfying the above requirements shall not be considered ordinary maintenance and repair (i.e., painting previously unpainted brick).

P. PRESERVATION: Any or all of the following:

Q. ADAPTIVE USE: Restrained alteration to accommodate uses for which the property was not originally constructed, but in such a way as to maintain the general significant characteristics.

R. CONSERVATION: Sustained use and appearance essentially in the property's existing state.

S. PROTECTION: Security of a property as it exists through the establishment of the mechanisms of this chapter.

T. RECONSTRUCTION: Process of recreation or reproduction by new construction, all or part of the form and detail of a vanished resource, as it appeared at a specific period in time.

U. REHABILITATION: Process of returning a property to a state of efficiency or soundness by repair or alteration, designed to encourage its continued use, but without noticeably changing its exterior.

V. RESTORATION: · Process of accurately recovering all or part of the form and detail of a property and its setting as it appeared at a particular period qf time, by means of removal of later work and replacement of earlier work.

W. STABILIZATION: Process of applying measures designated to halt deterioration and to establish the structural soundness of an unsafe or deteriorated property, while maintaining the essential form as it presently exists, without noticeably changing the exterior appearance.

X. PRESERVATION REVIEW COMMISSION: The Anadarko, Oklahoma, planning and preservation review commission, with the powers and duties established in this code.

Y. SIGNIFICANT CHARACTERISTICS: Any or all of the following:

Z. ARCHEOLOGICAL:

1. Has yielded information or is likely to yield information (based on physical evidence), important to history or prehistory; or

2. Is part of, or related to, a distinctive geographical area which should be developed or preserved according to a plan based on a cultural, historical or architectural motif.

AA. ARCHITECTURAL:

1. Exemplifies a distinctive artistic style or engineering specimen; or

2. Represents the work of a particular designer, architect or contractor whose work has influenced the community or nation; or

3. Contains elements of design, materials, detail, style or craftsmanship unique to the past; or

4. Is a distinctive part of, or related to, a park or other distinctive area that should be preserved; or

5. Represents a visual and established feature of a neighborhood, community or skyline due to its location or physical features.

BB. CULTURAL:

1. Has noteworthy character, interest or value as part of the development of the locality, state or nation; or

2. Is associated with a noteworthy personality or past development; or

3. Is the site of a noteworthy social, economic or political event.

CC. HISTORICAL: Represents events of the past, important to the development of the area, community, state or nation.

DD. STATE HISTORIC PRESERVATION OFFICER (SHPO): The official within the state of Oklahoma who has been delegated and appointed by the governor to administer the historic preservation program in the state.

EE. STATE REGISTER OF HISTORIC PLACES: The state of Oklahoma list of districts, sites, buildings, structures and objects significant in state history, architecture, archeology, engineering and culture, maintained by the state historic preservation officer, under the authority of 53 Oklahoma Statutes sections 351 through 355.

Section 9-4-3. Preservation Review Commission.

See title 2, chapter 4, and titles 10 and 11 of this code.

Section 9-4-4. Criteria for Historic Designation.

An historic landmark, historic site or historic district designation may be considered for placement on any natural or improved site or on any area of particular historic, architectural or cultural significance which:

A. Exemplifies or reflects the broad cultural, political, economic and social history of the nation, state or community; or

B. Is identified with historic persons or with important events in national, state or local history; or

C. Embodies the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style or method of construction or of indigenous materials or craftsmanship; or

D. Is representative of the notable work of a master builder, designer or architect whose work influenced his age or development in the nation, state, region or local area.

Section 9-4-5. Procedure for Historic Designation.

A. Notice Of Hearing To Property Owners Within Area: The preservation review commission shall contact all owners of real property (excluding mineral rights) within the area of a proposed historic district or within three hundred feet (300') of any affected historic property or site, in order to inform them of the subject area, time, date and place of the public hearings at which historic designation will be discussed. Said notice shall be mailed not less than twenty (20) days prior to the hearing of the preservation review commission, and shall also contain notices of the time, date and place of the subsequent city council meeting at which final action will be taken.

B. Publication Of Notice: A legal notice, indicating the nature of the hearing, the area involved, and the time, date and place of the hearing, shall be published once in a newspaper of general circulation, at least fifteen (15) days prior to the preservation review commission's public hearing. Said notice shall also contain the time, date and place of the subsequent city council meeting at which final action will take place.

C. Building Permits And Use Changes: Upon mailing of notification to the property owners within a proposed historic district or involving an historic structure or historic landmark, no building permits will be issued nor will any use changes be granted until after the city council approves or rejects the designation proposal for the affected area or site.

D. Manner Of Conducting Hearing:

1. A quorum of the preservation review commission shall conduct the hearing.

2. All interested parties shall be given a reasonable opportunity to express their opinions regarding the proposed designation.

3. Said commission may establish reasonable limits on the length of individual presentations.

4. A record of the hearing shall be made. The preservation review commission's records may include the name and address of each speaker, the organization or person represented (if any), whether or not he is an owner or holder of some interest in the affected property or represents such owner or holder, and a summary of the relevant portions of each statement.

E. Action Of Commission: Within fifteen (15) days after the hearing, the preservation review commission shall act upon the proposed designation. Said commission may approve, reject or modify any proposal without instituting a new designation process. If said commission fails to act within fifteen (15) days, the designation proposal shall be forwarded to the city council for final action.

F. Council Decision: Upon receipt of the proposal by the city council, they may designate the recommended area as an historic district, historic structure or historic landmark, or reject or modify the proposal.

G. Adoption Of Ordinance: Approval of the city council shall be manifested by approval of an ordinance officially designating the sit , landmark or district .as historic. If a district-.-is to be designated, the ordinance shall be an amendment (overlay zone) to the zoning ordinance, in accordance therewith.

Section 9-4-6. Evaluation of Historic Sites and Districts.

The following criteria shall be used in the evaluation of proposed historic landmarks, historic sites or historic districts:

A. Character, interest or value as a part of the development, heritage or cultural characteristics of the city of Anadarko, state of Oklahoma, or nation or other societies; or

B. Location of the site of a notable historical event; or

C. Identification with a person or persons who contributed notably to the culture and development of the city, state, nation or society; or

D. Relationship to properties which are significant and preserved, or which are eligible for preservation; or

E. Embodiment of distinctive elements of architectural design, detail, materials or craftsmanship related to a uniqueness to the area, or the related distinctiveness of a craftsman, master builder or architect, or a style or innovation; or

F. Archeological value, in the sense that the site has, has produced, or can be expected ·to yield, based on physical evidence, information affecting knowledge of history or prehistory; or

G. Value as an aspect of community sentiment or public pride; or

H. An estimated familiar visual feature of the neighborhood, community or skyline owing to its unique location or singular physical characteristics.

Section 9-4-7. Voluntary Restrictive Covenants.

The owner of any historic landmark or historic site may, at any time following such designation of his property, enter into a restrictive covenant on the subject property after negotiation with the preservation review commission. Said commission may assist the owner in preparing such covenant in the interest of preserving the landmark or landmark site, and the owner shall record such covenant in the office of the county register of deeds and shall notify the city clerk of such covenant and the conditions thereof. If the covenant involves any assumption of responsibility by the city, the city council shall first review and approve the document, indicating approval by the mayor's signature thereon.

Section 9-4-8. General Preservation Review Policies.

The preservation review commission shall be charged with the responsibility for reviewing requests for building and demolition permits for designated historic structures or within any area designated as an historic district and issuing or denying certificates of appropriateness for applicable types of such requests. It is the purpose of this section to specify for commission members policies and criteria that they shall follow in reaching decisions on matters relative to such changes.

A. Unique Characteristics: Review criteria, procedural policies and consequences of decisions will extend beyond the tenure of any commission members. It is essential that policies be based on consistency and basic preservation guidelines. Highest priority should go to the preservation and restoration of significant structures (historically and architecturally) and sites that express the unique characteristics of the particular periods in which they were built.

B. Standards Of Secretary Of Interior: The preservation review commission shall utilize, in addition to those criteria in section 9-4-9 of this chapter, the “Secretary of the Interior's Standards for Rehabilitation” these standards are as follows:

1. Standard #1: Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its ·environment, or to use a property for its originally intended purpose.

2. Standard #2: The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. Standard #3: All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Standard #4: Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Standard #5: Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

6. Standard #6: Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than ·on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. Standard #7: The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.

8. Standard #8: Every ·reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

9. Standard #9: Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

10. Standard #10: Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Section 9-4-9. Historic Review Criteria.

A. Purpose: The purpose of historic/architectural design review is to protect property values and to promote the general welfare by promoting new construction and rehabilitation or alteration of buildings, which is in proper proportion, and in general and reasonable harmony with the existing buildings in the surrounding areas. A supplemental purpose ·is to encourage architecture which is compatible with the city's historic architecture.

B. Review Following Application For Building Permit: In such instances where historic/architectural design review is required, the procedure for such review will commence following application for a building permit. Upon receipt of said application, under conditions as set forth in this chapter or for a particular zoning district, the applicant will submit to the city building inspector plans indicating accurate elevations of each facade, and sufficient detailing to indicate materials, colors, texture, light-reflecting characteristics, and special features intended for the building. This may be supplemented by sketches as deemed necessary by the applicant to present the intended design. Submission of actual samples of building materials is also encouraged.

C. Specific Criteria: The preservation review commission shall utilize the following specific criteria (in addition to the secretary of the interior's standards for rehabilitation) in reaching decisions on proposals presented for review. These criteria permit the use of modern fabrics, but do not encourage imitation or fake facades. They encourage the designers of new buildings or alterations to existing structures to consider the relationship of the proposal to that of the total character of the streetscape or of any historic district. If the proposal involves an established historic zoning district, provisions and procedures of the

appropriate zoning district must also be met and followed.

1. Height: As a general rule, new buildings or modifications to existing ones should be to a height within ten percent (10%) of the average height of existing adjacent buildings.

2. Proportion Of Building's Front Facades: Consideration shall be given to the relationship between the width to height of the front elevation of the building.

3. Proportion Of Openings Within Facility: Consideration shall be given to the relationship of width to height of windows and doors.

4. Rhythm Of Solids To Voids In Front Facades: Consideration shall be given to an ordered, recurrent alternation of strong-weak architectural elements, to ensure appropriate rhythm of mass of openings.

5. Rhythm Of Spacing of Buildings On Streets: Consideration shall be given to a rhythm of recurrent building masses to spaces between buildings or structures.

6. Rhythm Of Entrance And/Or Porch Projections: Consideration shall be given to entrances to sidewalks so as to provide rhythm of entrances, porches or other projections at an intimate scale.

7. Relationship Of Materials: Consideration shall be given to the predominant material utilized, such as brick, stone, stucco or wood siding on other adjacent or surrounding structures.

8. Relationship Of Textures: Consideration shall be given to the predominant textures. These may be smooth (such as smooth stucco) or rough (such as brick with tooled joints, or horizontal wood siding or other textures).

9. Relationship Of Color: Consideration shall be given to a predominant color scheme that may be of a natural material or a patina colored by time.

10. Relationship Of Architectural Details: Consideration shall be given to architectural details and their relationship to the structure in question and adjacent ones, including, but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.

11. Relationship Of Roof Shapes: Consideration shall be given so that buildings shall have compatible roof shapes.

12. Walls Of Continuity: Consideration shall be given to physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these so that continuous cohesive walls of enclosure are provided along the street.

13. Relationship Of Landscaping: Consideration shall be given to the predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.

14. Ground Cover: Consideration shall be given so that there will be a predominance in the use of brick pavers, cobblestones, granite blocks or other materials.

15. Scale: Consideration shall be given to scale, so that the size of units of construction and architectural detail relate to the size of man. In rendering this, consideration shall also be given to building mass and how it relates to open space. The predominant element of scale may be brick or stone units, windows or door openings, porches or balconies, etc.

16. Directional Expression Of Front Elevation: Consideration shall be given to structural shape, placing of openings and architectural details that may provide a predominantly vertical, horizontal or nondirectional character to the buildings front facades.

Section 9-4-10. Building Permits; Certificates of Appropriateness.

A. Review By Commission:

1. All requests for building permits for structures within an historic district and for those designated as historic landmarks or historic sites shall be referred to the preservation review commission, which shall have a specified period of time to review each request. The commission may use such time to discuss the proposed changes with the owner of the structure in question and may permit the city building inspector to issue the building permit before such period has expired.

2. Following the review, the commission shall issue, or deny issuance of, a certificate of appropriateness for the reviewed work.

B. Failure To Make Decision: This shall not prohibit the granting of a building permit by the city building inspector after such period has expired, if the commission has not made a decision on the proposal.

C. Certificate Of Appropriateness; Purpose For Issuance: The purpose of issuing the certificate of appropriateness is to make all concerned parties aware that all required submittals and approvals have been completed and that the proper building permit may be issued for the start of work.

D. Certificate Required Before Permit Issuance: The certificate of appropriateness is required before a building permit is issued for work in an historic district or on a locally designated historic landmark or historic site.

Section 9-4-11. Penalty.

See section 9-1-9 of this title for penalty provisions applicable to this chapter.

Chapter 5. Historic Landmark Designations

Section 9-5-1. Railroad Depot.

A. Designation: Pursuant to the completion of the procedures required for designation of Anadarko historic landmarks (ordinance 922, as amended; chapter 4 of this title), and the recommendation of the planning and preservation review commission, the Anadarko CRI&P railroad depot (lot 1, block 27, original townsite) is hereby officially designated as an Anadarko historic landmark. Said designation shall reflect the goal of the city to promote protection and preservation of its significant historic, architectural, archeological and cultural resources, and make the provisions of ordinance 922, as amended, fully applicable to the designated landmark.

B. Factors: Factors contributing to this designation (ordinance 931, January 6, 1986) included:

1. Character, interest and value as a part of the development, heritage and cultural characteristics of the city of Anadarko, state of Oklahoma, as well as national and other societies;

2. Identification with persons who contributed notably to the culture and development of the city, state, nation and society; and

3. Value as an aspect of community sentiment and public pride.

Section 9-5-2. Municipal Swimming Pool.

A. Designation: Pursuant to the completion of the procedures required for designation of Anadarko historic landmarks (ordinance 922, as amended; chapter 4 of this title), and the recommendation of the planning and preservation review commission, the municipal swimming pool (Randlett Park, SW/4, section 16, T7N, R1OW, I.M.) is hereby officially designated as an Anadarko historic landmark. Said designation shall reflect the goal of the city to promote protection and preservation of its significant historic, architectural, archeological and cultural resources, and make the provisions of ordinance 922, as amended, fully applicable to the designated landmark.

B. Factors: Factors contributing to this designation (ordinance 932, January 6, 1986) included:

1. Character, interest and value as a part of the development, heritage, and cultural characteristics of the city of Anadarko and the state of Oklahoma;

2. Value as an aspect of community sentiment and public pride; and

3. An established familiar visual feature of the neighborhood and community owing to its unique location and singular physical characteristics.

Section 9-5-3. Bryan Center.

A. Designation: Pursuant to the completion of the procedures required for designation of Anadarko historic landmarks (ordinance 922, as amended; chapter 4 of this title), and the recommendation of the planning and preservation review commission, the Bryan Center (lots 1 through 5, block 48, original townsite) is hereby officially designated as an Anadarko historic landmark. Said designation shall reflect the goal of the city to promote protection and preservation of its significant historic, architectural, archeological and cultural resources, and make the provisions of ordinance 922, as amended, fully applicable to the designated landmark.

B. Factors: Factors contributing to this designation included:

1. Character, interest and value as a part of the development, heritage, and cultural characteristics of the city of Anadarko, state of Oklahoma, and national and other societies;

2. Relationship to properties which are significant and preserved, and which are eligible for preservation; and

3. An established familiar visual feature of the neighborhood and community skyline, owing to its unique location or singular physical characteristics.

Section 9-5-4. Cleveland Home.

A. Designation: Pursuant to the completion of the procedures required for designation of Anadarko historic landmarks (ordinance 922, as amended), and the recommendation of the planning and preservation review commission, the Cleveland Home (lots 1 and 2, block 8, Highlands Addition) is hereby officially designated as an Anadarko historic landmark. Said designation shall reflect the goal of the city to promote protection and preservation of its significant historic, architectural, archeological. and cultural resources, and make the provisions of ordinance 922, as amended, fully applicable to the designated landmark.

B. Factors: Factors contributing to this designation included:

1. Character, interest or value as a part of the development, heritage and cultural characteristics of the city;

2. Relationship to properties which are significant and preserved, and which are eligible for preservation; and

3. An established familiar visual feature of the neighborhood, owing to its singular physical characteristics.

Chapter 6. Numbering Buildings

Section 9-6-1. Numbering System.

A. City Designations: All buildings and houses in the city shall be numbered. The planning department shall be responsible for designating the proper numbers for houses and buildings.

B. Baselines; Numbering Procedure:

1. The north and south baseline shall be First Street. All buildings east of the baseline shall be known and numbered as east, and all buildings west of the baseline shall be known and numbered as west.

2. The east and west line shall be Broadway Avenue. All buildings north of this line shall be known and numbered as north, and all buildings south of this baseline shall be known and numbered as south.

3. There shall be one hundred (100) numbers applicable to each block, beginning with “1“ on the odd side and “2” on the even side of the street.

4. Each twenty five feet (25') of frontage on each block shall be entitled to a separate number.

5. The first block from the baseline in either direction shall be given numbers from one to one hundred (100), and the second block shall be given numbers from one hundred (100) to two hundred {200), and so on in consecutive order by one hundreds to each block in succession.

6. The even numbers shall be on the east side of the streets extending north and south, and on the south side of the streets extending east and west. The odd numbers shall be on the opposite side of such streets.

7. The affix "one-half" Ct2) shall be added to the last number in designating stairway or garage apartments.

8. Address numbers shall be in plain block format and shall be clearly visible, unobstructed, legible, and in a contrasting color to background.

9. Numbered addresses shall be posted on all single-family residential structures and multiple-family residential structures having less than three (3) rental units. Numbers shall be a minimum of four inches (4”) in height.

10. Numbered addresses shall be posted on all multiple-family residential structures containing three (3) or more rental units. Numbers shall be a minimum of six inches (6”) in height to identify the building and four inches (411 in height to identify each unit.

11. Numbered addresses shall be posted on all commercial businesses. Numbers shall be a minimum of six inches (6”) in height on the business front. Businesses shall additionally be required to have the address, including business name, marked on all rear and side doors.

C. Areas Where Numbering System Not Workable: In situations where the plat or pattern of the area does not fit this numbering system, the planning commission shall study the area and recommend to the city council, for adoption by ordinance, an appropriate amendment to this section.

Section 9-6-2. Duty to Post Numbered Address.

It shall be the duty of the owner, agent, lessor, lessee, or occupant of every house, industrial, commercial, apartment, or other building to post proper numbered addresses as required by this chapter. This chapter does not affect all auxiliary buildings within a unit having an assigned number, such as garages, barns and buildings of like nature.

Section 9-6-3. Penalty.

See section 9-1-9 of this title for penalty provisions applicable to this chapter.

Chapter 7. Moving Buildings

Section 9-7-1. Movement of Frame Buildings.

No frame building shall be moved from without to within the corporate limits of the city, which by reason of its age, state of repair, condition of wiring or which, for any other reason, is unfit for human habitation or which might endanger the public peace, safety, health or welfare.

Section 9-7-2. Penalty.

See section 9-1-9 of this title for penalty provisions applicable to this chapter.

Chapter 8. Wind Energy Conversion Systems

Section 9-8-1. Definitions.

The following terms are used in this chapter, and shall have the meanings shown below.

A. OVERSPEED CONTROL: A mechanism used to limit the speed of blade rotation to below the design limits of the wind energy conversion system.

B. SITE: A plot of land where the wind energy conversion system is. to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties.

C. SWEPT AREA: The largest area of the wind energy conversion system which extracts energy from the wind stream. In a conventional propeller-type wind energy conversion system, there is a direct relationship between swept area and the rotor diameter.

D. TOTAL HEIGHT: The height of the tower and the farthest vertical extension of the wind energy conversion system.

E. WIND ENERGY CONVERSION SYSTEM (WECS): A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The wind energy conversion system includes all parts of the system, except the tower and the transmission equipment, and shall be considered as a structure.

Section 9-8-2. Building Permit and Site Plan.

A. Site Plan Information: Building permit applications (see chapter 3 of this title) for a wind· energy

conversion system shall be accompanied by a site plan drawn in sufficient detail to clearly describe the following:

1. Property lines and physical dimensions of the site.

2. Location, approximate dimensions, and types of major existing structures and uses on site.

3. Location and elevation of the proposed wind energy conversion system.

4. Location of all aboveground utility lines on site or within one radius of the total height of the wind energy conversion system.

5. Location and size of structures and trees over thirty five feet (35') in height, which are within a five hundred foot (500') radius of the proposed wind energy conversion system. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.

6. The zoning designation of immediate and adjacent sites.

B. Compliance With Chapter; Exception: Before a building permit may be issued, all requirements of this chapter must be met. This chapter covers those wind energy conversion systems whose swept area is one thousand (1,000) square feet or less. For conventional propeller wind energy conversion systems, this would be approximately thirty five feet (35') or less in diameter. (Nonelectrical windmills used for pumping water may be exempted from the remaining provisions of this chapter.)

C. Drawings Of Structural Components: Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system, including support structure, tower, base and footings. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer to show that the system compiles with the adopted building code. (This certification would normally be supplied by the manufacturer.) Where the structural components or installation vary from the standard design or specification, the proposed modifications shall be certified by a registered professional engineer for compliance with the structural design provisions of the adopted building code.

D. Line Drawings Of Electrical Components: Building permit applications shall be accompanied by a line drawing identifying the electrical components of the system to be installed, in sufficient detail to allow for a determination that the manner of installation conforms to the adopted electrical code. The application shall include a statement from a registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with said electrical code. (This certification would normally be supplied by the manufacturers.) All equipment and materials shall be used or installed in accordance with such drawings and diagrams. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a registered professional engineer for compliance with the requirements of said electrical code and good engineering practices.

Section 9-8-3. Insurance Required.

The applicant, owner, leasee or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. Said policy shall provide a minimum of one hundred thousand dollars ($100,000.00) property and personal liability coverage.

Section 9-8-4. System Requirements and Restrictions.

A. Manual And Automatic Controls: Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. (This certification would normally be supplied by the manufacturer.)

B. Towers:

1. Anchor points for guy wires for the wind energy conversion system tower shall be located within property lines and not on or across any aboveground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet (6') high, or the wind energy conversion system shall be set back from the property line or site parameters the total height of the wind energy conversion system.

2. Towers should have either a tower climbing apparatus located no closer than twelve feet (12') from the ground, a locked anti-climb device installed on the tower, or the tower shall be completely enclosed by a locked, protective fence at least six feet (6') high.

C. Noise: The wind energy conversion system shall meet the requirements of any existing city noise regulations.

D. Electromagnetic Interference: The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the city building inspector that a wind energy conversion system is causing harmful interference, the operator shall. be required to promptly mitigate the harmful interference.

E. Sign: At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

F. Minimum Height Of Lowest Part: The minimum height of the lowest part of the wind energy conversion system shall be thirty feet (30') above the highest existing major structure or any tree within a two hundred fifty foot (250') radius. For purposes of this requirement, electrical transmission and distribution

lines, antennas and slender or open lattice towers are not considered structures.

G. Location, Site Lines: The wind energy conversion system shall be located such that the farthest extension of the apparatus does not cross any site lines.

H. Wind Turbine; Notice To Utility Company: For wind energy conversion systems which will be interconnected to a utility grid, no wind turbine shall be installed until evidence has been given that the utility company has been notified in writing.

Section 9-8-5. Abandoned System; Hazardous Condition Abatement.

If a wind energy conversion system is not maintained in operational condition for a period of one year and poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The city reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the city determines that the wind energy conversion system has been abandoned and poses a safety hazard, the system shall be removed within forty five (45) days of written notice to the owner or operator of the system.

Section 9-8-6. Penalty.

See section 9-1-9 of this title for penalty provisions applicable to this chapter.

Chapter 9. Manufactured, Mobile and Modular Housing

Section 9-9-1. Purpose.

A. The purpose of this chapter is to provide regulations for areas within the corporate boundaries of the city 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 9-9-2. Definitions.

For the- purpose of this chapter, the following terms, words and phrases shall have the meanings indicated herein below:

A. BUFFER PLANTING STRIP: A visual screening facility, consisting of not less than one row of shrubbery spaced not more than eight feet (8') apart, which will grow to a height of not less than twelve feet (12') in less than five (5) years, under normal circumstances. Such a strip may, as an 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 feet (8') in height.

B. CITY BUILDING INSPECTOR: The building inspector of the city of Anadarko, Oklahoma, or his authorized agent.

C. FIRE MARSHAL: The fire marshal of the city of Anadarko.

D. GREENBELT PLANTING STRIP: A landscaped area, not less than twenty feet (20') in width, used along all subdivision boundaries. Such greenbelt planting strip shall be composed of: a) one row of deciduous and/or evergreen trees, spaced not more than forty feet (40') apart; b) not less than three (3) rows of shrubs, spaced shrub not more than thirty feet (30') apart; and c) not less than three (3) rows of shrubs, spaced not more than eight feet (8') apart, all of which shrubs must eventually be capable of growing to at least four (4) to six feet (6') in height.

E. HEALTH DEPARTMENT: The county-city health department, city of Anadarko, Caddo County, Oklahoma.

F. HEALTH OFFICER: The director of the Caddo-City health department.

G. HEALTH OFFICIAL: The legally designated health authority of the city of Anadarko, Oklahoma (or his authorized representative), or the authorized representative of the Caddo County health department or the state department of health.

H. MANUFACTURED HOUSING: 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 feet (20');

   ii. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city'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 city 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 legitimate front and rear doors; and

x. Have a minimum eave width of six inches (6").

2. Type II manufactured housing shall:

i. Have more than seven hundred twenty (720) square feet of occupied space in a single, double, expando 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 city'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 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 legitimate front and rear doors; and

x. Have a minimum eave width of six inches (6").

3. Type Ill manufactured housing shall:

i. Have more than four hundred (400) square feet of occupied space, in a single, double, expando 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 city's appropriate, adopted code; and

v. Have utilities connected, in accordance with appropriate municipal requirements and the manufacturer's specifications.

I. MOBILE HOME: 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.

J. MOBILE HOME, DEPENDENT: 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.

K. MOBILE HOME, FREESTANDING: Any mobile home or travel trailer not located in a mobile home park or travel trailer park respectively, licensed by the city of Anadarko, Oklahoma, or in an approved mobile home subdivision.

L. MOBILE HOME PARK: Any plot of ground of one acre or more, 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.

M. MOBILE HOME SPACE: Any plot of ground within a mobile home park or subdivision designed for the accommodation of one mobile home, not located on a mobile home sales lot, and containing at least seven thousand (7,000) square feet.

N. MOBILE HOME SUBDIVISION: Any subdivision designed and intended for residential use, where residence is in mobile homes or manufactured housing exclusively, and lots are sold for occupancy.

O. MODULAR HOME: 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 include prefabricated supplements incorporated into a structure at the site, nor does it include any type of "manufactured housing", as defined herein. Any "modular home" must meet U.S. government "modular home" certification standards (see article C of this chapter).

P. NONRESIDENTIAL MOBILE TRAILER: 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).

Q. PARK: A mobile home and/or travel trailer park.

R. PERMIT: A written permit issued under this chapter.

S. PERSON: Any individual, firm, partnership, corporation, company or association.

T. PUBLIC WATER OR SEWER SYSTEM: Any such system built and owned by, or dedicated to and accepted by, the city of Anadarko, Oklahoma. All other such systems shall be deemed private systems.

U. RECREATIONAL VEHICLE: Any self-contained vehicle forty feet (40') or less and no tie down or skirting shall be required for these vehicles.

V. SERVICE BUILDING: Any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities.

W. SUBDIVISION: A manufactured housing or mobile home subdivision, unless otherwise indicated.

X. TRAVEL TRAILER: All vehicles and portable structures built on chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use. For purposes of regulation under this chapter, a "dependent mobile home" shall be considered to be the same as a travel trailer, unless otherwise specified.

Y. TRAVEL TRAILER PARK: 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.

Z. TRAVEL TRAILER SPACE: A plot of ground within a travel trailer park designed for accommodation of one travel trailer.

Section 9-9-3. Nonresidential Mobile Homes or Trailers.

A. Temporary Permit Required:· Nonresidential mobile homes or trailers shall not be permitted in the city unless a temporary permit for operation is issued by the city building inspector. Such permit shall specify the permitted use of the nonresidential mobile home or trailer, the location of such operation and the termination date of the permit (which shall not exceed 6 months), and shall only be issued under terms of this code and the adopted zoning ordinance of the city.

B. Restrictions On Permit: No permit shall be issued for a use which would violate any local, state or federal ordinance, law or regulation.

C. Permit Fee; Exception: An annual fee of ten dollars ($10.00) shall be charged for each temporary mobile home or trailer permit; provided, that no governmental or nonprofit agency shall be charged for such a fee.

D. Construction Projects: Operation of nonresidential 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. Permanent Location Prohibited: This section shall not be construed as permitting or authorizing the permanent location of any nonresidential mobile home or trailer within the corporate limits of the city, in conflict with any adopted zoning ordinance of the city.

F. Water And Sewer: Where placement of a mobile home is contemplated for a period of time greater than thirty (30) days, water and sanitary sewer construction shall be installed unless a waiver of necessary for such connections is obtained by the applicant from the health department.

G. Overnight Occupancy By Employees: Caretakers, custodians, nightwatchmen and other bona fide employees or persons using mobile homes for commercial purposes as herein set forth may, when required by the nature of their employer, occupy such mobile home overnight or on a twenty four (24) hour basis; provided, that nothing herein shall be construed to permit the use of mobile homes as residences; and further provided, that nothing herein shall be construed to permit the establishment of any public enterprise other than those herein provided.

Section 9-9-4. Housing Regulations for Mobile and Manufactured Homes.

A. Compliance With Housing Code: Every manufactured house or mobile home located in either a mobile home park, a subdivision or as a freestanding home, shall meet the provisions of the adopted housing code of the city, except as otherwise provided in this section, or as may be otherwise provided in other provisions of this code.

B. Minimum Gross Floor Area: Every manufactured or mobile home shall contain the following minimum gross floor area of habitable space:

1. One hundred fifty (150) square feet for one or two (2) occupants;

2. One hundred (100) additional square feet for the third occupant; and

3. Seventy five (75) square- feet additional for each additional occupant thereafter.

C. Ceiling Height: Habitable space in a mobile or manufactured home shall have a minimum ceiling height of ·seven feet (7') over fifty percent (50%) of the floor area. The floor area where the ceiling height is less than five feet (5') shall not be considered in computing minimum gross floor area.

D. Exits: A mobile or manufactured home shall have a safe and unobstructed primary exit and an emergency exit located remote from the primary exit.

E. Sleeping Rooms; Floor Space: Rooms occupied for sleeping purposes must contain at least sixty (60) square feet of floor space, if used by more than one

person, and at least forty (40) square feet if used by one person.

F. Dependent Homes: Dependent manufactured or mobile homes shall not be required to have a flush toilet, bath or shower.

G. Travel Trailers; Exceptions: The housing code shall not apply to travel trailers insofar as floor area, flush toilet, bath or shower ceiling height is concerned.

Section 9-9-5. Penalty.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in section 1-10-24 of this code. Each day upon which such violation continues shall be deemed a separate offense.

Article A. Mobile Home, Manufactured Housing and Trailer Parks

Section 9-9A-1. Permit Requirements; Procedures; Fees.

A. Permit Required: It shall be unlawful for any person to construct, maintain or operate any mobile home, manufactured housing or travel trailer park within the limits of the city, unless he holds a valid permit issued annually by the city building inspector and the health official of the city, 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 article may be continued under a temporary permit for such period of time and under such conditions as· are hereinafter described.

B. Application For Permit: Application for the initial mobile·home permit shall be filed with the building inspector of the city. The application shall be in writing, signed by the applicant and shall include the following:

1. Name and address of the applicant.

2. The location and legal description of mobile home park.

3. A complete site plan of the park in conformity with the requirements of this article.

4. Plans and specifications of all buildings, improvements and facilities constructed within the mobile home park.

5. Such further information as may be required by the building inspector to enable him to determine if the proposed park will comply with legal requirements.

6. The application and accompanying plans and specifications shall be filed in triplicate.

7. At the same time that the application for an initial mobile home park permit is made, the applicant shall file with the building inspector for zoning clearance on the proposed mobile home park.

8. The city building inspector shall investigate and inspect the application and the proposed plans and specifications. He shall have said proposed plans and specifications reviewed and approved by the health department and the city fire marshal.

9. After zoning clearance has been granted, if the proposed mobile home park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this code and all other applicable ordinances and statutes, the city building inspector shall approve the application and, upon completion of the park according to the plans, shall certify such information to the city clerk.

10. The city clerk shall, upon receipt of the fee stipulated in this article and a properly executed notice of compliance from the city building inspector, issue a mobile home park permit.

11. All mobile home park permits ·shall expire on June 30 following issuance thereof.

C. Fees:

1. The annual permit fee for each mobile home park shall be ten dollars ($10.00) for each mobile home space located in said mobile home park.

2. The fee for utility transfer of a permit shall be ten dollars ($10.00).

3. The fee for garbage pickup service shall be the same as residential charges and shall be due and payable at the same time as the water and/or electric bill. Owners or operators failing to pay said fee shall be subject to penalties as provided by ordinance of the city for nonpayment of water and garbage services; including discontinuance of water and garbage service to said mobile home park.

D. Posting Of Permit: All permits issued hereunder shall be conspicuously posted in the office or on the premises of the mobile home park or in the vicinity of mobile home spaces or otherwise, as appropriate.

E. Existing Parks; Concrete Pads: Mobile home and travel trailer parks in existence upon the effective date hereof, which have concrete pads indicating the location of mobile home, manufactured home or travel trailer spaces, need not comply with those sections of this article 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 article.

F. Water Meters Required: Each mobile home park shall procure a water meter for each mobile home prior to opening said park for occupancy, and all mobile home parks now in existence shall procure a water meter for each mobile home.

G. Permit Denial Or Suspension; Hearing: Any person whose permit has been denied or suspended, or who has received notice from the health official and/or city building inspector that his 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 city council; 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 (1O) day period.

H. Revocation Of Permit: The city building inspector may, after notice to the permittee, revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction, including the city court of Anadarko, of violating any provisions of this code. After such conviction, the permit shall be reissued, -maintained and operated in full compliance with law.

Section 9-9A-2. Inspection of Parks.

A. Authority Of Officials: The health official and the city 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 city, in order to perform their duty of safeguarding the health and safety of occupants of such parks and of the general public.

B. Outside Premises: The health official and city 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 article or of regulations promulgated thereunder.

C. Register Of Homes And Occupants: The health official and city building inspector shall have the power to inspect the register containing a record of all homes and occupants using the park.

D. Occupant Allow Access To Premises: 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 park, 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 article, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this article.

Section 9-9A-3. Notices, Hearings and Orders.

A. Contents Of Notice: Whenever the health official or city building inspector determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violation. Such notice shall:

1. Be in writing.

2. Include a statement of the reasons for its issuance.

3. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this article and other pertinent regulations.

4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires.

5. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

B. Written Request For Hearing: Any person affected by any notice issued under this article, or resulting regulations, may request and shall be granted a hearing on the matter before the city council, acting as a board of appeals; provided, that such person shall file with the city building inspector a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the day notice was served. The filing of such request shall stay the notice of suspension of permits, except in cases of orders issued under subsection E of this section. The hearing shall be held at the next city council meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner should the city building inspector determine that sufficient cause for such delay exists. (1988 Code § 10-22)

C. Council Findings: After such hearing, the health official or city building inspector shall compile the findings of the city council as to compliance with this article and pursuant to regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in subsection AS of this section. Upon failure to comply with such order, the permit of the park shall be revoked.

D. Appeal To District Court: Any person aggrieved by the decision of the city council may seek relief in district court.

E. Emergency Situation: Whenever the health official or city building inspector finds that an emergency exists which requires .immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this article, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the city council, shall be afforded a hearing at the next regular meeting, even if the agenda has been completed. The provisions of subsections C and D of this section shall be applicable to such hearing and the order issued thereafter.

Section 9-9A-4. Park Supervision.

The permittee 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 permittee, for the violation of any provision of this article to· which the permittee is subject.

Section 9-9A-5. Location and Design Considerations.

A. Types Of Parks: Parks shall be of three (3) types: 1) mobile and manufactured home parks; 2) travel trailer parks; and 3) 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. Drainage: All parks shall be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. Drainage shall not endanger any water supply.

C. Minimum Area; Location:

1. The minimum area of any park shall be one acre. Parks in existence on the effective date of this article can continue to operate with less than one acre area; however, if the park is to be expanded, it must at that time have a minimum area of one acre.

2. After the effective date hereof, no mobile home park shall be constructed that does not occupy· a minimum of one acre of gross area.

3. The locations of mobile home parks shall be in conformity with the zoning ordinance of the city, and shall be well drained and free of dust.

D. Landscaping; Fences:

1. No building or mobile home unit shall be located closer than twenty five feet (25') to a street property line. All sites have a landscape buffer zone on all sides other than those abutting public thoroughfares. Landscaping may consist of trees, fences or other means of providing privacy, without interfering with natural light, air and drainage.

2. No fences shall be made of barbed wire or contain used materials.

E. Park Requirements: The mobile home park shall conform to the following requirements:

1. The park shall be located on a well drained site, properly graded to ensure rapid drainage, and free from pools of water.

2. Each park shall provide mobile home spaces and each such space shall be clearly defined or delineated. Each space shall have an area of not less than seven thousand (7,000) square feet and a width of not less than forty feet (40'). All existing lots, mobile home parks or trailer courts not in compliance and less than one acre in space, will have eighteen (18) months from the effective date of ordinance 869 to comply, and those lots, mobile home parks or trailer courts, one acre or greater in space, hot in compliance with ordinance 869, will have five (5) years from the effective date of said ordinance 869 within which to comply.

3. Mobile homes shall be so located in each mobile home park that there shall be at least a twenty five foot (25') clear space between mobile homes. No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than twenty five feet (25') or such greater distance as may be established by ordinance or regulation as a front yard or setback requirement with respect to conventional buildings in the zoning district in which the mobile home park is located.

4. All mobile home spaces shall abut upon a driveway of not less than twenty feet (20') in width, which shall have unobstructed access to a public street, alley or highway.

5. Walkways not less than two feet (2') wide shall be provided from the mobile home spaces to the service buildings.

6. All driveways and walkways within the park shall be hard· surfaced and lighted at night with electric lamps of not less than seven thousand (7,000) lumen mercury type lamps, one hundred seventy five (175) watts, one hundred twenty (120) volts with photoelectric control, spaced at intervals of not less than three hundred feet (300').

7. Each park shall provide service buildings to house such toilet, bathing and other facilities as are hereinafter more particularly described.

8. An electrical outlet (supplying at least 110-120/220-240 volts and 200 amperes main disconnect in a waterproof box) shall be provided for each mobile home space.

9. The Anadarko public works authority will furnish one fifty (50) KVA (70 2 KV-241-120 volt) transformer and one hundred feet (100') of 4/0 aluminum triplex service cable to the mobile home park, with the rest of the park service to be supplied by the developer in accordance with city specifications.

10. All parks shall have and maintain a buffer planting strip, not less than three feet (3') in width, along all park boundaries not bordering a street.

Section 9-9A-6. Service Buildings for Travel Trailer Parks.

A. Requirements:

1. Mobile home parks need not have permanent service buildings for laundry and toilet facilities where all units accepted in the park are independent mobile homes (an "independent mobile home" means a mobile home which has a flush toilet and a bath or shower). ·

2. Where dependent mobile home units (a "dependent mobile home" means a mobile home which does not have a flush toilet and a bath or shower) are accepted for location in a mobile home park, it shall be the obligation of the mobile home park to provide such facilities.

3. Permanent service buildings shall be located no closer than ten feet (10') to any mobile home space but not over three hundred feet (300') from any mobile home space. Permanent service

facilities shall have a adequate supply of both hot and cold water. They shall be adequately lighted at all times. They shall be constructed of moisture resistant material to permit frequent cleaning and washing.

B. Ratios: The following ratios shall apply to such units as are not equipped with integral water closet and bath facilities:

1. Toilet facilities shall be provided in the following ratios: one flush type water closet, one lavatory and one bath for males and females for all having nine (9) or fewer spaces and one additional water closet, lavatory and shower for each sex for every ten (10) additional spaces or fraction thereof.

2. Laundry facilities shall consist of not less than one dual compartment lavatory and one automatic washer for each twenty (20) mobile home spaces or portion thereof in the mobile home park.

C. Sanitary Condition: 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 of any occupant or the public, or constitute a menace.

Section 9-9A-7. Sewage Disposal.

A. Compliance With State And Local Regulations: 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, of such construction and in such manner as approved by the Oklahoma state health department and in accordance with all applicable ordinances, codes and regulations of the city.

B. Sewer Connection Specifications: Each home space shall be provided with at least a three inch (3") sewer connection at least four inches (4") above the surface of the ground. The sewer connection should be protected by a concrete collar at least four inches (4") thick and have a minimum outside diameter of twenty four inches (24"). Connection between the home drain and the sewer must be watertight and self-draining. Homes with fixtures from which backsiphonage may occur shall not be connected to the park's water system until the defect has been corrected.

C. Connection To Public System: In the event that a public sewer system is, or becomes available, within three hundred feet (300') of a park, connection must be made to the public system within one hundred eighty (180) days.

D. Design; Location: The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents 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 owners or occupants of any adjacent property. The Oklahoma state health department must approve the type of treatment proposed and the design of any disposal facilities and sewer systems, prior to construction.

E. Dumping Of Wastes: 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 receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma state health department. Any other dumping of accumulated waste within the city is prohibited.

F. Determination Of Sewerage Charges: The monthly sewerage charge shall be based on the maximum home or travel trailer capacity of the park. The park operator shall, by the tenth of each. month, notify the city clerk of the maximum number of spaces in use at any one time during the previous month. The city clerk shall then adjust the sewerage fee to the actual use of the park. Should the park operator fail to notify the city clerk of the prior month's actual usage of trailer or home spaces, the sewerage fee shall be levied on the maximum capacity of the park.

G. Watertight Connections: Sewer connections shall be watertight. Park licensees shall maintain trailer and home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on park premises.

H. Travel Trailer Spaces: No sewer connections shall be made to travel trailer spaces.

I. Plumbing: All plumbing in a mobile home park shall comply with state and local plumbing laws and regulations.

J. Shower And Toilet Wastes: Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.

K. Sewer For Each Space: Each mobile home space shall be provided with a sewer at least four inches (4") in diameter which shall be connected to receive the waste from the shower, bathtub, flush toil t, lavatory and kitchen sink of a mobile home. harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer in compliance with applicable ordinances.

L. Fittings And Caps: The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connections shall be so constructed that they can be closed when not linked to a mobile home and shall be capped so as to prevent any escape of odors.

M. Providing Sewer Lines: The Anadarko public works authority will provide sewer lines to the property lines and the developer will provide the lines within the park, all in accordance with the plans approved by the city plumbing inspector and the sewer superintendent.

All sewer lines shall be adequately vented, and shall be laid. with sufficient earth cover to prevent ·breakage from traffic.

Section 9-9A-8. Water Supply.

A. Supply Of Water Required: An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of one hundred fifty (150) gallons per day, per space. Where a public supply of water of such quality is available, within three hundred feet (300'), or becomes available within three hundred feet (300'), connection shall be made thereto within one hundred twenty (120) days, and its supply shall be used exclusively. Where private water supplies must be developed, the health official 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. Connection To Buildings And Spaces: 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 least four inches (4") above the ground. An adequate supply of hot water shall be provided at all times, in the service buildings.

C. Compliance With State And Local Regulations: All water piping shall be constructed and maintained in accordance with state and local law. The water piping system shall not be connected with nonpotable or questionable water supplies, and shall be protected against the hazards of backflow or backsiphonage. All water connections shall be weathertight.

D. Drinking Fountains: Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health official.

E. Individual Service Connections: 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. Location Of Water Facilities: Provisions shall be made within one hundred fifty feet (150') of each travel trailer space to supply water for travel trailer reservoirs.

G. Pumps And Pipes: No well-casing, pumps, pumping 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 drainage 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 feet (2') from the well in all directions. The pedestal shall not be less than twelve inches (12") above the floor. This shall not be construed as prohibiting submersible pumps.

H. Water Storage Reservoirs: 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. Stop And Waste Cocks: Underground stop and waste cocks shall not be installed on any connection.

J. Private Wells: No private water well shall be permitted within the city for its use, except as may be otherwise permitted by ordinances of the city; provided, that private wells may be used if the city does not provide a municipal wat r system.

K. Travel Trailer Spaces: No water connections shall be made to travel trailer spaces.

L. Water Supply Required: An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park, capable of furnishing a minimum of one hundred fifty (150) gallons per day per mobile home space. Where a public supply of potable water is available, connection shall be made thereto and its supply shall be used exclusively.

M. Piping System:

1. The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home paces.

2. All water piping shall be constructed and maintained in accordance with state and local laws. The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage.

N. Drinking Fountains: Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health department.

O. Individual Connections: Individual water service connections which are provided for direct use by a mobile home shall be so constructed that they will not be damaged by the parking of such mobile homes.

P. Providing Water Lines: The Anadarko public works authority will provide water lines to the property line and the developer will provide lines within the park, all in accordance with the plans approved by the city building inspector and the water superintendent of the city.

Section 9-9A-9. Refuse Disposal.

A. Hazard Elimination: 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 hazards, or air pollution. (1988 Code § -10-28)

B. Refuse Containers Provided: All refuse shall be stored in containers provided by the city which shall be flytight, watertight and rodentproof. Containers shall be located not more than one hundred fifty feet (150') from any mobile home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

C. Container Racks Or Holders: 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 container 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. Refuse Collection And Transportation: 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. Disposal Of Refuse: 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 city.

F. Mandatory Use Of City Service: When municipal refuse disposal service is available, it must be used.

G. Compliance With State And Local Regulations: All storage collections and disposal of refuse in the mobile home park shall comply with state and local laws and regulations pertaining thereto.

Section 9-9A-10. Insect and Rodent Control.

A. Control Measures Required: Insect and rodent control measures to safeguard public health, as required by the health official, shall be applied in the park.

B. Fly And Mosquito Breeding Areas: 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.

C. Insects And Weeds: The health official may require the park operator to take suitable measures to control other insects and obnoxious weeds.

D. Debris Accumulations: Accumulations of debris which may provide harborage for rodents shall not be permitted in the park.

E. Rats And Other Rodents: 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 9-9A-11. Electricity; Exterior Lighting.

A. Electrical Requirements: An electrical outlet supplying at least 110, 220-240 volts, and two hundred (200) ampered main disconnect in a waterproof box, 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 receptacles shall also be grounded and weatherproofed. No main power supply line shall be permitted to lie on the ground, and no main power line shall be suspended less than eighteen feet (18') above the ground, unless otherwise approved by the city building inspector.

B. Street Lights: Streets and driveways within all parks shall be lighted with street lights meeting the current standards of the illuminating engineering society or one-half (1/2} candlepower, whichever is higher.

Section 9-9A-12. Fuels; Power Sources.

A. Fuel Storage Tanks: All piping from outside fuel storage tanks or cylinders to mobile or manufactured homes shall be of acceptable material, as determined by the city 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 feet (5'} from any home exit. All such installations shall meet the requirements of applicable adopted codes.

B. Power Sources: All power used for residential or nonresidential purposes within the park shall be derived from electricity, natural gas or solar energy sources.

Section 9-9A-13. Fire Protection.

A. Litter: Park areas shall be kept free of litter, rubbish and other flammable materials.

B. Water Supply: Where the water supply system does not provide at least six inch (6"} water mains, there shall be provided a two inch frost protected water riser within three hundred feet (300') of each home or building.

C. Fires Restricted:

1. Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

2. Fires shall be made only in stoves, approved incinerators, and other equipment intended for such purposes.

D. Portable Fire Extinguishers: Portable fire extinguisher of a type approved by the fire department shall be kept in service buildings and at all other locations designated by the fire department, and shall be maintained in good operating condition.

E. Fire Hydrants: Where a public water system with a water main of six inches (6"} or larger is available to the mobile home park, standard fire hydrants shall be located within four hundred feet {400') of each mobile home or building. All water mains shall be six inches {6").

Section 9-9A-14. Alterations and Additions; Animals.

A. Compliance With Local Regulations: All plumbing and ·electrical alterations or repairs in the park shall be made in accordance with applicable local regulations.

B. Skirting Of Mobile Homes: Skirting of mobile homes are required within ten {10) days from placing upon the property, all to be enclosed with new materials

such that the skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.

C. Additions To Mobile Homes: No additions shall be built onto or become a part of any mobile home unless they are in accordance with requirements established by this article.

D. Keeping Animals: No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large, or to commit any nuisance within the limits of any mobile home park.

Section 9-9A-15. Registration of Owners and Occupants.

A. Register Required; Information: Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for a period of three (3) years. Such register shall contain: 1) the names and addresses of all mobile home occupants stopping in the park; 2) the make, model and license number of the motor vehicle and mobile home; 3) the state, territory or county issuing the mobile home permit; 4) the dates of arrival and departure of each mobile home; and S)· whether or not mobile home is a dependent or independent mobile home.

B. Notify Health Department Of Disease: Every owner, operator, attendant or other person operating a mobile home park shall notify the health department immediately of any suspected communicable or contagious disease within the mobile home park.

Section 9-9A-16. Tie Downs.

A. Anchoring Requirements: Every home in a park or subdivision covered by the provisions of this article shall be anchored and tied down for safety purposes in a manner equivalent to the following:

1. Homes up to thirty feet (30') in length shall require two (2) frame ties per side;

2. Homes thirty (30) to fifty feet (50') in length shall require three (3) frame ties per side;

3. Homes fifty (50) to seventy feet (70') in length shall require four (4) frame ties per side;

4. Homes over seventy feet (70') 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 stud and rafter locations.

B. Attachment Of Ties: 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 feet (6').

C. Floodprone Areas: Additional tie down requirements for homes in floodprone areas shall also be met (see title 12, chapter 1 of this code}.

Section 9-9A-17. Single Mobile Homes and Mobile Home Spaces.

A. Zoning Regulations Prevail: In all matters where conflict exists between the provisions of this article and the zoning regulations of the city, the provisions of the zoning regulations shall prevail.

B. Payment Of Water And Garbage Service Fees: The owner of any single mobile home space shall pay to the city clerk, when said space is occupied by a mobile home, the same monthly fees for water and garbage pick up service and shall be subject to the same penalties for nonpayment of such fees as are prescribed by ordinance of the city for single-family dwelling units, including discontinuance of such service.

C. Inspection By Health Officer: Any single mobile home or mobile home space located within the city, not in a mobile home park as defined herein, shall comply with all regulations concerning inspection by the health officer, city building inspector and fire marshal to comply with the sections herein relating to sewer, water, sanitation and electrical installations.

D. Placement Permit: Before any mobile home shall be moved onto any lot or plat of land within the city limits, the owner of said mobile home must obtain a permit from the building inspector, forty eight (48) hours (2 working days) in advance of moving said mobile home. Said permit shall not be necessary if the mobile home is moving to a licensed mobile home park or outside the city limits.

E. Payment Of Permit Fee; Term Of Permit: The fee for permits required under this section shall be payable to the city clerk. Said permits shall expire on June 30 following issuance thereof.

F. Permit Issuance Or Denial; Time Limit: For the permits required under this section, the building inspector shall either issue the permit or deny the application for the same within two (2) working days.

G. Application Of Provisions: The provisions of this section shall apply, provided they do not violate any plat restrictions or private covenants applicable to the lot on which a permit for mobile home or a mobile home space is requested.

Article B. Manufactured Housing and Mobile Home Subdivisions

Section 9-9B-1. Requirements.

A. Compliance With Subdivision And Zoning Regulations: Manufactured housing and mobile home subdivisions shall comply with the adopted subdivision regulations ordinance and zoning ordinance of the city except as otherwise provided herein.

B. Subdivision Size: The minimum size of such a subdivision shall be five (5) acres.

C. Residences Limited: No residences except mobile and/or manufactured homes shall be permitted in such a subdivision.

D. Lot Width And Area: Minimum effective lot widths in said subdivision shall be fifty feet (50'}, measured at the front building line, and minimum lot areas shall be seven thousand (7,000) square feet, consistent with the adopted zoning ordinance; provided, that at least a five foot (5') side yard shall be provided on each lot beyond any home and additions 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 basis of 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 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 Lot Lines: Side lines of lots in said subdivisions need not be at right angles to straight street lines or radial to curved street lines.

F. Adjacent To Public Street: Regardless of the effective lot width, said subdivision lots must abut a public street for at least twenty five feet (251

G. Greenbelt Planting Strip: All such subdivisions, except those developed under low density residential zoning district standards, shall have a greenbelt planting strip.

Article C. Modular Housing

Section 9-9C-1. Treatment of Modular Housing.

A. Criteria: Manufactured or mobile housing shall be considered as 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. Placed 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 city'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. Certification As Modular Unit: 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.

Chapter 10. Oil and Gas Drilling

Section 9-10-1. Definitions.

For the purpose of this chapter, the words and phrases as defined in this section and as used in this chapter, shall have, and be construed to have and include, the following meanings:

A. BLOCK: A tract of land within the corporate limits of the city of Anadarko, Oklahoma, having for its· exterior boundaries, public streets, roads, highways, corporate limits of the city, railway rights of way, roads or streets and highways shown on the recorded plat of the city and additions thereto, but which are not open for public use or bounded at its exterior limits by a combination of such. Provided, however, if the laws and regulations of the United States or the state of Oklahoma prevent, or make it impracticable to drill an oil well in an area as small as a city block, then it is the intention of this chapter that the word "block" as herein used shall mean and include, and be construed to mean and ·include, such area of the city in addition to an ordinary block or blocks, as will make the total area great enough to comply with such laws and regulations.

B. OIL WELL: The ordinary and accepted meaning of such expression or name, and in addition thereto, the term shall also include a natural gas well, casinghead gas well and salt water well.

C. PERSON: Shall mean, in both the singular and plural, the ordinary and accepted meaning of the word person, including the plural, and in addition thereto, shall include any individual, partnership, corporation or any other entity operating as a person, partnership, association or a corporation.

Section 9-10-2. Drilling Permit Required.

A. Permit Required: It shall be unlawful to drill, maintain or operate an oil or gas well within the corporate limits of the city, except by a municipal drilling permit to do so, obtained as hereinafter provided.

B. Applicability Of Permit: Each such permit shall cover and provide for the drilling, maintaining and operating of one oil or gas well only, and not more than one oil or gas well shall be drilled in any one block; provided, however, that, at the discretion of the mayor and city council, a permit as herein provided for may be issued for the drilling of a second well in any one or more blocks, if the first well is producing in substantially paying quantities. Such second well may then be drilled to a new horizon and/or source of supply, where such new horizon and/or source of supply is substantially different from that to which the first well was drilled and in which the first well is operating.

Section 9-10-3. Annual Fee.

A. Fee Imposed: There is hereby levied an annual police, safety and sanitary inspection fee of five hundred dollars ($500.00) for the first year, and one hundred dollars ($100.00) for each succeeding year thereafter, for each oil or gas well drilled, operated or maintained in the city.

B. Initial Fee: The initial fee paid with, and accompanying, the application in the first instance, shall also include the granting of the permit.

C. Successive Annual Fees: Each successive annual fee paid, after the first, shall also cover and include permission to continue such drilling, operation and maintenance operations.

Section 9-10-4. Drilling Permit Regulations and Bond.

Permits for drilling, maintaining and operating oil and gas wells in the city shall be granted orally to responsible persons who have met, to the satisfaction of the city manager, all of the following requirements:

A. Payment Of Fee: Payment of seven thousand dollars ($7,000.00) to the city clerk for: 1) the issuance of such permit; and 2) the annual fee for the first year of police, safety and sanitary inspection.

B. Agreement Required: Depositing with the city clerk, to become and remain a part of the permanent records of the city, a valid and legal agreement, in writing, fully executed and acknowledged by the owner of the lot where the oil or gas well is to be drilled, agreeing that all rents and royalties accruing from oil, gas or casinghead gas produced from said well shall be prorated among all the owners of the oil, gas and other mineral rights in and under said block, in the proportion that each owner's interest in the block bears to the whole of the block.

C. Written Consent Required: Depositing with the city clerk, to become and remain a part of the permanent records of the city, a valid and legal consent, in writing, fully executed and acknowledged by the owner or owners of not less than fifty one percent (51%) of the oil, gas and other mineral rights of the block in which the oil well is to be drilled, consenting the drilling of such oil well upon the lot or lots as indicated in such application.

D. Bond Required: Depositing with the city clerk, to become and remain a part of the permanent records of the city, good and sufficient bond(s) covering each separate oil well for which permits are requested, executed by one or more responsible bonding, insurance or indemnity companies authorized to do business within the state of Oklahoma. Such bond(s) shall run in the name of the city, and be conditioned that the applicant will pay and discharge any and all liability imposed by law for damages, either for injury to the person or damages to real or personal property, including death, received by any person, firm or corporation, resulting from the drilling, operation, or maintenance under such permit of any oil well, structure, equipment, machinery, tanks, pipeline or appurtenances thereto, and that such applicant will also abide by, and comply with, all the · provisions of this chapter· and other ordinances of the city.

1. Such bond or bonds shall further provide that insolvency or bankruptcy of the insured shall not release the insurance company from any payment due under such bond or bonds. If by reason of such insolvency or bankruptcy, an execution on the judgment against the insured is returned unsatisfied, the judgment creditor shall have a right of action against the insurance company to recover the amount of said judgment to the same extent that the insured would have had to recover against the company, had the insured paid the judgment.

2. Such bond or bonds shall further provide against the cancellation, until thirty (30) days' notice in writing of such intended cancellation, shall have been given the city, by the delivery of written notice to the city clerk. Upon such notice being given, the person to whom such permit has been issued shall be immediately notified thereof, and if such person shall fail, within thirty (30) days after having received notice of such intended cancellation, to provide other sufficient bond or bonds in compliance with the terms and provisions of this chapter, then the permit issued to such person shall be automatically suspended for all purposes, and all operations being carried on under such permit shall cease until such other sufficient bond or bonds have been posted with the city clerk and approved, by motion of the city council, at a regular or special meeting.

3. Such bond or bonds, among other things, shall cover and indemnify such city and the inhabitants thereof against loss of or damage to private or public water supply.

4. The total liability under such bond or bonds, in the case of each oil or gas well, shall not be less than twenty five thousand dollars ($25,000.00), and shall be made for a period of not less than one year. No oil or gas well shall be drilled, maintained or operated at any time or for any period of time, without currently valid and legal bond or bonds in such amount being on deposit with the city clerk. Provided, however, that, at the time of the renewal of such bond or bonds for any one well, if bond in the amount of thirty five thousand dollars ($35,000.00) has been in force and effect for one year and all drilling operations have been completed, the liability on such bond or bonds in the case of each well so completed, may be reduced to ten thousand dollars ($10,000.00).

Section 9-10-5. Application for Permit; Explosives; Location of Wells.

A. Application To Clerk; Issuance By Council: Applications for permits to drill, operate and maintain oil or gas wells in the city shall be filed with the city clerk, and permits shall be issued by said city clerk upon authorization of the city council, by motion.

B. Permit Allows Use Of Explosives: Such permits shall, without so stating, also permit the use of such explosives and amounts thereof as are ordinarily used in such operations, but shall not permit the storage of any amount of explosives, at any time, within the city.

C. Contents Of Application: Applications shall be in writing, signed by the applicant or some person in his or its behalf duly authorized, and shall state the block and exact lot and location thereon where the proposed oil well will be drilled. There shall be attached thereto a list of the persons owning or having an interest in any of the lots in the block, together with the last known post office address of each of them.

Section 9-10-6. Pooling of City Lots or Blocks.

Nothing in this chapter shall prevent, or be construed to prevent, the pooling of lots or blocks of the city with land adjacent to and outside the corporate limits of the city, for gas or oil wells drilled, maintained or operated on any of such lots or blocks, so pooled without compliance with this chapter.

Section 9-10-7. Right to Refuse Drilling Permit.

Notwithstanding any provision of this chapter, the city council may, at its discretion, refuse to grant to any person, a permit to drill, maintain or operate an oil or gas well within the corporate limits of the city; and may refuse to grant a renewal of any prior permit granted; provided, however, that the applicant for such permit or renewal thereof has not obtained a vested property right in reliance upon his right to obtain such permit or renewal, prior to the effective date of the original ordinance.

Section 9-10-8. Zoning District Compliance.

Oil, gas or disposal wells shall be located only in those zoning districts which permit such uses, as outlined in the city's adopted zoning ordinance.

Section 9-10-9. Drilling and Operating Regulations.

In the drilling, operation and maintenance of any oil or gas well in the city, all of such operations shall be subject to the following regulations, and violations thereof are hereby declared unlawful and an offense:

A. Drainage Onto Street Or Into Ditch Or Sewer: No oil, liquid with oil content, gasoline, other oil product, surface mud, rotary mud, sand or salt water shall be disposed of by draining or diverting the same into or upon any public highway, street, alley, drainage ditch, storm sewer, sanitary sewer, gutter or paving; nor shall any of such substances be permitted to escape from the property owned, leased or controlled by the person carrying on such operations, by seepage or overflow.

B. Internal Combustion Engines: No steam, gasoline, natural gas, diesel or other internal combustion engine, shall be operated within the corporate limits of the city without being muffled so as not to create a nuisance.

C. Slush Pits And Excavations: All slush pits and other excavations shall be filled and leveled off upon the completion of any oil or gas well, or upon the abandonment of any of the operations covered in this chapter.

D. Storage Tanks Protected: All storage tanks, or other tanks intended to contain inflammable substances, shall· be protected by earthen embankments thrown up about the same in such manner as to adequately contain all the contents or intended contents of such tanks. No such tanks shall be erected or installed nearer than thirty feet (30') to any dwelling house, established business structure, street or highway.

E. Operation Near School Or Church: No oil or gas well shall be drilled, operated or maintained, nor shall any of the operations in connection therewith be carried on, nearer than one hundred feet (100'), by the shortest distance, to any previously established church or school building.

F. Safety Requirements: Approved equipment, devices and methods for the safety of life and property, such as are commonly known in the oil drilling and producing business, must be used in the city in the carrying on of all the operations covered by this chapter, and the failure to use any of such equipment, devices or methods in any substantially important operation shall be grounds for immediately stopping further work until such failure has been corrected.

G. Litter, Waste Substance Accumulations: The premises upon which any oil or gas well is drilled, operated or maintained shall be kept free from accumulations of rubbish, litter, unused materials or equipment, excessive rotary mud and slush pits, waste oil and oil substances, or other waste oil products, so far as such premises may be reasonably kept free of the same in carrying on the operations covered by this chapter.

H. Restoration Of Public Ways: Where, in the installation, erection or construction of work being done by virtue of permits issued under this chapter, sidewalks or the surface of streets, alleys, other rights of way or any other public property are disturbed, damaged or destroyed, the same must be replaced or restored to its original condition, or better, in as short a period of time thereafter as may be reasonably done.

I. Operation Of Derricks: All derricks must be erected and operated in compliance with the rules, regulations and specifications promulgated by the corporation commission of the state of Oklahoma and the various departments of said commission. Failure to abide by such rules, regulations and specifications in the case of any substantially important operation shall, in addition to the other penalties provided in this chapter, automatically operate as a forfeiture and cancellation of all permits obtained in the case of the particular well where such violations occur, and automatically terminate the right to continue such work or any part thereof, excepting such as may be necessary for safety or to prevent serious loss. Such operation shall. not be continued until a new permit has been obtained and paid for on the same basis as a new and original permit.

J. Information Provided Upon Request: Full and accurate drilling floor information, and any and all other full and accurate information pertaining to operations under permits procured under this chapter, shall be furnished the chief of police, the city council or any of its duly authorized agents at any time. Such information shall be supplied upon demand and without unnecessary delay.

K. Police Authority: Full police authority for the purpose of enforcing the provisions of this chapter are hereby given to the chief of police or to any other duly authorized agent of the city council.

L. Pipeline Installation, Council Consent: No pipelines of any kind, no power transmission system of any kind, no communication systems of any kind and no other transmission systems of any kind shall be erected or installed in, along, across, under or over any street, alley, highway or railroad right of way in the city, except by special consent, by motion, of the city council.

M. Fence Required At Completion Of Drilling: At the conclusion of drilling operations, a fence shall be erected around both the well and the machinery used in connection with the operation of the well.

Section 9-10-10. Penalty.

A. Penalty Imposed: Any person, firm or corporation who violates any of the 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 1-10-24 of this code. Each day such violation is committed or continues to exist shall constitute a separate offense and be punishable as such.

B. Injunctive Relief: In addition, violation of any of the provisions hereof declared to be a public nuisance shall be a basis for injunction at the suit of the city, or at the suit of any person, firm or corporation adversely affected thereby.

TITLE 10 – ZONING REGULATIONS

Chapter 1. Authority; Jurisdiction; Definitions

Section 10-1-1. Citation and Authority.

A. The zoning standards contained herein, together with all amendments, shall officially constitute the zoning regulations of the city as adopted by ordinance 910, effective June 25, 1985.

B. The zoning standards contained herein, together with all subsequent amendments, have been prepared, adopted and enacted pursuant to the authority granted the city of Anadarko, by the Oklahoma state legislature in 11 Oklahoma Statutes sections 43-101 through 43-109, 44-101 through 44-110, and 45-101 through 45-104.

Section 10-1-2. Purpose.

The zoning regulations and the districts herein established have been made in accordance with the Anadarko comprehensive plan, for the purpose of promoting the health, safety and general welfare of the residents of the city. They have been designed to regulate and restrict the height, number of stories and size of buildings and other structures, the area of lot that may be covered, the size of the yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for business, residence and other purposes, in order to encourage the most appropriate uses of land, maintain and stabilize property values, reduce fire hazards, improve public safety, prevent undue concentrations of population, promote the preservation of identified historic structures and districts, lessen traffic congestion, provide adequate light and air, promote neighborhood stability, and create a comprehensive and stable pattern of land uses throughout the municipality.

Section 10-1-3. Jurisdiction.

The provisions of this title shall be in effect within the jurisdictional area of the municipal planning Commission of the city.

Section 10-1-4. Definitions.

Definitions. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as hereinafter set forth. Unless the context already indicated to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; a “person” includes a corporation, a partnership and an incorporated association of persons (such as a club); the work “shall” is always mandatory; the words :used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged or designed to be used or occupied”.

A. ABUTTING: Having property or district lines in common; e.g., two (2) lots are abutting if they have part or all of the property lines in common.

B. ACCESSORY BUILDING OR STRUCTURE: A subordinate building or portion of the main building, the use of which is incidental to that of the dominant use of the building or premises.

C. ACCESSORY USE: A use customarily incidental, appropriate and subordinate to, the main use of land or buildings located upon the same premises.

D. AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards, slaughterhouses and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

E. AIR RIGHTS: The rights to a space above a property, for development, usually for a dissimilar use.

F. AIR SPACE: The space above the land, which might either be subject to division and sale with, or separate from, the surface.

G. ALLEY: A minor right of way, dedicated to public use, from which a secondary means of access to the back or side of properties abutting a street is obtained (not intended for general traffic circulation), and which may be used for public utility purposes.

H. BASEMENT: A story underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average level of the adjoining ground, or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

I. BLOCK: A parcel of land, intended to be used for development purposes, which is surrounded by public streets, highways, railroad rights of way, public walks, parks, rural lands, drainage channels or boundary lines of municipalities, and not traversed by a through street.

J. BOARD OF ADJUSTMENT: A local quasi-judicial body, created by ordinance, whose responsibility is to hear appeals concerning the strict interpretation of the adopted zoning ordinance, and to consider requests for variances under the terms of the adopted zoning ordinance.

K. BOARDING OR ROOMING HOUSE: A building other than a hotel where, for compensation and by the prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more, but not exceeding six (6) persons.

L. BUFFER ZONE: A strip of land established to protect one type of land used from another with which it is incompatible. A buffer zone is comprised of a buffer use, which may, in addition to the normal range of open space and landscaping uses, take the form of “transitional” uses, structures or yards.

M. BUILDABLE AREA: The space remaining on a zoned lot, after the Minimum open space requirements (coverage, yards and setbacks) have been met.

N. BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind, including any other structure when separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

O. BUILDING COVERAGE: The percentage of the lot area covered by the building; the building coverage shall include all overhanging roofs.

P. BUILDING: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

Q. BUIDLING LINE: A line frequently drawn on a subdivision plat to indicate the setback distance from the lot line. (Note: This line does not necessarily coincide with the actual construction line of a building or structure; this is only a minimum requirement.)

R. BUILDING PERMIT: A permit required before construction can be initiated. Building permit provisions are contained in this code.

S. BUILDING, PRINCIPAL OR MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed a main building on the lot on which it is situated.

T. BUIDLING SITE: A single parcel of land in one ownership occupied or intended to be occupied, by a building or structure.

U. CARPORT: A permanently roofed structure, open on at least two (2) sides, designed for, or occupied by, private passenger vehicles.

V. CHILDCARE OF DAYCARE CENTER: Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time, for compensation; provided, however, that this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children while their parents or legal guardians are attending services, or meetings or classes, or engaged in church activities. Additional differentiation may also be made in this zoning title between centers established to care for preschool children and all others.

W. CITY: The city of Anadarko, Caddo County, Oklahoma.

X. CITY COUNCIL: The governing body of the city of Anadarko, Oklahoma.

Y. CLUSTER DEVELOPMENT: A development pattern in which the uses are “clustered”, rather than spread evenly throughout a parcel as in conventional lot-by-lot development. (Cluster development is used to preserve open space, create workable land use mixtures, and save money by building fewer streets and shorter utility lines.)

Z. CODE: The officially adopted “city code” of Anadarko, Oklahoma.

AA. COMPATIBILITY: The characteristics of different uses o activities that permit them to be located near each other in harmony and without conflict.

BB. COMPREHENSIVE OR MASTER PLAN: The officially adopted comprehensive plan or plans for Anadarko, Oklahoma, which provide long range development policies, plans and programs for the municipality and its developing areas, and which may include, among other things, land use and housing elements, traffic circulation elements, and community utilities and facilities elements.

CC. CONDOMINIUM: A form of individual ownership within a multi-family building, with joint responsibility for maintenance and repairs. In a condominium, its occupants owns each apartment outright, and each occupant owns a share of the land and other common property of the building.

DD. COOPERATIVE HOUSING: A multi-unit development operated by and for its occupants. Individual occupants do not own their specific housing units outright, but instead own shares in the enterprise.

EE. DEDICATION: The transfer of property from private to public ownership, under adopted subdivision regulations, as a condition of subdivision plat approval.

FF. DENSITY: The umber of persons or housing units per acre of land.

GG. DRIVE IN RESTAURANT: Any establishment where food and/or beverages are sold to the consumer, where motor vehicle parking space is provided, and where food and/or beverages are intended to be consumed in a motor vehicle parked upon the premises or where there is an option of consuming food either in a motor vehicle or within the restaurant building.

HH. DWELLING: Any building, or portion thereof, which is used or designed for residential purposes.

II. DWELLING, ATTACHED: A dwelling having any portion of each of one or more walls in common with adjoining dwellings.

JJ. DWELLING, DETACHED: A dwelling having open space on all sides.

KK. DWELLING, MULTI-FAMILY: A dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or motels.

LL. DWELLING, SINGLE-FAMILY: A residence designed for one family.

MM. DWELLING, TWO-FAMILY: A building designed to be occupied by not more than two (2) families (also known as a “duplex”).

NN. EASEMENT: A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

OO. FAMILY: One or more persons related by blood or marriage, or a group of not-to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use.

PP. FLOATING ZONE: A zoning district whose requirements are fully described in the text of this title, but which is unmapped; the zoning district may be mapped in response to an applicant’s petition for a rezoning or initial use of such zones. (Floating zones commonly refer to varying types of “planned development”.)

QQ. FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but not the ordinary side of a corner lot.

RR. GARAGE, PRIVATE: A detached accessory building or portion of a main building used for the parking or temporary storage of the automobiles of the occupants of the premises; provided, that not to exceed two (2) spaces may be rented to persons not residing on the premises.

SS. HOME BUSINESS OR OCCUPATION: Any occupation carried on only by the inhabitants, which is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided, that in connection with which, there is no sign or display other than one no illuminated name plate not more than three (3) square feet in area attached to the building, and that no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

TT. HOMEOWNERS’ ASSOCIATION: An incorporated, nonprofit organization, operating under recorded land agreements, through which: 1) each lot and/or homeowner in a described land area is a member; 2) each lot is subject to a charge for a proportionate share of the expenses for the organization’s activities; and 3) the charge, if unpaid, becomes a lien against the property.

UU. HOTEL OR MOTEL: A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

VV. INSTITUTIONAL BUILDING OR USE: A building occupied by a nonprofit organization or a nonprofit establishment for the use of the public.

WW. INTENSITY: The degree to which land is used (often used synonymously with “density”).

XX. KENNEL: Any place where any three (3) or more dogs, over eight (8) weeks of age, are kept, bred or contained, at any time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of more than three (3) dogs over eight (8) weeks of age.

YY. JURISDICTION: The jurisdiction of the Anadarko municipal planning commission, for purposes of zoning, which shall include all lands within the corporate limits of the city of Anadarko, Oklahoma.

ZZ. LOADING SPACE OFF STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

AAA. LOT: A parcel of land, intended as a unit for the transfer of ownership or for development, of at least sufficient size to meet minimum zoning ordinance requirements for use, coverage and area, and to provide such yards and other open spaces as are required. Such lot shall have frontage on a public street and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record, or of complete lots of record and portions of lots of record; or (d) A parcel of land described by -metes and bounds; provided, that in no case of division or combination shall any lot or parcel be created which does not meet the requirements of this title or the adopted subdivision regulations.

BBB. LOT AREA: The total horizontal area included within lot limes.

CCC. LOT, CORNER: A lot located at the intersection on, and abutting on, tow (2) or more streets.

DDD. LOT DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

EEE. LOT, DOUBLE FRONTAGE: A lot, which runs through a block from street to street and has nonintersecting frontage on two (2) or more streets.

FFF. LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, except the side dimension of a corner lot.

GGG. LOT, INTERIOR: A lot other than a corner lot.

HHH. LOT LINE ADJUSTMENT: A relocation of the lot lines of two (2) or more lots included in a plat that is filed of record, for making necessary adjustments to building sites.

III. LOT LINES: The lines bounding a “lot”, as defined herein.

JJJ. LOT, MOBILE HOME: A parcel or tract of land for the placement of a single mobile home and for the inclusive use of its occupants.

KKK. LOT OF RECORD: A separate and distinct parcel of land, designated on a legally recorded subdivision plat, a lot split plat or a legally recorded deed filed in the records of the Caddo County courthouse, and a copy provided to the Anadarko, Oklahoma, city clerk.

LLL. LOT REVERSE FRONTAGE: A double frontage lot, which is designed to be developed with the rear year abutting a major street and with the primary means of access provided on a minor street.

MMM. LOT SPLIT: Any division of land into two (2) or more parcels for the purpose, whether immediate or future, of transfer of ownership, and which constitutes a "subdivision", as defined by the adopted subdivision regulations.

NNN. LOT, TOWNHOUSE: A lot shown on a townhouse plat and intended as the site of a single attached dwelling unit.

OOO. MANUFACTURED HOUSING: A dwelling unit fabricated on or after June 15, 1976, in an offsite 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: (a) Type I manufactured housing shall: (1) 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 feet (20'); (2) Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city's foundation code or other adopted foundation requirements, and the manufacturer's specifications; (3) Utilize a permanent perimeter enclosure, in accordance with municipally approved installation standards; (4) Have wheels, axels and hitch mechanisms removed; (5) Have all utilities connected, in accordance with the appropriate city codes and the manufacturer's specifications; (6) Have siding material of a type customarily used on site built residences in the community and neighborhood; (7) Have roofing material of a type customarily used on site built residences in the community and neighborhood; (8) 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; (9) Have legitimate front and rear doors; and (10) Have a minimum eave width of six inches (6"). (b) Type II manufactured housing shall: (1) Have more than seven hundred twenty (720) square feet of occupied space in a single, double, expand or multi-section unit (including those with add-a-room units); (2) Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city's foundation code or other adopted foundation standards, and the manufacturer's specifications; (3) Utilize a permanent perimeter enclosure, in accordance with municipally approved installation standards; (4) Have wheels, axels and hitch mechanisms removed;(5) Have utilities connected in accordance with appropriate municipal codes and the manufacturer's specifications; (6) Have siding material of a type customarily used on site built residences in the community and neighborhood; (7) Have roofing material of a type customarily used on site build residences in the community and neighborhood; (8) Have a one hundred (1)) 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; (9) Have legitimate front and rear doors; and (10) Have a minimum eave width of six inches (6"). © Type III manufactured housing shall: (1) Have more than four hundred (400) square ft of occupied space, in a single, double, expand or multi-section unit (including those with add-a-room units); (2) Be placed onto a support system, in accordance with municipally approved installation standards; (3) Be enclosed with foundation siding or skirting, in accordance with municipally approved installation standards; (4) Be anchored to the ground, in accordance with the manufacturer's specifications and the city's appropriate, adopted code; and (5) Have utilities connected, in accordance with appropriate municipal requirements and the manufacturer's specifications.

PPP. MEDICAL FACILITIES: The following are considered "medical facilities":

QQQ. CONVALESCENT, REST OR NURSING HOME: A health facility where persons are housed and furnished with meals and continuing nursing care for hire.

RRR. DENTAL OR MEDICAL OFFICE OR CLINICS: A facility for the examination and treatment of ill and afflicted human outpatients; provided however, that patients are not kept overnight except under emergency conditions.

SSS. HOSPITAL: An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities, such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

TTT. PUBLIC HEALTH CENTER: A facility primarily utilize by a health unit for the provisions of public health services, including related facilities such as laboratories, clinics and administrative offices operated in connection therewith and including the Oklahoma state health department.

UUU. SANITARIUM: An institution providing health facilities for inpatient medical treatment, or treatment and recouperation using natural therapeutic agents.

VVV. MOBILE HOME: 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.

WWW. MOBILE HOME PARK: Land or property which is used, or intended to be used, or rented for occupancy, by two (2) or more mobile homes or trailers excluding recreational vehicle as defined by this title.

XXX. MOBILE HOME SPACE: A plot of ground within a mobile home park, designed for the accommodation of one mobile home.

YYY. MOBILE HOME STAND: The part of an individual lot or space with has been reserved for the placement of, or which will be covered by, the mobile home.

ZZZ. MOBILE HOME SUBDIVISION: A unified development of mobile home lots which has been subdivided for the purpose of individual ownership, and which the provisions of this title, the adopted subdivision regulations and the city code govern.

AAAA. MODULAR HOME: A factory fabricated, transportable building unit, not built on a permanent chassis, designed to be used by itself or to be incorporated with similar nits on a permanent foundation. The term is intended to apply to major assemblies and does not include prefabricated sub-elements incorporated into a structure at the site. A modular unit will be considered as a permanent, detached, single-family dwelling unit, and therefore, different from “manufactured housing” or a “mobile home”, if it meets of the following requirements: (a) The manufacturer of the unit 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 (1) Capable of transferring all loads imposed upon the structure into soil or bedrock without failure; (2) Placed at an adequate depth below grade to prevent frost damage; and (3) Constructed of concrete, steel, treated lumber or grouted masonry. (B) The manufacturer must certify that the structure is not designed to be moved once erected or installed on a site built permanent foundation. (c) The manufacturer must certify that the structure is designed and manufactured to comply with the international residential code. (d) 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.

BBBB. NONCONFORMING BUILDING, LOT, OR STRUCTURE: Any building, lot or structure, lawfully occupied or used at the time this title becomes effective, which does not conform in part or wholly to any or all of the use, area, height, coverage, off street parking or any other regulations of the district in which it is located.

CCCC. NONCONFORMING OF USE OF LAND: Any lawful use of land, existing at the time this title becomes effective, which does not conform to the regulations of the district in which it is located.

DDDD. OFFICIAL ZONING DISTRICT MAP: The official map on which the current zoning status of all land within the corporate limits of the city of Anadarko, Oklahoma, is depicted, and which, along with the zoning text, comprises the zoning ordinance of the city of Anadarko, Oklahoma.

EEEE. PARCEL: A lot or contiguous group of lots, in single ownership or under single control, and usually considered as a unit for purposes of development.

FFFF. PARKING SPACE: A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley, and permitting ingress or egress of an automobile. For purposes of regulation, the size of a parking space for one vehicle shall consist of a rectangular area, having dimensions of not less than nine feet by twenty feet (9’ X 20”), plus adequate area for ingress or egress.

GGGG. PERCOLATION TEST: An indicator of the suitability of an area for subsoil effluent disposal, obtained by testing for the rate at which the undisturbed soil will absorb water per unit of surface area.

HHHH. PLANNED RESIDENTAIL DEVELOPMENT: A form of development usually characterized by a unified site design for a number of housing units, and incorporating such techniques as clustering structures, providing common open space, density increases and a mix of building types and land uses. This permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

IIII. PLANNING COMMISSION: The municipal planning (and preservation review) commission of the city of Anadarko, Oklahoma.

JJJJ. PLAT: A map, generally of a subdivision, showing the location, boundaries and ownership of designated properties. Procedures and standards for plat preparation are detailed in Anadarko’s adopted subdivision regulations.

KKKK. PRIVATE OR RESTRICTIVE COVENANTS: A private legal restriction on the use of land, contained in the deed to the property, or otherwise formally recorded.

LLLL. RECREATIONAL VEHICLE: RV means a vehicular type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

MMMM. REZOING: An amendment to, or a change in, title zoning ordinance. Rezoning may take any of three (3) forms (a) A comprehensive revision or modification of the zoning ordinance text and map; (b) A text change in zoning district requirements; and (c) A change in the zoning district designation of a particular parcel or parcels, as shown on the official zoning district map, either by petition of a private individual or by administrative action of the municipal planning commission.

NNNN. RIGHT OF WAY: A strip of land occupied or intended to be occupied, by a street, crosswalk,

railroad, roadway, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or another special use.

OOOO. ROADWAY: That portion of any street designated for vehicular traffic; where curbs are in place, that portion of the street between the curbs.

PPPP. SETBACK, FRONT YARD: The minimum horizontal distance between the street right of way line (front lot line) and the main building or structure, (including a garage or any projection thereof other than steps) required to create a yard extending across the front of a lot between the side lot lines. (Note: The platted "building line" need not coincide with the minimum set backline in all cases; see the definitions of Building Line and Yard, Front).

QQQQ. SETBACK, REAR YARD: The minimum horizontal distance between a side lot line and the side of the main building (or any projections thereof other than steps and a 2-foot eaves) required to create a side yard extending from the front lot line to the rear lot line. See also definition of Yard, Side.

RRRR. SOLAR RIGHT: A right to an unobstructed line of sight path from a solar collector to the sun, which permits radiation from the sun to impinge directly on the solar collector.

SSSS. SPOT ZONING: Zoning a relatively small area differently from the zoning of the surrounding area. "Spot zoning" can be appropriate or inappropriate, based upon whether or not the nature of the change is appropriate, or arbitrary and inappropriate.

TTTT. STARTS OF CONSTRUCTION: The first placement of permanent construction on a site, such as the pouring of footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of excavation; or for a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or modular or mobile home on its permanent site. Permanent construction does not include land preparation, land clearing, grading or filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footing, installation of sewer, gas or water popes or electric or other service lines from the street, or existence on the property of accessory buildings (such as garages or sheds not occupied as dwelling units or not a part of the main structure). STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

UUUU. STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

VVVV. STREET CLASSIFICATION: For the purpose of providing for the development of all traffic ways and rights of way in the city of Anadarko, Oklahoma, and for their future improvement, reconstruction, realignment and necessary widening, each existing traffic-way and right of way has been designated within the Anadarko comprehensive plan, and classified therein.

WWWW. STREET, HALF: Any street platted twenty-five feet (25') or more in width, where, at the time of the approval of the plat, it is the intent of the city council that said street dedication shall constitute only a part of the total street right of way width.

XXXX. STREET, MAJOR: An arterial street, which is so designated in Anadarko's major streets plan, and is designed to carry intercity traffic and to relate various neighborhoods or residential areas.

YYYY. STREET, MINOR: Any street other than one designated as a major street in Anadarko's major streets plan, but not including alleys.

ZZZZ. STRUCTURE: A building which is used for residential, business, agricultural, religious or other purposes, which is occupied by a private or nonprofit organization or which is owned by state or local government or an agency thereof. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

AAAAA. SUBDIVISION: The division or revision of land (vacant or improved) or airspace, into two (2) or more lots, tracts, parcels, sites, areas, units or plots, any one of which, when divided, has an area of less than ten (10) acres, for the purpose of transfer of ownership or for development, or the dedication, vacation or realignment of any public or private right of way or easement.

BBBBB. SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure either before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

CCCCC. TOWNHOUSE: One of a series of two (2) or more attached dwelling units, separated from one another by continuous, vertical walls without openings, from basement floor to the roof deck, and tight against the same or through the roof, and which are intended to have ownership transferred in conjunction with a platted lot.

DDDDD. TRAILER (OR MOTOR HOME): All vehicles and portable structures build on a chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use.

EEEEE. USE PERMITTED ON REVIEW: A use deemed appropriate in a zoning district, but only upon review

of the proposed use by the planning commission to determine whether or not specified conditions, as detailed in the zoning ordinance, are met.

FFFFF. VARIANCE: A device obtained from the board of adjustment, which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographic condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from an inconvenience or a desire to make more money.

GGGGG. VESTED RIGHT: A right, which has become absolute and fixed, and cannot be denied by subsequent changes in conditions or regulations. For example, there is no vested right to have a zoning district classification remain the same forever, but once construction has legally been allowed and initiated on a structure, there is a right to maintain that particular use regardless of the zoning district classification given the property.

HHHHH. VIDEO ARCADE: A building or area in which five (5) or more video games or coin-operated amusement devices or machines are concentrated, within the context of a larger, possibly different use of building, or as a business whose sole activity is video game use.

IIIII. VIDEO GAME: An amusement game or device, played or operated for money or tokens, oriented towards computer technology.

JJJJJ. YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

KKKKK. YARD, FRONT: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

LLLLL. YARD, REAR: A yard extending across the rear of a lot, measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than eaves, steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

MMMMM. YARD, SIDE: A yard between the building and the side line of the lot and extending from the lot line to the rear lot line, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections, other than steps and two-foot (2') eaves.

NNNNN. ZETO LOT LINE: A development approach in which a building may be sited on one or more lot lines (conceivably, all but one of the sides of the building could be on the lot lines), in order to allow more flexibility in site design and to increase the amount of usable open space on the lot.

OOOOO. ZONING ORDINANCE: The officially adopted zoning ordinance of the city of Anadarko.

Chapter 2. Enforcement; General Provisions

Section 10-2-1. Enforcement and Administration.

A. Building Official: These regulations shall be enforced by the city building official, or his designated representative (acting at the direction of the city manager), who shall review all building permit applications for compliance with zoning ordinance provisions.

B. Building Permit Required: It shall be a violation of these regulations for any person to change or permit a change in the use of land, buildings or structures, or to erect, alter, move or improve any building or structure, until a building permit has been obtained from the office of the city clerk, under the terms set forth in this city code, or the building code adopted by the city.

C. Exceptions: The zoning ordinance requirement for a building permit shall not, however, apply to the use or construction of farm buildings for agricultural purposes· or the planting of agricultural crops. Such buildings shall, however, observe setback and other requirements of all city ordinances.

D. Governing Procedures: In the administration of this title, the provisions of this title shall be used to govern procedures for uses and structures permitted on review, rezoning and amendment applications, the use of special districts, and the handling of nonconforming uses, structures and lots. Related administrative procedures for building permit issuance, review of subdivisions and issuance of other required permits are found in this city code.

Section 10-2-2. Use of Land, Buildings and Structures.

A. Compliance With Zoning District Regulations:

1. Land, buildings and structures within the city may be used for any of the purposes, functions or uses. Specifically permitted in the zoning district in which said land, building or structure is located. No land shall hereafter be used, nor shall any building or structure hereafter be erected, altered or converted, which is designed or arranged for uses other than those specified for the zoning district in which said land, building or structure is located, as set forth in the regulations for each zoning district, which follow in this title.

2. All land, buildings, structures or appurtenances located thereon within the city, which are hereafter used, erected, altered, removed, demolished, converted or occupied, shall be used, erected, demolished, converted or occupied in conformance with the provisions for

the zoning district in which such land, building, structure or appurtenance is located.

B. Residential District Restrictions: In all residential (R) districts, only one principal structure or use per lot (see section 10-1-4 of this title) shall be permitted.

Section 10-2-3. Uses and Structures Permitted on Review.

Certain uses and structures listed in each zoning district as "uses and structures permitted on review" shall be considered by the planning commission under the following procedures:

A. Application Required: An application for a "use permitted on review" shall be filed with the planning commission, through the office of the city clerk.

B. Filing Fee: The fee for filing of a "use permitted on review" application with the city clerk shall be ten dollars ($10.00); however, because the fee for filing such application ·must cover the costs related to such application, the city clerk may automatically make subsequent individual application increases in the fee schedule due to increases in mailing or publication costs, if the established fee becomes insufficient to cover such costs.

C. Contents Of Application: This application shall contain the location and proposed use of the site, the names of all property owners and the types of existing land uses within three hundred feet (300') of the site, ·and any other pertinent material required by the planning commission on the application form.

D. Planning Commission Review:

1. The city clerk shall notify the city building official and the chairman of the planning commission of the application, and cause the application to be placed on the agenda for the next scheduled meeting of the planning commission.

2. The planning commission shall hold one or more public hearings thereon, giving adequate and legal notice by mail to all adjacent property owners and community residents.

3. The planning commission shall, within forty five (45) days of the date of application, complete its report as to the effect of such proposed structure or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, as well as approve or deny the application.

E. Appeal to Council: The planning commission's determination may be appealed by the applicant or citizens involved within thirty (30) days. The appeal shall be to the city council, and said council shall uphold or reverse the planning commission's determination, within thirty (30) days.

F. Building Permit Separate Process: Approval by the pharming commission or a ruling on appeal to the· city council shall not constitute issuance of a building permit. Application for a building permit shall be considered as a separate process

Section 10-2-4. Rezoning and Amendment Applications.

A. Filing of Application: Any person, firm or corporation residing within, or owning any property within, the city may petition the city council. for a change or amendment to the-provisions of the zoning ordinance or official zoning district map, by obtaining, filling out and filing a formal application for rezoning or zoning ordinance amendment with the city clerk. The planning commission may also initiate “administrative rezonings"

B. Filing Fee: The fee for filing such application shall include the notice and publication costs of such application, the review costs incurred by municipal personnel, and other administrative costs. The fee for such applications shall be ten dollars ($10.00). The city clerk may automatically increase the fees, due to increases in the costs of mailing or publication.

C. Planning Commission Review:

1. The city clerk shall notify the city building official and the chairman of the planning commission and cause said application to be placed on the agenda for the next scheduled meeting of the planning commission.

2. The planning commission shall consider any rezoning or zoning ordinance amendment application at a public meeting, prior to making and submitting recommendations to the city council. Notice of consideration of such an application shall be by newspaper publication, at least ten (10) days prior to such meeting.

D. Hearing Before Council; Notice: No rezoning, amendment, change or supplement shall become effective until a public hearing shall have been held by the city council, at which parties in interest and other citizens shall have an opportunity to be heard. Notice of such public hearing (to include the time and place of such hearing) shall be given at least fifteen (15) days prior to such hearing by publication in the official newspaper of the city, and in addition to publication, notice shall also be given by mailing written notice signed by the city clerk to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property. Such notice shall be mailed not less than twenty (20) days before the date set for hearing and the notice shall contain:

1. Legal description of the property and the street address or approximate location in the city;

2. Present zoning district classification of the property and the classification sought by the applicant;

3. The date, time and place of the public hearing; and

4. A location map (if required by state law}.

E. Written Protest: In the event of a written protest against a proposed rezoning or request for amendment, filed more than three (3) days prior to said public hearing, by:

1. The owners of twenty percent (20%} or more of the area of the lots included in such proposed change; or

2. By the owners of fifty percent (50%} or more of the area of the lots within a three hundred foot (300') radius of the exterior boundary of the territory included in the proposed change;

3. Such rezoning change or amendment shall not become effective without the favorable vote of four fifths of all the members of city council. Such rezoning change or amendment shall not become effective without the favorable vote of four fifths of all the members of the city council.

F. City Initiate Proposals: The planning commission may, from time to time, initiate studies or administrative proposals for rezoning, or changes or amendments to the zoning ordinance; provided, that they are in the public interest, and provided also, that before taking action on any such study or proposal, adequate and legal public hearing(s) shall have been held by the city council.

G. Adoption of Ordinance: All amendments, changes, supplements or rezoning shall become final and effective upon passage and publication of an ordinance indicating said amendment, change, and supplement or rezoning.

Section 10-2-5. Separability.

If any section, clause, paragraph, provision or portion of this title shall be held invalid or unconstitutional By any court of competent jurisdiction, such holding shall. Not affect any other section, clause, paragraph, provision or portion of this title, and to this End, the provisions of this zoning title are declared to be separable.

Section 10-2-6. Violations and Penalties.

A. Offense: A violation of this title shall be deemed an offense and shall be punishable by fine.

B. Penalty: Any person, firm or corporation who violates or refuses to comply with any of the provisions of this title, shall be fined not more than two hundred dollars ($200.00) for each offense. Each day upon which a violation is permitted to continue shall constitute a separate offense.

C. Remedial Action: In case any building, structure or land is constructed, altered, converted, maintained or used in violation of this title, the city, in addition to other remedies available, may institute any proper action or proceedings to prevent such unlawful activities, in order to restrain, correct or abate such violation.

Chapter 3. Board of Adjustment

Section 10-3-1. Board Created.

There is hereby created within and for the city, a zoning board of adjustment with such powers and duties as are hereinafter set forth, or as may be provided in appropriate state law.

Section 10-3-2. Membership.

A. Members; Terms: The board of adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years by the City Council. Overlapping terms shall be established in the same manner as they are established for the city planning commission. The City Council by resolution may vote to allow the membership of the planning commission to serve as the membership of the Board of Adjustment.

B. Removal of Members; Vacancies: The city council may also remove any board of adjustment member for cause, upon filing of written charges and subsequent to a hearing. Vacancies shall be filled, by appointment of the city council, for the unexpired term.

C. Chairman: The board of adjustment shall elect a chairman from its membership to serve for a term of two (2) years.

Section 10-3-3. Procedures.

A. Meetings; Rules:

1. The board of adjustment should adopt rules consistent with the provisions of this title.

2. Meetings of said board shall be held at the call of the ·chairman and at such other times as the board may determine.

3. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

4. All meetings of said board shall be open to the public.

5. The board of adjustment shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a matter of public record.

B. Voting: The concurring vote of four (4) members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

C. Accurate Records: The minutes of the meeting at which a variance or special exception is reviewed shall show that each element of the variance or special exception was clearly established at the public hearing on the question.

Section 10-3-4. Appeals to Board.

A. Procedure; Notice; Fee:

1. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city, affected by any decision of the building official or city council.

2. Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the city clerk a notice of appeal specifying the grounds thereof, and paying a filing fee of seventy-five dollars ($75.00) at the office of the city clerk at the time the notice is filed.

3. The city clerk shall forthwith transmit to the chairman of the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

4. An appeal stays all proceedings in furtherance of the action appealed from, unless the city clerk certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

5. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application· and notice to the city clerk and on the cause shown.

B. Board Action:

1. The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.

2. At the hearing any party may appear in person or by agent or by attorney.

Section 10-3-5. Powers and Authority.

A. Powers: The board of adjustment shall have only the following powers:

1. Errors: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the interpretation or enforcement of this title.

2. Variances: Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of this title would result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of such property, the board of adjustment is hereby empowered to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties of hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of this title.

3. Special Exceptions: Upon appeal, the board of adjustment is hereby empowered to permit the following special exceptions:

i. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown on record;

ii. To interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the zoning map fixing the several districts, which map is made a part of this title; and

iii. To grant special exceptions to off street parking requirements when it is determined that the size and shape of the lot to be built on is such that the off street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion on the adjacent streets.

B. Authority:

1. In exercising the above mentioned powers, the board of adjustment may, in conformance with the provisions of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the city clerk.

2. In considering all appeals from rulings made under this title, the board of adjustment shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area and upon other factors relating to the public health, safety, comfort, morals and general welfare of the people of the city.

3. Every ruling made upon any appeal to the board of adjustment shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by said board and shall specify' the reason for granting or denying the appeal.

Section 10-3-6. Appeals from Board Decisions.

A. Appeal To Council Or Court: Any appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person ·or persons, jointly or severally, to the city council or, at the option of the person or persons making the appeal, directly to the district court.

B. Notify Council And Board:

1. Notice of appeal to the city council, if this option is selected by the person making the appeal, shall be filed with the city clerk and the board of adjustment, which notice shall specify the grounds of such appeal.

2. Upon the filing of such notice, the city clerk shall place the appeal on the agenda for the next, regularly scheduled meeting of the city council,

and shall also inform the chairman of the board of adjustment of the date of such meeting.

C. Council Approval: Approval of such appeals by the city council shall require the concurring vote of four fifths of all city council.

D. Appeal To District Court:

1. If the option of appeal to the city council is not selected, any person or persons, jointly or severally, or any taxpayer, officer, department, board or bureau of the city may appeal any action, decision, ruling, judgment or order of the board of adjustment directly to the district court, by filing notice of appeal with the city clerk and With the board of adjustment within ten (10) days from the filing of the decision of the board of adjustment, which notice shall specify the grounds for such appeal.

2. Upon filing of the notice of appeal as herein provided, the board of adjustment shall forthwith transmit to the court clerk of Caddo County, the original or certified copy of the papers constituting the record in the case, together with the order, decision or ruling of said board.

E. Stay Of Proceedings: An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment, from which the appeal is taken, certifies by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted to the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this title, and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm wholly or partly, or modify the decision brought up for review.

Chapter 4. Zoning Districts; Map

Section 10-4-1. Zoning Districts Established.

The following zoning districts are hereby established for current and future use within the corporate limits of the city. Zoning districts currently in use shall be as shown on the official zoning district map of the city of Anadarko, Oklahoma. The use, height and area regulations as set out herein shall be uniform within each district. The districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
A-1	Agricultural district
R-1	Rural Residential Estates District
R-2	Low-density, single-family residential district
R-3	Single-family residential district
R-4	Mobile home residential district
R-5	Mixed, single-family residential district
R-6	Multi-family residential district
R-7	Planned residential development district
C-1	Central business district
C-2	Local/highway commercial district
C-3	General commercial district
C-4	Planned commercial district
I-1	Light industrial district
I-2	Heavy industrial district
F-1	Floodway district
F-2	Floodway fringe (overlay) district
H-1	Historic (overlay) district
H-2	Central business historic (overlay) district
H-3	Randlett Park historic district

Section 10-4-2. Official Zoning District Map.

A. Map Adopted By Reference: The city is hereby divided into zoning districts, as shown on the official zoning district map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title as fully as if the same were set forth herein in detail.

B. Changes In Boundaries: If, in accordance with the provisions of this title, changes are made in zoning district boundaries or other matters depicted on the official zoning district map, such changes shall be made on the official zoning district map within ten (10) days after the amendment has been approved by the city council, by posting a copy of the rezoning ordinance on the map.

C. Conformance with Title: No changes of any nature shall be made in the official zoning district map or matter shown thereon, except in conformity with the procedures set forth in this title.

D. Zoning District Status: The official zoning district map shall be maintained as the final authority as to the current zoning district status of land and water areas, buildings and other structures within the city; however, the city clerk and the chairman of the planning commission may also each maintain an individual zoning district atlas, reflecting the current zoning district status of all land within the city, as shown on the official zoning district map.

E. New Zoning Map: In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the city council may, by ordinance, adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map shall include amendments and may correct drafting and other errors or omissions, but no such corrections shall have the effect of amending the original zoning ordinance or altering any subsequent amendments thereof. The prior official map shall be placed in a municipal file by the city clerk.

Section 10-4-3. Zoning District Boundaries.

A. Rules: The district boundary lines shown on the official zoning district map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning district map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following corporate boundary lines shall be construed as following corporate boundary lines.

4. Boundaries indicated as following railroad lines shall be construed to be the centerline of the right of way, or, if no centerline is established, the boundary shall be interpreted to be midway between the right of way lines of such railroad.

5. Boundaries indicated as parallel to, or extensions of, features indicated in subsections A1 through A4 of this section shall be so construed; distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.

6. Whenever any street, alley or other public way is vacated by official action, or whenever such area is franchised for building purposes, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

B. Temporary Classification; Agricultural: Where physical features on the ground are at variance with information shown on the official zoning district map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections (A)(1) through (A)(6) of this section, the property shall be considered as classified A-1 agricultural district, temporarily, in the same manner as provided for newly annexed territory. The issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions providing for amendments to the zoning ordinance and official zoning district map.

Section 10-4-4. Zoning of Annexed Territory.

A. Automatic Classification; Agricultural: All territory hereinafter annexed to the city shall be automatically classified as A-1 agricultural district, except as provided in subsection B of this section.

B. Petition For Rezone: The planning commission or owners or developers of land annexed to the city may petition the city council for a zoning district classification other than the A-1 agricultural district, by following the procedures outlined for rezoning and amendment applications in section 10-2-4 of this title. This process may be initiated at any time subsequent to the official annexation of the territory, but in all cases:

1. The procedures outlined in section 10-2-4 of this title must be followed; and

2. The provision of public hearing notice, the hearings themselves, and the passage, adoption and publication by the city council of the ordinance indicating the zoning district classification or change shall not occur until after the land involved has been officially annexed.

C. Action Of Planning Commission: The planning commission shall initiate action, at one of the first two (2) planning commission meetings following annexation, to place a permanent zoning district classification on the annexed property. Such action shall be in accordance with subsection 81 of this section.

Chapter 5. Special Districts

Section 10-5-1. Purpose.

The primary purpose of using such districts shall always be to provide for, and encourage, flexibility in the
Design and development of structures and subdivisions in order to promote the most appropriate use of land, to facilitate the adequate, efficient and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of open lands.

Section 10-5-2. Council Authority.

The city council, acting subsequent to review and recommendation by the planning commission, is Hereby authorized to use the provisions of any of the special districts (the planned residential development district, or the planned commercial district) provided in this title, subject to the conditions listed in section 10-5-3 of this chapter.

Section 10-5-3. Conditions.

The conditions under which applications for such projects will be considered are as follows:

A. Application: The owner and developer shall make written application to the city council, through the planning commission, for the use of a special district.

B. Commission Determination: The planning commission shall make a written determination that such application would serve to benefit the city.

C. Land Zoned Residential: Where such procedure involves lands already zoned for residential purposes, its application shall result in a permitted number of dwelling units which shall in no case exceed the number which could be permitted, in the planning commission's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance applicable to the district(s) in which such land is situated.

D. Review; Public Hearing: The proposed site plan, including areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off street open and enclosed parking spaces, and streets, driveways and all other physical features as shown on said plan or otherwise described, accompanied by a statement setting forth the nature of such modifications, changes or supplementations of existing zoning district provisions as are not shown on said site plan, shall be subject to review and public hearing by the planning commission and the city council, in the same manner as set forth in section 10-2-4 of this title for the considerations of rezoning applications.

E. New Or Unlisted Use: Where a new or unlisted use shall develop, the application shall contain a statement of facts listing the nature of the use, the amount of activity involved, type of product involved (if any), storage requirements, anticipated employment, transportation requirements (if any), the amount of noise, odor, fumes, dust, toxic material or vibration likely to be generated and the general requirements for public utilities.

Chapter 6. Nonconforming Lots, Structures and Uses

Section 10-6-1. Lawful Preexisting Conditions.

Within the zoning districts established by this title (or within subsequent amendments thereto), there may exist lots, structures and uses of land and/or structures which are lawful prior to the adoption of this title, but which would be prohibited, regulated or restricted under the terms of this title (or any future amendments thereto).

Section 10-6-2. Intent of Regulations.

A. Consider such nonconforming uses to be incompatible with permitted uses in the zoning districts involved; and

B. Permit these nonconforming uses to continue until they are removed, but not to encourage their extended survival.

Section 10-6-3. Nonconforming Lots of Record.

In any zoning district in which a lot of record exists at the effective date of the adoption or amendment of this title, which does not conform in size or area to the provisions of this title, structures for the uses permitted in such zoning district may be constructed on such lot, notwithstanding certain other provisions of this title, provided that:

A. Such lot is in separate ownership;

B. Such lot is not of continuous frontage with other lots in the same ownership; and

C. Front, side and rear yard requirements are met (or a variance obtained from the board of adjustment).

Section 10-6-4. Nonconforming Structures.

Where the lawful structure exists at the effective date of the adoption or amendment of this title, that could not be built under the terms of this title by reason of restrictions on area, height, yards or other requirements concerning the structure, such structure may be continued, so long as it remains otherwise lawful, subject to the following conditions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity;

B. Should such structure be destroyed by any means, to an extent of more than fifty percent (50%) of its replacement costs at the time of destruction, it shall not be reconstructed except in accordance with the provisions of this title; and

C. Should such structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

Section 10-6-5. Nonconforming Uses of Structures; Conditions.

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of the adoption of this title, that would not be allowed in the zoning district under the terms of this title, the lawful use may be continued as long as it remains otherwise lawful, subject to the following conditions:

A. No existing structure devoted to a use not permitted by this title in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zoning district in which it is located;

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building;

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed;

D. When a nonconforming use of a structure, or structure and premises in combination,· is discontinued or abandoned for three (3) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located; and

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 10-6-6. Nonconforming Uses of Land; Conditions.

Where, at the effective date of the adoption or amendment of this title, lawful uses of land exist that are no longer permissible under the terms of this title as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following conditions:

A. No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of the adoption or amendment of this title;

B. No such nonconforming use shall be enlarged, increased or· extended, to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this title; and

C. If any such nonconforming use of land ceases, for any reason, for a period of more than three (3) months, any subsequent use of such land shall conform to the regulations specified by this title for the zoning district in which such land· is located.

Section 10-6-7. Change of Use.

A nonconforming use of a structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the zoning district in which it is located (including a use permitted on review). Such change shall be construed as an abandonment of the former nonconforming use.

Chapter 7. Supplementary Provisions

Section 10-7-1. Group Housing Projects.

In the case of group public housing projects, in which the application of the normally ·used residential district provisions are impractical or inappropriate, the planning commission may, with the approval of the majority of its members, review the proposal under the terms and conditions of the planned residential development district.

Section 10-7-2. Sanitary Sewer Service.

No structure or use in any zoning district shall be erected or initiated which does not have a connection to the municipal sanitary sewer system, unless and until the county health department certifies that a septic tank or other approved disposal system can be installed and operated effectively; in those areas of the city where access to the municipal sewer system is. impossible or impractical. As a basis for this decision, the health department may require such soil percolation tests as it deems necessary. Such tests are to be made at the expense of the property owner.

Section 10-7-3. Street Access.

No principal building shall hereafter be constructed on a lot which does not abut a publicly dedicated street.

Section 10-7-4. Use of Solar Collectors.

Use of solar energy collectors is subject to the restraints imposed on the topography within the corporate limits of the city, existing trees and the zoning district height and setback limitations contained within this title. No guarantee is hereby given that all property within the corporate limits of the city is entitled to the use of solar collectors; however, as a general policy, reasonable care shall be taken to protect the opportunity for the utilization of solar collectors at all available locations.

Section 10-7-5. Creation of Lot of Record Storm.

No land or tract of land shall be rezoned until a lot of record has been created, either through a subdivision plat on file at the county courthouse, a lot split plat on file at the county courthouse, or a deed filed at the county courthouse (with a copy provided to the city clerk), ail in compliance with the adopted subdivision regulations.

Section 10-7-6. Shelters and Safe Rooms.

A. Inground and aboveground storm shelters shall be permitted in side and rear yards only and are subject to setback requirements.

B. Storm shelters shall not be permitted in the front yard of any district.

C. Side yard storm shelters shall not be visible from the street.

D. Storm shelters shall not be included in back yard coverage calculations.

E. No storm shelter space shall be used as a habitable room or dwelling unit.

F. No portion of the storm shelter shall be located closer than ten feet (10') to a utility easement or right of way or closer than five feet (5') to the side lot line or ten feet (10') to the rear lot line.

G. Safe rooms shall be permitted anywhere within the building.

H. Site must be approved by city of Anadarko's building official prior to installation.

I. Permits and licenses are required prior to construction and/or installation of any storm shelter or safe room.

J. All construction must comply with all national, state, FEMA, and municipal laws, regulations and ordinances.

Chapter 8. Airport Zoning

Section 10-8-1. Short Title.

This chapter shall be known and may be cited as the ANADARKO MUNICIPAL AIRPORT ZONING ORDINANCE.

Section 10-8-2. Definitions.

As used in this chapter, unless the context otherwise requires:

A. AIRPORT: Anadarko municipal airport.

B. AIRPORT ELEVATION: Feet above mean sea level at the highest point on the runway surface.

C. AIRPORT HAZARD: Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

D. AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

E. APPROACH SURFACE: A surface, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 10-8-4 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

F. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in section 10-8-3 of this chapter.

G. BOARD OF ADJUSTMENT: The board consisting of five (5) members appointed by the Anadarko municipal airport zoning board as provided in · 3 Oklahoma Statutes section 110, as amended.

H. CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

I. HAZARD TO AIR NAVIGATION: An obstruction determined to have a significant adverse impact on the safe and efficient utilization of the navigable airspace.

J. HEIGHT: For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

K. HORIZONTAL SURFACE: A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal zone.

L. NONCONFORMING USE: Any preexisting structure, object of natural growth, or the use of land which is inconsistent with the provisions of this chapter or any amendment hereto.

M. OBSTRUCTION: Any structure, growth, or any other object, including a mobile object, which exceeds a limiting height set forth in section 10-8"-4 of this chapter.

N. PERSON: Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, or any other similar representative thereof.

O. POLITICAL SUBDIVISION: Any municipality, city, town, village, or county.

P. PRIMARY SURFACE: A surface longitudinally centered on a runway when the runway has a specifically prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; when the runway has no specifically prepared hard surface or planned hard surface, the "primary surface" ends at each end of that runway. The width of the primary surface is set forth in section 10-8-3 of this chapter. The elevation of any point on the "primary surface" is the same as the elevation of the nearest point on the runway centerline.

Q. RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

R. STRUCTURE: Any object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

S. TRANSITIONAL SURFACES: These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

T. TREE: Any object of natural growth.

U. UTILITY RUNWAY: Any runway that is constructed for and which is to be used by propeller drive aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

V. VISUAL RUNWAY: A runway intended solely for the operations of aircraft using visual approach procedures.

Section 10-8-3. Zones Established; Map.

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Anadarko municipal airport. Such zones are shown on the Anadarko municipal airport zoning map consisting of one sheet, prepared by Glenn Briggs & Associates, and dated April 4, 2000, which is attached to ordinance 1143, on file in the office of the city clerk, and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Utility Runway Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet (250') wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. Transitional Zones: The areas beneath the transitional surfaces.

C. Horizontal Zone: The horizontal zone is established by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

D. Conical Zone: The conical zone is established as the area that commences at the periphery of the

horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000').

Section 10-8-4. Height Limitations.

Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the ·applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Utility Runway Visual Approach Zone: Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.

B. Transitional Zones: Slopes seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation, which is one thousand two hundred eighty nine feet (1,289') above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect at the conical surface.

C. Horizontal Zone: Established at one hundred fifty feet (150') above the airport elevation.

D. Conical Zone: Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to· a height of three hundred fifty feet (350') above the airport elevation.

E. Expected Height Limitations: Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or the growth of any tree to a height of fifty feet (50') above the surface of the land.

Section 10-8-5. Use Restrictions.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 10-8-6. Nonconforming Uses.

A. Authorized Use: The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of any nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

B. Installation Of Markers And Lights: Notwithstanding subsection A of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport zoning board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the Anadarko municipal airport and the city.

Section 10-8-7. Permit Requirements; Conditions.

A. Permit Required; Application: Except as specifically provided in subsections A1, A2 and A3 of this section, no material change shall be made in the use of the land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection E of this section.

1. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any structure or tree less than seventy five feet (75') of the vertical height above the ground, except when, because of terrain, land contour or topographic features, such structure or tree would extend above the height limits prescribed for such zones.

2. In the areas lying within the limits of ·the approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runway, no permit shall be required for any structure or tree less than seventy five feet (75') of vertical height above the ground, except when such structure or tree would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure or tree less than seventy five feet (75') of vertical height above the ground, except when such structure or tree, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

B. Height Limits: Nothing contained in any of the foregoing exceptions shall be construed as permitting or . intending to permit any construction or alteration

of any structure, or growth of any tree in excess of any of the height limits established by this chapter, except as set forth in subsection 10-8-4E of this chapter.

C. Hazardous Or Nonconforming Use: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments hereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

D. Abandonment Or Deterioration: Whenever the airport zoning board determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

E. Variances: Any person desiring to erect or increase the height of any structure, or allow the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The application for a variance shall be accompanied by a determination from the federal aviation administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been furnished to the airport zoning commission for advice as to the aeronautical effect of the variance. If the airport zoning commission does not respond to the application within fifteen (15) days after receipt, the board of adjustment may act on its own to grant or deny said application.

F. Installation Of Markings And Lights: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the city, at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 10-8-8. Enforcement.

It shall be the duty of the airport zoning board to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the airport zoning commission on a form published for that purpose. Applications required by this chapter shall be submitted to the chairman of the airport zoning commission, promptly considered and, along with a recommendation to grant or deny said application, promptly forwarded to the airport zoning board for approval or denial thereof.

Section 10-8-9. Board of Adjustment.

A. Board Created; Powers: As required by 3 Oklahoma Statutes section 110, there is hereby created a board of adjustment to have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the airport zoning board, in the enforcement of this chapter;

2. To hear and decide special exceptions to the terms of this chapter, upon which the board of adjustment, under such regulations, may be required to pass; and

3. To hear and decide specific variances.

B. Members; Terms; Removal: The board of adjustment shall consist of three (3) members appointed by the airport zoning board and approved by the city council. Each shall serve for a term of three (3) years and until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two (2) years and one for a term of three (3) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing. The constituted zoning board of adjustment may be appointed to fill this function.

C. Rules; Meetings; Records:

1. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter.

2. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine.

3. The chairman, or in the absence of the chairman, the acting chairman, may administer oaths and compel the attendance of witnesses.

4. All hearings of the board of adjustment shall be public and comply with the open meeting act

5. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

D. Findings Of Fact: The board of adjustment shall make written findings of facts and conclusions on law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this chapter.

E. Voting: The concurring vote of a majority of the members of the board of adjustment shall be sufficient

to reverse any order, requirement, decision, or determination of the airport zoning board or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variation to this chapter.

Section 10-8-10. Appeals.

A. Right To Appeal: Any person aggrieved, or any taxpayer affected, by any decision of the airport zoning board made in the administration of this chapter may appeal to the board of adjustment.

B. Filing Notice Of Appeal: All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the chairman of the airport zoning commission a notice of appeal specifying the grounds thereof. The chairman of the airport zoning commission shall forthwith transmit to the board of adjustment and the airport zoning board all the papers constituting the record upon which the action appealed from was taken.

C. Stay Of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the chairman of the airport zoning commission certifies to the board of adjustment, after the notice of appeal has been filed with the chairman of the airport zoning commission, that by reason of the facts stated in the certificate, a stay would, in the opinion of the chairman of the airport zoning commission, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the chairman of the airport zoning commission and on due cause shown.

D. Conduct Of Hearing: The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in_ interest, including the Oklahoma aeronautics commission, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

E. Board Decision: The board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

Section 10-8-11. Judicial Review.

As provided in 3 Oklahoma Statutes section 111, any person aggrieved, or any taxpayer affected by any decision of the board .of adjustment, and who is of the opinion that the decision is illegal, may appeal to the district court.

Section 10-8-12. Acquisition of Air Rights.

In any case in which: a} it is desired to remove, lower, or otherwise terminate a nonconforming structure or use; or b} the approach protection necessary cannot, because of constitutional limitations, be provided under this chapter; or c) it appears advisable that the necessary approach protection be provided by acquisition of the property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located, or by the city, as owner of the airport, may acquire, by purchase, grant, or condemnation, in the manner provided under the law for such public purposes, such air rights, aviation easements, or other estate or interest in the property of nonconforming structure or use in question as may be necessary to effectuate the purpose of this chapter.

Section 10-8-13. Conflicting Provisions.

In any case where a conflict in regulations established by this chapter arises, the provisions of 3 Oklahoma Statutes, the airport zoning act, shall take precedence.

Section 10-8-14. Violation; Penalties.

Each violation of this chapter or of any regulation, order or ruling promulgated by the city, the airport zoning board, the board of adjustment or the Oklahoma aeronautics commission pursuant to this chapter, shall constitute a misdemeanor and shall be punishable by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than one year in the county jail, or both such fine and imprisonment. Each day a violation continues to exist shall constitute a separate violation. In addition, the airport zoning board may institute, in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this chapter, or any airport zoning regulations adopted under this chapter, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way in injunction or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purpose of this chapter and of the regulations adopted and orders and rulings made pursuant hereto.

Chapter 9. A-1 Agricultural District

Section 10-9-1. Purpose.

This zoning district is intended to preserve land for agricultural and directly related (residential and commercial) uses, discourage premature suburban development and prevent inefficient, untimely and expensive extension of municipal utilities.

Section 10-9-2. Permitted Uses; Off Street Parking.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF STREET PARKING
Animal Hospitals, Dog Kennels, or Veterinarian Services	6 Spaces
Churches and Religious Temples	1 space per 4 seats in main auditorium
Community or neighborhood meeting or recreation buildings	1 space for every 50 square feet of floor area
Elementary or secondary schools	1 space per classroom and office, plus 1 space for every 6 seats in main auditorium or stadium
Fairgrounds or rodeo arenas	25 spaces, plus 1 space for every 4 seats in the main stadium or auditorium
General farming, forestry ranching and other	None

agricultural activities and structures	
Golf courses and country clubs, except miniature golf courses or freestanding commercial driving ranges	3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater
Mobile and manufactured homes converted to real estate on minimum 5-acre lot	None
Public parks and recreation or play areas	5 spaces for each acre developed for active usage
Oil or natural gas drilling operations or the extraction of minerals	None
Public stables	6 spaces
Single-family farm or ranch homes on minimum 5 acre lot	None

Section 10-9-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the A-1 agricultural district:

A. Commercial stands, operated on a temporary or seasonal basis; provided, that:

1. Such stands, as well as the surrounding area, are properly maintained, free from trash, weeds and debris, throughout the entire year; and

2. Such stands shall be set back from the roadway an adequate distance to provide for safe parking, ingress and egress.

B. Farm buildings directly related to agricultural uses. Private garages.

C. Private greenhouses and other related operations (not operated for commercial purposes).

D. Private swimming pools and tennis courts.

E. Satellite receiving dishes and/or antennas.

F. Solar collectors, whether as a part of a structure or incidental to a group of nearby structures, when used ·for the purpose of providing energy · for heating and/or cooling of related structures.

G. Temporary buildings used in conjunction with construction work; provided, that such buildings are removed promptly upon completion of said construction work.

H. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district which do not involve the conduct of business, other than home occupations, on the premises. Wind generators.

Section 10-9-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Airfields, airports and landing strips.

B. Cemeteries or mausoleums.

C. Childcare or daycare centers; provided, that they are in compliance with provisions for such uses outlined in the R-5 mixed single-family residential district, in this title.

D. Communications stations and towers; provided, that:

1. They shall not be closer to a dwelling or place of public assembly than a distance equal to their height;

2. The height and location of such structures shall not interfere with the operation of any airport or landing strip; and

3. At least one parking space per employee at the site and one parking space for each vehicle used by the facility, shall be provided.

E. Farm implement display sales, service and repair facilities; provided, that they are in compliance with all requirements for such uses outlined in the 1-1 light industrial district, in this title.

F. Grain elevator, storage bins and feed mills; provided, that such uses are in compliance with all requirements, relating thereto, outlined in the 1-2 heavy industrial district, in this title.

G. Public buildings, utilities and railroads (but not including unscreened equipment storage and maintenance yards, or general, administrative and sales offices); provided, that:

1. Any building or substation shall meet the front and rear yard setback requirements for dwellings in the R-3 single-family residential district, and provide side yard setbacks of at least twenty five feet (25'); and

2. At least two (2) parking spaces per substation, plus one parking space per employee at the site, shall be provided.

H. Sanitary landfill or waste disposal area; provided, that:

1. Refuse shall be covered daily with dirt;

2. Smoke, odor or blowing trash or debris shall not be allowed to create a public nuisance;

3. The operator agrees in writing to restore the site to a condition compatible with the adjacent area upon conclusion of the landfill operation;

4. A gravel access road as a minimum, shall be provided;

5. County and state health department approval for the site shall have been obtained, in writing; and

6. No landfill or waste disposal area shall be located closer than one-half (1/2) mile to any dwelling,- school, church or place of public assembly, Tourist trailer camps or parks.

Section 10-9-5. Lot, Yard and Height Requirements.

MINIMUM LOT AREA AND WIDTH	MINIMUM REQUIRED FRONT SIDE AND REAR YARD SETBACKS	MAXIMUM HEIGHT
Minimum lot area for any residential use: 5 acres	None	None

Section 10-9-6. Special Requirements.

A. Signs: All signs and billboards shall be maintained in a neat and presentable condition and, in the event their use shall cease, the area shall be restored to a condition free from refuse, rubble or debris.

B. Sight Triangle: Hedges, shrubbery, bushes or signs of more than two feet (2') in height shall not be allowed on a corner, or at any access point, so as to restrict the vision of drivers, persons on bicycles or pedestrians.

C. Non-Production: Property zoned as agricultural that is not used in active agricultural production or for other permitted principal or accessory uses as defined by this Chapter shall be maintained as not to be considered a public nuisance as defined by City Code. Agricultural production shall mean: (i) Any activity directly related to the production of crops, dairy products, poultry, or livestock; (ii) Any activity directly related to the cultivation or harvesting of trees.

Chapter 10. Residential Districts

Article A. R-1 Rural Residential Estates District

Section 10-10A-1. Purpose.

This district is intended to provide minimum standards for large lot, low density, single-family, detached residential development. This development may occur in areas which can be efficiently served by a municipal sewage collection and disposal system, or it may occur in areas which are beyond any proposed service area boundaries of a municipal sanitary sewage collection and disposal system. Additional provisions of this zoning district are to control sprawling, "leapfrog" development, prevent the possible depletion of existing and potential municipal ground water reserves through controlled use of any municipal or community water system,. ensure adequate fire protection, eliminate the health threat of unsafe septic systems, and provide adequate existing and future utility, trafficway and drainage easements and rights of way in the developing area.

Section 10-10A-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Elementary schools	1 space per classroom/office, plus 1 space per 6 seats in the main auditorium
General agricultural crops, but not the raising of farm animals or poultry	None
Municipal office buildings	6 spaces, plus 1 space for each employee
Neighborhood meeting or recreation buildings	1 space for every 50 square feet of floor area
Parks, playgrounds or recreation areas	4 spaces for each acre developed for active use
Single-family, detached dwellings on a minimum 1 ½ acre lot	2 spaces per dwelling

Section 10-10A-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal codes and ordinances, the following accessory uses and structures are permitted in. the R-1 rural residential estates district:

A. Guest house, one for each principal residential structure. Private garage; provided, that:

1. Such structure shall not encroach upon the front, side or rear yard setback requirements of the principal or main structures in this zoning district; and

2. Such structure shall not encroach upon any utility, street, drainage or alley easement or right of way.

B. Private greenhouse (not operated for commercial uses) and gardens or areas for the raising of agricultural crops (but not areas for the raising of livestock).

C. Private pumphouse.

D. Private swimming pool, tennis courts and recreation and play area, either individually owned, or operated on a nonprofit basis, primarily for area residents.

E. Solar collectors, when used for the purpose of providing energy for heating and/or cooling of related principal structures.

F. Temporary buildings used in conjunction with construction work; provided, that such buildings are removed promptly upon completion of the construction work.

G. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this district; provided, that:

1. Such structures and uses shall not involve the conduct of business, ·except home occupations, on the premises;

2. Such structures and uses shall not include barns or sheds for the keeping of livestock or other agriculturally related machinery or material;

3. Such structures and uses shall not encroach upon the front, side or rear yard setback requirements of the principal or main structures in this zoning district; and

4. Such structures shall not encroach upon any alley, utility or drainage easement or right of way.

Section 10-10A-4. Uses and Structures Permitted on Review.

Subject to the requirements of this zoning title, the city planning commission may permit the following uses and structures on review:

A. Churches and religious temples (but not including missions or revival tents, open tabernacles or arbors); provided, that:

1. Parking requirements for such uses, detailed in the A-1, agricultural district, shall be met;

2. The front, side and rear yard setback requirements for such uses, detailed in this zoning district, shall be met; and

3. Primary access thereto shall not be from reduced standard residential estates streets (see appropriate provisions of the Anadarko subdivision regulations, title 11 of this code).

B. Golf courses and country clubs (but not miniature golf courses or commercial driving ranges operated separately from golf courses); provided, that:

1. Off street parking is in conformance with requirements for such uses outlined in the A-1 agricultural district; and

2. Primary access thereto shall not be from reduced standard residential estates streets (see appropriate provisions in the Anadarko subdivision regulations, title 11 of this code).

C. Livestock: The keeping of not more than two (2) horses, or two (2) cows, or four (4) sheep; provided, that:

1. Such animals shall be kept at least eighty feet (80') from the front lot line and shall be confined within the property lines by means of a suitable fence;

2. Any corral or pen shall not be located nearer than twenty five feet (25') to any property line;

3. Excrement from all animals shall be disposed of in an acceptable manner, to prevent the breeding of insects or the creation of a nuisance or health hazard; and

4. Additional horses may be permitted; provided, that one additional acre of lot area, over the required initial one acre, shall be required for each additional horse.

D. Public utility or facility buildings (but not including open equipment storage, maintenance yards or general administrative and sales offices); provided, that:

1. Any building, structure or substation shall meet the front and rear yard setback requirements for single-family dwellings in this district, and shall provide side yard setbacks of not less than twenty five feet (25');

2. Two (2) parking spaces per structure or per one employee on the site, whichever is the greater, shall- be provided; and

3. Primary access thereto shall not be from reduced standard residential estates streets (see appropriate provisions of the Anadarko subdivision regulations, title 11 of this code).

E. Satellite receiver dishes and/or antennas; provided, that:

1. All such structures shall be located in the rear yard; and

2. All such structures shall be located outside of the rear and side yard setbacks for this zoning district.

F. Wind generators; provided, that:

1. There shall be no more than two (2) such structures per lot;

2. They shall not be closer to a place of public assembly or a dwelling (other than the principal dwelling on the same lot) than a distance equal to their height;

3. The height and location of such structures shall not interfere with the operation of any airport or landing strip; and

4. The height of such structures shall not exceed the maximum height allowed in this zoning district.

Section 10-10A-5. Consideration of Uses Permitted on Review.

When the planning commission considers an application for a use permitted on review in this district, it shall 9onsider the impact of the proposal upon surrounding properties and the potential for increased traffic upon lower standard residential estates streets. If, in the opinion of said commission, any proposed use will generate an unreasonable increase in the flow of traffic into a residential estates development or create situations where heavier vehicles will use the streets more frequently than under normal use and conditions, the planning commission shall deny the application. (It is the intent of this title that all uses permitted on review be located on high standard streets or have access from a major street.)

Section 10-10A-6. Lot, Yard and Height Requirements.

Type	Minimum Lot Area and Width	Minimum Required Front Side and Rear Yard Setbacks	Maximum Height
SINGLE-FAMILY RESIDENTIAL DWELLING	Acre 1 ½ acre Width 150 feet at the building line. (All lots	(All lots...40 feet) (Double street frontage lots	21/ 2 stories or 35 feet

	shall abut a public street for a minimum distance of 40 feet)	shall provide a front yard setback on both streets) Rear...30 feet Side (Interior lot or side...25 feet) (Street side, corner lot...40 feet)	
SCHOOLS, PUBLIC AND OTHER INSTITUTIO-NAL BUILDINGS	(Lot area and width shall be adequate to provide yard areas required by setback provisions)	Front...45 feet Rear...35 feet Side...30 feet	2 1/2 stories or 35 feet

Section 10-10A-7. Special Requirements.

A. Sight Triangle: Hedges, shrubbery or bushes of more than two feet (2') in height shall not be planted, placed or maintained on a corner or any vehicular access point so as to restrict the vision of drivers, persons on bicycles or pedestrians. (This type of unobstructed area is referred to as a "sight triangle".)

B. Signs: All signs, including temporary and political signs, shall be maintained in a neat and presentable condition, and, in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and trash.

C. Lot Coverage: Principal and accessory buildings shall not cover more than twenty percent (20%) of the lot area of any lot within this district.

D. Reduction Of Lot Sizes: Reduction of lot sizes (through lot splits, etc.) in areas within the R-1 rural residential estates district shall not be permitted: 1) until such time as higher quality streets are provided; or 2) unless both resulting lots will equal or exceed the basic requirements of this district's provisions, and such action will not overload existing street systems.

E. Solar Collector Protection: The maximum height of any building, structure or vegetation shall cast no shadow ·on the solar collector of any neighboring property during critical times of the day, in any of the seasons. The planning commission may require such additional and reasonable setback distance as may be possible, or modify the maximum permitted height, in any case where a neighboring property owner can provide proof that proposed new construction will have the herein described effect.

Article B. R-2 Low Density, Single Family Residential District

Section 10-10B-1. Purpose.

A. This district is intended to provide minimum standards for predominantly lower density, single-family, residential development located primarily within the city's major drainage basin, and accompanied by related recreational, religious and educational facilities.

B. Individual septic systems may be utilized with the approval of the city council, and lot sizes shall typically range between ten thousand (10,000) square feet and sixty five thousand three hundred forty (65,340) square feet (11 acres).

C. Primary objectives of the regulations in this district are to protect stable residential neighborhoods from uses which do not contribute to a residential environment and to encourage planned, contiguous development.

Section 10-10B-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Churches or religious temples (permanent structures only)	1 space for every 4 seats in the main auditorium
Community or neighborhood meeting or recreation buildings	1 space for every 50 square feet of floor area
Detached, single-family dwellings (but not including mobile home, manufactured or federally-certified modular homes)	2 spaces per dwelling
Elementary or secondary schools	1 space per classroom/office, plus 1 space per 6 seats in the main auditorium or stadium
Libraries	1 space for every 50 square foot of floor area
Park, playground or recreation areas	5 spaces for each acre developed for active use

Section 10-10B-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the R-2 low density, single-family residential district:

A. Carports; provided, that:

1. Such structures may not be used as areas of storage for any materials (other than a frequently used motor vehicle);

2. Such structures may not be enclosed at the time of construction or any later date (unless the carport is located within both the front and the side yard setbacks);

3. Such structures may not encroach upon the front or side yard setback; and

4. Such structures may not obstruct traffic visibility.

B. Private garages and garage apartments; provided, that:

1. Such structures shall observe the same front, side or rear yard setback requirements as principal or main structures in this zoning district; and

2. Such structures shall not encroach upon any utility, street, alley or drainage easement or right of way.

C. Private greenhouses (not operated for commercial purposes) and gardens or areas for the raising of agricultural crops, but not livestock.

D. Private swimming pools and tennis courts.

E. Solar collectors, whether as a part of a structure or incidental to a group of nearby structures, when used for the propose of providing energy for heating and/or cooling of related structures.

F. Temporary buildings used in conjunction with construction work; provided that such buildings are removed promptly upon completion of construction.

G. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this district (including storage sheds and similar structures), not involving the conduct of business on the premises, except legal home occupations, and located. on the same lot or a contiguous lot under the same ownership; provided, that:

1. Such structures and uses shall not encroach upon the front, side or rear yard setback requirements of the principal or main structures in this zoning district; and

2. Such structures shall not encroach upon any utility, street, alley or drainage easement or right of way.

Section 10-10B-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Childcare centers; provided, that:

1. They are located in a single-family dwelling which is the permanent residence of the operator, or are located within a multi- purpose building which is used for religious or educational purposes, or are part of a public housing development;

2. They are operated in a manner that will not alter the residential character of the neighborhood;

3. They are located on a lot of not less than ten thousand (10,000) square feet of the total area, with a minimum outdoor play area of seventy five (75) square feet per child, and enclosed by a suitable fence;

4. They meet county health department requirements as to safety design, facilities and equipment;

5. Adequate off street parking area is provided to minimize the adverse effects of increased traffic on the surrounding residential environment; and

6. Such centers are operated in a manner that will not adversely affect property values and other neighborhood uses.

B. Funeral parlors; provided, that:

1. Off street parking shall be provided in the amount of one space for every four (4) seats in the main auditorium;

2. A waiting area, sufficient to hold at least ten (10) vehicles, is provided;

3. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this zoning district; and

4. Additions to the principal structure or landscaping of the grounds shall not create shadows on adjacent residential properties which would interfere with the function of a solar collector on such property during critical times of the day.

C. Golf courses and country clubs (not miniature golf courses or commercial driving ranges operated separately from golf courses).

D. Medical clinics and facilities; provided, that:

1. They shall be located on sites of less than one acre;

2. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this district;

3. Off street parking shall be provided in the amount of one space for each employee, plus six (6) spaces; and

4. The maximum height of any new structure shall be one and one-half (1 1/ 2) stories.

E. Nursing and convalescent homes and hospitals; provided, that:

1. They· shall be located on ·sites of less than one acre;

2. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this zoning district;

3. Off street parking shall be provided in the amount of one space per employee, plus one space for every two (2) beds; and

4. Adequate provisions are made for: 1) loading and unloading of supplies and materials; for 2) maintaining a safe and adequate traffic flow in the area; and for 3) adequate and safe collection and disposal of solid waste.

F. Satellite receiver dishes and/or antennas; provided, that:

1. All such structures shall be located in the rear yard; and

2. All such structures shall be located outside of the rear and side yard setbacks for this zoning district.

G. Structures related to the operation of municipal, county, state or federal governmental operations (but not storage, construction, maintenance or repair yards or buildings); provided, that:

1. Off street parking shall be provided in the amount of six (6) spaces, plus one space for every employee;

2. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this zoning district; and

3. The maximum height of any new structure shall be one and one-half (1 1/2) stories.

H. Wind generators; provided, that:

1. There shall be not more than two (2) such structures per lot;

2. They shall not be closer to a place of public assembly or a dwelling (other than the principal dwelling on the same lot) than a distance equal to their height;

3. The height and location of such structure shall not interfere with the operation of any airport of landing strip; and

4. The height of such structures shall not exceed the maximum height allowed in this zoning district.

Section 10-10B-5. Lot, Yard and Height Requirements.

Type	Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
SINGLE-FAMILY DWELLING {OTHER NONINSTITUTIONAL USES)	Area...10,000 square feet Width...60 feet at the building line.	Front (Interior lot...25 feet) (Corner lot, home facing same direction as other homes on block...25 feet) (Corner lot, home facing side street with driveway in front...25 feet) (Corner lot, home facing side street with driveway through rear or either side...15 feet) Rear...20 feet Side (Interior lot...5 feet) (Street side, corner lot, home facing same direction as other homes on block...15 feet) (Street side, corner lot, home facing side street...25 feet)	2 ½ stories or 35 feet
SCHOOLS, CHURCHES OR OTHER PUBLIC OR INSTITUTIONAL BUILD-INGS:	(Same as for single-family dwellings)	Front...35 feet Rear....35 feet Side (Interior lot/side... 20 feet) (Street side, corner lot...25 feet)	2 ½ stories or 35 feet

Section 10-10B-6. Special Requirements.

A. Sight Triangle: Hedges, shrubbery, bushes or signs of more than two feet (2') in height shall not be planted, placed or maintained on a corner so as to restrict the vision of drivers, persons on bicycles or pedestrians.

B. Signs: All signs, including temporary and political signs, shall be maintained in a neat and presentable condition and, in the event the use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and trash.

C. Solar Collector Protection: The maximum height of any building, structure or vegetation shall cast no shadow on the solar collector of any neighboring property during critical times of the day, in any of the seasons. The planning commission may require such additional and reasonable setback distance as may be possible, or modify the maximum permitted height, in any case where a neighboring property owner can provide proof that proposed new construction will have the herein described effect.

D. Variances: Variances from the height limitation or the side yard setback requirements of this district shall not be considered by the board of adjustment unless the applicant for such variance provides data which establishes that the possible grant of such a variance will not adversely affect an existing solar collector or the future opportunity to reasonably install a solar collector upon adjacent property.

E. Lot Coverage: Principal and accessory buildings shall not cover more than fifty percent (50%) of the lot area of any lot within this district.

F. Septic Systems: No individual septic systems shall be utilized without the approval of the city council.

Article C. R-3 Single Family Residential District

Section 10-10C-1. Purpose.

A. This district is intended to provide minimum standards for predominantly single-family, residential development, located within the municipality's major drainage basin, and accompanied by related recreational, religious and educational facilities.

B. No individual septic systems shall be permitted, and lot sizes shall range between seven thousand (7,000) square feet and ten thousand (10,000) square feet.

C. Primary objectives of the regulations in this district are to protect stable residential neighborhoods from uses which do not contribute to a residential environment and to encourage planned, contiguous development.

Section 10-10C-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Churches or religious temples (permanent structures only)	1 space for every 4 seats in the main auditorium
Community or neighborhood meeting or recreation buildings	1 space for every 50 square feet of floor area
Detached, single-family dwelling (but not including mobile, manufactured or federally certified modular home)	2 spaces per dwelling
Elementary or secondary schools	1 space per classroom/office, plus 1 space per 6 seats in the main auditorium or stadium
Libraries	1 space for every 50 square feet of floor area
Park, playground or recreation areas	5 spaces for each acre developed for active use

Section 10-10C-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the R-3 single-family residential district:

A. Carports; provided, that:

1. Such structures may not be used as areas of storage for any materials (other than a frequently used motor vehicle);

2. Such structures may not be enclosed at the time of construction or any later date (unless the carport is located within both the front and the side yard setbacks);

3. Such structures may not encroach upon the front or side yard setbacks; and

4. Such structures may not obstruct traffic visibility.

B. Private garages and garage apartments; provided, that:

1. Such structures shall observe the same front, side and rear yard setback requirements as principal or main structures in this zoning district; and

2. Such structures shall not encroach upon any utility, street, alley or drainage easement or right of way.

C. Private greenhouses (not operated for commercial purposes) and gardens or areas for the raising of agricultural crops (but no areas for the raising of livestock).

D. Private swimming pools and tennis courts.

E. Solar collectors, whether as a part of a structure or incidental to a group of nearby structures, when used for the purpose of providing energy for heating and/or cooling of related structures.

F. Temporary buildings used in conjunction with construction work; provided, that such buildings are removed promptly upon completion of the construction work.

G. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this district (including storage sheds and similar structures), not involving the conduct of business on the premises, except legal home occupations, and located on the same lot or a contiguous lot under the same ownership; provided, that:

1. Such structures and uses shall not encroach upon the front, side or rear yard setback requirements of the principal or main structures in this zoning district; and

2. Such structures shall not encroach upon any utility, street, alley or drainage easement or right of way.

Section 10-10C-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Childcare centers; provided, that:

1. They are located in a single-family dwelling which is the permanent residence of the operator, or are located within a multi- purpose building which is used for religious or educational purposes, or are part of a public housing development;

2. They are operated in a manner that will not alter the residential character of the neighborhood;

3. They are located on a lot with not less than ten thousand (10,000) square feet of total area, with a minimum outdoor play area of seventy five (75) square feet per child, enclosed by a suitable fence;

4. They meet county health department requirements as to safety, design, facilities and equipment;

5. Adequate off street parking area is provided to minimize the adverse effects of increased traffic on the surrounding residential environment; and

6. Such centers are operated in a manner that will not adversely affect property values and other neighborhood uses.

B. Funeral parlors; provided, that:

1. Off street parking shall be provided in the amount of one space for every four (4) seats in the main auditorium;

2. A waiting area, sufficient to hold at least ten (10) vehicles, is provided;

3. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this zoning district; and

4. Additions to the principal structure or landscaping of the grounds shall not create shadows on adjacent residential properties which would interfere with the function of a solar collector on such property during critical times of the day.

C. Golf courses and country clubs (but not miniature golf courses or commercial driving ranges operated separately from golf courses).

D. Medical clinics and facilities; provided, that:

1. They shall be located on sites of less than one acre;

2. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this zoning district;

3. Off street parking shall be provided in the amount of one space for each employee, plus six (6) spaces; and

4. The maximum height of any new structure shall be one and one-half (1 1/2) stories.

E. Nursing and convalescent homes and hospitals; provided, that:

1. They shall be located on sites of less than one acre;

2. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this zoning district;

3. Off street parking shall be provided in the amount of one space per employee, plus one space for every two (2) beds; and

4. Adequate provisions are made for: 1) loading and unloading of supplies and materials; for 2) maintaining a safe and adequate traffic flow in the area; and for 3) adequate and safe collection and disposal of solid waste.

F. Satellite receiver dishes and/or antennas; provided, that:

1. All such structures shall be located in the rear yard; and

2. All such structures shall be located outside of the rear and side yard setbacks for this zoning district.

G. Structures related to the operation of municipal, county, state or federal government operations (but not storage, construction, maintenance or repair yards or buildings); provided, that:

1. Off street parking shall be provided in the amount of six (6) spaces, plus one space for every employee;

2. Front, side and rear yard setbacks shall be comparable .to similar institutional uses permitted in this zoning district; and

3. The maximum height of any new structure shall be one and one-half (1 1/2) stories.

H. Wind generators; provided, that:

1. There shall be no more than two (2) such structures per lot;

2. They shall not be closer to a place of public assembly or a dwelling (other than the principal dwelling on the same lot) than a distance equal to their height;

3. The height and location of such structures shall not interfere with the operation of any airport or landing strip; and

4. The height of such structures shall not exceed the maximum height allowed in this zoning district.

Section 10-10C-5. Lot, Yard and Height Requirements.

Type	Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
SINGLE-FAMILY DWELLING (OR OTHER NONINSTITUTIONAL USES)	Area...7,000 square feet Width...50 feet at the building line	Front (Interior lot...25 feet) (Corner lot, home facing same direction as other homes on block...25 feet) (Corner lot, home facing side street with driveway in front...25 feet) (Corner lot, home facing side street with driveway through rear of either side...15 feet) -R-ear...20 feet Side (Interior lot...5 feet} (Street side, corner lot, home facing same direction as other homes on block...15 feet} (Street side, corner lot, home facing side street...25 feet}	2 1/2 stories or 35 feet

SCHOOLS, CHURCHES OR OTHER PUBLIC OR INSTITUTIONAL BUILDINGS	(Same as for single-family dwellings}	Front...35 feet Rear....35 feet Side (Interior lot/side...20 feet} (Street side, corner lot...25 feet}	2 ½ stories or 35 feet

Section 10-10C-6. Special Requirements.

A. Sight Triangle: Hedges, shrubbery, bushes or signs of more than two feet (2') in height shall not be planted, placed or maintained on a corner so as to restrict the vision of drivers, persons on bicycles or pedestrians.

B. Signs: All signs, including temporary and political signs, shall be maintained in a neat and presentable condition and, in the event their use shall cease, they shall be .promptly removed and the surrounding area restored to a condition free from refuse and trash.

C. Solar Collector Protection: The maximum height of any building, structure or vegetation shall cast no shadow on the solar collector of any neighboring property during critical times of the day, in any of the seasons. The planning commission may require such additional and reasonable setback distance as may be possible, or modify the maximum permitted height, in any case where a neighboring property owner can provide proof that proposed new construction will have the herein described effect.

D. Variances: Variances from the height limitation or the side yard setback requirements of this zoning district shall not be considered by the board of adjustment unless the applicant for such variance provides data which establishes that the possible grant of such a variance will not adversely affect an existing solar collector or the future opportunity to reasonably install a solar collector upon adjacent property.

E. Lot Coverage: Principal and accessory buildings shall not cover more than fifty percent (50%) of the lot area of any lot within this zoning district.

F. Septic Systems: No individual septic systems shall be permitted in this zoning district.

Article D. R-4 Mobile Home Residential District

Section 10-10D-1. Purpose.

This district is intended to accommodate the appropriate, safe, sanitary and attractive placement of mobile and manufactured homes collectively on subdivided lots (subdivisions) or unsubdivided lots (parks).

Section 10-10D-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Churches or religious temples (permanent structures only)	1 space for every 4 seats in the main auditorium
Elementary schools	1 space per classroom/office, plus 1 space per 6 seats in the main auditorium
Mobile and manufactured homes on individual lots (either for sale or for rent) in parks or mobile or manufactured home subdivisions	2 spaces per dwelling or stand, plus 1 per every 2 stands
Neighborhood meeting buildings	1 space for every 50 square foot of floor area
Parks and recreational facilities	6 spaces for each acre developed for active use

Section 10-10D-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal codes and ordinances, the following accessory uses and structures are permitted in the R-4 mobile home residential district:

A. Private garages and carports; provided, that:

1. Such structures shall not encroach upon the front, side or rear yard setback requirements of the principal structures or uses in this zoning district;

2. Such structures shall not encroach upon any utility, street, alley, or drainage easement or right of way; and·

3. Carports meet the provisions outlined for such uses in section 10-1.0C-3 of this chapter, "permitted accessory uses and structures", for the R-3 single-family residential district.

B. Private gardens and greenhouses (not operated for commercial use).

C. Solar collectors, as a part of a structure, when used for the purpose of providing energy for heating and/or cooling of related principal structures.

D. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this zoning district; provided, that:

1. Such structures and uses shall not involve the conduct of business on the premises (including "home occupations", as defined in section 10-1-4 of this title);

2. Such structures and uses shall not encroach upon any utility, street, alley or drainage easement or right of way; and

3. Such structure and uses shall not encroach upon the front, side or rear yard setback requirements of the principal structures or uses in this zoning district.

Section 10-10D-4. Uses and Structures Permitted on Review.

Subject to the''- requirements of this title, the planning commission may permit the following uses and structures on review:

A. Localized commercial uses (such as grocery stores, laundromats or convenience stores) designed to primarily serve the residents of a mobile or

manufactured home subdivision or mobile or manufactured home park only; provided, that:

1. No outside storage is permitted;

2. Yard setback and height restrictions shall be the same as the requirements for mobile or manufactured homes;

3. Restrictions on accessory uses and structures permitted in this zoning district shall be adhered to; and

4. Parking requirements shall be in accordance with the requirements for similar uses in the C-3 general commercial district, article C of this chapter.

B. Private swimming pools, tennis courts or recreational areas; provided, that:

1. Such uses or structures shall not encroach upon any utility, street, alley or drainage easement or right of way;

2. Such uses and structures shall be placed only in a defined rear yard and shall not encroach upon any side yard setback requirements of the principal structures or uses in this zoning district; and

3. Such uses, if collectively owned through a homeowners'· association, shall meet the parking requirements for recreational uses outlined in the R-3 single-family residential district, article C of this chapter.

C. Satellite receiver dishes and/or antennas; provided, that:

1. All such structures shall be located in the rear yard; and

2. All such structures shall be located outside of the rear and side yard setbacks for this zoning district.

D. Wind generators; provided, that:

1. There shall be no more than two (2) such structures per lot;

2. They shall not be ·closer to a place of public assembly or a dwelling (other than the principal dwelling on the same lot) than a distance equal to their height;

3. The height and location of such structures shall not interfere with the operation of any airport of landing strip; and

4. The height of such structures shall not exceed the maximum height allowed in this zoning district.

Section 10-10D-5. Lot, Yard and Height Requirements.

Type	Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
MOBILE AND MANUFACTURED HOME PARKS	Area... (Overall density may not exceed 6 mobile homes per gross acre) Width... 40 feet	Front...10 feet Side...5 feet Rear...5 feet	20 feet
MOBILE AND MANUFACTURED HOME SUBDIVISIONS:	Area...7,000 square feet Width...50 feet at the building line	Front...10 feet Side...5 feet Rear...5 feet	20 feet

Section 10-10D-6. Special Requirements.

A. Compliance With City Code: All mobile and manufactured home parks and subdivisions shall be developed in accordance with all applicable provisions of the city code.

B. Park Area:

1. The minimum area for development of a mobile or manufactured home park shall be one acre.

2. The minimum area for development of a mobile or manufactured home subdivision shall be five (5) acres.

C. Water And Sewer: The installation shall have a water supply and sanitary sewage collection and treatment system approved by the Oklahoma state department of health.

D. Size Of Mobile Home Space: The park shall provide a minimum area of seven thousand (7,000) square feet for each home space.

E. Density: The park shall have a maximum density of six (6) homes per acre.

F. Parking Spaces: There shall be a minimum of two (2) off street parking spaces on each home site, plus at least ten (10) additional off street parking spaces to serve the park as a whole.

G. Location:

1. No home shall be closer than twenty five feet (25') to any property line of the park.

2. No home shall be closer than ten feet (10') to any other home.

H. Streets:

1. Dedicated streets shall comply with the standards in the city's adopted subdivision

regulations and other official municipal requirements.

2. The park shall be adjacent, and have access to, a major street, as defined by the city's adopted subdivision regulations.

I. Landscaping; Signs:

1. No landscaping or signs shall be planted, placed or maintained on any corner, so as to restrict the clear vision of drivers, persons on bicycles or pedestrians.

2. All signs, including temporary and political signs, shall be maintained in a neat and presentable condition and, in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and trash.

J. Solar Collector Protection:

1. The maximum height of any building, structure or vegetation shall cast no shadow on the solar collector of any neighboring property during critical times of the day, in any of the seasons.

2. The planning commission may require such additional and reasonable setback distance as may be possible, or modify the maximum permitted height, in any case where a neighboring property owner can provide proof that proposed new construction will have the herein described effect.

K. Lot Coverage: Principal and accessory buildings shall not cover more than fifty percent (50%) of the lot area of any lot within this district.

L. Anchoring Homes: Mobile homes shall be anchored to prevent collapse, flotation or lateral movement of the structure. All mobile homes shall have over the top ties at each of the four (4) corners of the home, with components of the anchoring system capable of carrying a force of four thousand eight hundred (4,800) pounds.

M. Development Plan:

1. The applicant shall submit a development plan in support of his rezoning application for the use of the R-4 mobile home residential district, which plan shall include total acreage, structure locations, proposed homes placement, sizes, elevations and floor plans of permanent buildings, parking and driveway areas and dimensions, lot and yard areas and dimensions, a drainage plan, proposed open space and recreation areas, and overall development density.

2. Water and sewer plans shall also be provided, indicating the overall requirements of the development; a timetable for submission to the Oklahoma state department of health shall also be presented.

3. Approval of utility plans will be required prior to building permit issuance, and failure to obtain approval within six (6) months from the date of final rezoning shall constitute grounds for reconsideration of the zoning district classification by the planning commission.

4. The development plan may provide for staged development of the project and if so, this shall be indicated on the plan.

5. A study of the area's housing market, as it relates to the proposed development, shall also be provided.

6. Any substantial deviation (i.e., changes in number of spaces, space sizing, density, road patterns, etc.) from the approved development plan shall constitute a violation of the rezoning approval, and must be resubmitted for review by the planning commission and city council, using the same review process outlined in section 10-1OG-2, "procedures" for the R-7 planned residential development district.

Article E. R-5 Mixed, Single Family Residential District

Section 10-10E-1. Purpose.

This district is intended to help establish, preserve and/or stabilize new or redeveloping neighborhoods whose basic structure involves a mixture of different types of single-family residential units. Certain uses which are compatible with residential uses may also be permitted, and flexibility is encouraged in promoting reuse of existing land, structures, utilities and facilities.

Section 10-10E-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Any use permitted in the R-3 single-family residential district	(Same as in R-3 district)
Manufactured homes, including a manufactured home subdivision	2 spaces per dwelling unit
Mobile homes (but not a mobile home subdivision, park or tourist trailer camp)	2 spaces per unit
Modular homes (federally-certified) and manufactured housing	2 spaces per dwelling
Public buildings and utilities (but not open or enclosed storage, construction, maintenance or repair yards or buildings)	6 spaces, plus 1 space for every employee

Section 10-10E-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the R-5 mixed, single-family residential district:

A. Accessory uses and structures clearly incidental and necessary to the permitted principal uses of structures in the R-3 single-family residential district, not involving the conduct of business on the premises

(including home occupations) and located on the same lot or a contiguous lot under the same ownership.

B. Solar collectors, whether as part of a structure or incidental to a group of related structures, when used for the purpose of providing energy for heating and/or cooling of related principal structures.

Section 10-10E-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Childcare centers; provided, that:

1. They are located in a single-family dwelling which is the permanent residence of the operator, or are located within a multipurpose building which is used for religious or educational purposes, or are part of a public housing development; conversions of existing structures shall meet all fire and safety code provisions;

2. They are operated in a manner that will not alter the residential character of the neighborhood;

3. They are located on a lot with not less than ten thousand (10,000) square feet of total area, with a minimum outdoor play area of seventy five (75) square feet per child, enclosed by a suitable fence;

4. They meet county and state health department requirements as to safety, design, facilities and equipment;

5. Adequate off street parking area is provided to minimize the adverse effects of increased traffic on the surrounding residential environment;

6. Such centers are operated in a manner that will not adversely affect property values and other neighborhood uses; and

7. They are operated only for preschool children. Operation of facilities for school age children shall not be permitted in this district.

B. Lodges, except those whose chief activity is a service customarily carried on as a business or commercial operation; provided, that:

1. The setback requirements for institutional buildings provided in this zoning district shall be met; and

2. Off street parking shall be provided in the amount of two (2) spaces for each fifty (50) square feet of floor area in the main building.

C. Off street parking lots associated with a structure or use permitted in a residential or commercial district; provided, that:

1. A landscaping plan shall be submitted to and approved by, the planning commission; and

2. The parking area shall be a sealed surface pavement and not create dust or drainage problems.

D. Public and private utility and communications stations and towers; provided, that:

1. They shall not be closer to a dwelling or place of public assembly than a distance equal to their height;

2. Their height and location shall not interfere with the operation of any airport or landing strip; and

3. One parking space per employee and one parking space for each vehicle used by the facility, shall be provided.

E. Railroad and public utility buildings (but not open equipment storage or maintenance yards or general administrative and sales offices}; provided, that:

1. Any building, structure or substation shall meet the front and rear yard setback requirements for single-family dwellings in this zoning district, and shall provide side yard setbacks of not less than twenty five feet (25'}; and

2. Two (2} parking spaces per substation or per one employee on the site, whichever is the greater, are provided.

F. Satellite receiver dishes and/or antennas; provided, that:

1. All such structures shall be located in the rear yard; and

2. All such structures shall be located outside of the rear and side yard setbacks for this zoning district.

G. Wind generators; provided, that:

1. There shall be no more than two (2} such structures per lot;

2. They shall not be closer to a place of public assembly or a dwelling (other than the principal dwelling on the same lot} than a distance equal to their height;

3. The height and location of such structures shall not interfere with the operation of any airport or landing strip; and

4. The height of such structures shall not exceed the maximum height allowed in this zoning district.

Section 10-10E-5. Lot, Yard and Height Requirements.

Type	Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
ALL SINGLE FAMILY	Area...7,000 square feet	(Same as the R-3 single-	2 1/2 stories

DWELLINGS (OR OTHER NONINSTITUTIONAL USES)	/ Width...50 feet at the building line	family residential district requirements)	or 35 feet
SCHOOLS, CHURCHES OR OTHER PUBLIC OR INSTITUTIONAL BUILD-INGS	(Same as the single- family dwelling requirements above)	Front...35 feet Rear...35 feet Side...20 feet Street side, corner lot...25 feet	2 1/2 stories or 35 feet

Section 10-10E-6. Special Requirements.

A. Vision Triangle: Hedges, shrubbery, bushes or signs of more than two feet (2') in height shall not be planted, placed or maintained on a corner so as to restrict the vision of drivers, persons on bicycles or pedestrians.

B. Signs: All signs, including temporary and political signs, shall be maintained in a neat and presentable condition and, in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and trash.

C. Solar Collector Protection: The maximum height of any building, structure or vegetation shall cast no shadow on the solar collector- of any neighboring property during critical times of the day, in any of the seasons. The planning commission may require such additional and reasonable setback distance as may be possible, or modify the maximum permitted height, in any case where a neighboring property owner can provide proof that proposed new construction will have the herein described effect.

D. Variances: Variances from the height limitation or the side yard setback requirements of this zoning district shall not be considered by the board of adjustment unless the applicant for such variance provides data which establishes that the possible grant of such a variance will not adversely affect an existing solar collector or the future opportunity to reasonably install a solar collector upon adjacent property.

E. Lot Coverage: Principal and accessory buildings shall not cover more than fifty percent (50%) of the lot area of any lot within this zoning district.

F. Skirting Of Mobile Homes: Mobile homes shall have skirting of some type completely enclosing the home; the skirting shall be compatible with other homes in the area, as well as the mobile home itself.

G. Anchoring Mobile Homes: Mobile homes shall be anchored to prevent collapse, flotation or lateral movement of the structure. All mobile homes shall have over-the-top ties at each of the four (4) corners of the home, with components of the anchoring system capable of carrying a force of four thousand eight hundred (4,800) pounds.

H. Water And Sewer: All new or newly placed structures within this district shall be provided with an adequate and potable water supply, as well as a sewage collection and treatment system approved by the Oklahoma state department of health.

Article F. R-6 Multi-Family Residential District

Section 10-10F-1. Purpose.

This district is intended to provide for medium and high population density (both rental and owner occupied condominium units) and to help establish, stabilize and/or protect neighborhoods whose structure includes multi-family residential units. Certain recreational, religious, educational and commercial uses which support, and are compatible with, more intensive residential uses, are also permitted.

Section 10-10F-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Any use permitted in the R-3 single- family residential district	(Same as in R-3 district)
Child daycare centers, located within a multipurpose building which is also used for religious, educational or institutional purposes	May be provided jointly or in a common area)
Multiple-family dwelling units	1 1/2 spaces per dwelling unit
Nursing and convalescent homes and hospitals	1 space per employee, plus 1 space for every 2 beds
Rooming or boarding houses (not to include hotels or motels)	1 space for every 2 beds

Section 10-10F-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the R-6 multi-family residential district:

A. Accessory uses and structures clearly incidental and necessary to the permitted principal uses and structures, not involving the conduct of business on the premises (including home occupations) and located on the same lot or a contiguous lot under the same ownership.

B. Solar collectors, whether as a part of a structure or incidental to a group of related structures, when used for the purpose of providing energy for heating and/or cooling of related structures.

Section 10-10F-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Uses .and structures permitted on review .in the R-3 single-family residential district, section 10-10C-4 of this chapter.

Section 10-10F-5. Lot, Yard and Height Requirements.

Type	Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
MULTI-FAMILY DWELLING	Area...7,200 square feet for first unit, plus 1,500 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12 (these standards shall be applied to each building)	Front and Rear (Same as the R-3 single-family residential district requirements for single-family dwellings) Side One-story dwellings... 5 feet Dwellings of more than one story...10 feet	3 stories or 45 feet
SCHOOLS, CHURCHES AND OTHER PUBLIC AND INSTITUTIONAL BUILD-INGS	(Same as the R-3 single-family residential district requirements for single-family dwellings)	Front: 35 feet Rear: 35 feet Side: (interior lot/side: 20 feet) (Street side, corner lot: 25 feet)	3 ½ stories or 55 feet
SINGLE-FAMILY DWELLINGS	Same as the R-3 single-family residential district requirements for single-family dwellings)	(Same as the R-3 single-family residential district requirement for single-family dwellings)	2 stories or 30 feet
TWO-FAMILY DWELLINGS	Area...8,000 square feet Width...60 feet at the building line	(Same as the R-3 single-family residential district requirements for single-family dwellings)	2 stories or 30 feet

Section 10-10F-6. Special Requirements.

A. Sight Triangle: Hedges, shrubbery, bushes or signs of more than two feet (2') in height shall not be planted, placed or maintained on a corner so as to restrict the vision of drivers, persons or bicycles or pedestrians.

B. Signs: All signs, including temporary and political signs, shall be maintained in a neat and presentable condition and, in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and trash.

C. Solar Collector Protection: The maximum height of any building, structure or vegetation shall cast no shadow on the solar collector of any neighboring property during critical times of the day, in any of the seasons. The planning commission may require such additional and reasonable setback distance as may be possible, or modify the maximum permitted height, in any case where a neighboring property owner can provide proof that proposed new construction will have the herein described effect.

D. Variances: Variances from the height limitation or the side yard setback requirements of this zoning district shall not be considered by the board of adjustment unless the applicant for such variance provides data which establishes that the possible grant of such a variance will not adversely affect an existing solar collector upon adjacent property.

E. Lot Coverage: Principal and accessory buildings shall not cover . more than sixty percent (60%) of the lot area of any lot within this zoning district.

F. Child Daycare Centers: Child daycare centers operated under the conditions of this zoning district may include_ either or both preschool and school age children; provided, that all applicable provisions of the R-5 mixed single-family residential district, section 10-10E-4 of this chapter, for "uses and structures permitted on review" shall be met.

Article G. R-7 Planned Residential Development District

Section 10-10G-1. Purpose.

A. This special district is intended to accommodate planned, unified developments incorporating either a single type or a variety of types of residential and related uses.

B. Such developments may consist of individual lots or common building sites, but it is not the purpose of this district to allow different, incompatible uses or a greater dwelling unit density than would otherwise be allowed in the appropriate zoning district.

C. Greater flexibility will be allowed and encouraged in the design of buildings, yards, courts and trafficways than would otherwise be possible through strict application of other district regulations (including the potential use of "zero lot lines"); in addition, use of this district is intended to encourage a maximum choice of available residential units, a pattern of development suited to existing natural features and open spaces, a creative and more efficient approach to the use of land (resulting from smaller street and utility networks), and a natural environment with a distinct character harmoniously related to surrounding development patterns.

Section 10-10G-2. Procedures.

Land may be rezoned for use as a planned residential development, if the following procedures and related standards are met:

A. Application For Rezoning: Application for rezoning of land to the R-7 planned residential development district shall be submitted in accordance with the procedures set forth in this zoning title.

B. Review; Criteria: Prior to submitting its recommendation to the city council, the planning commission shall review the rezoning proposal, using the following criteria:

1. Consistency with the recommendations of the existing comprehensive plan;

2. Compatibility of the proposal with existing and future development in adjacent areas;

3. Economic feasibility, especially with respect to the area's housing market; and

4. Compliance with the provisions and standards included in section 10-10G-3 of this article.

C. Plan Changes: Any substantial deviation from the approved development plan shall constitute a violation of the rezoning approval and must be resubmitted for review following the same procedures required for the original development plan.

D. Time Limit: Construction of the development shall be started within two (2) years of the date of development plan approval by the city council. Failure to begin within the said two (2) years shall void the development plan and shall cause the land to revert to the zoning district which existed immediately preceding the last rezoning, upon appropriate action by the city council.

Section 10-10G-3. Special Requirements.

Use of the R-7 planned residential development district may be authorized when all of the following provisions are complied with:

A. Minimum Site Size: The minimum size of the site upon which a planned residential development may be located shall not be less than five (5) acres.

B. Design Characteristics:

1. The proposed development shall be planned and designed as a unified residential area, compatible with existing vegetation, soils, topography and drainageways. ·

2. The development shall encourage efficiency in the street and utility networks and extensive and creative use of open spaces through flexible design standards.

3. All uses must be "permitted uses" (i.e., principal uses, accessory uses or uses permitted on review) in residential zoning districts.

4. Office commercial uses and structures may be allowed ·by the planning commission and city council, if they feel the overall residential character of the development will· not be damaged.

5. Overall dwelling unit density of the proposed development shall not exceed the density which would be attained if the same were to be developed using a minimum lot area of seven thousand (7,000) square feet.

C. Development Plan:

1. The applicant shall submit a development plan in support of his rezoning application for the use of the R-7 planned residential development district, which plan shall include total acreage, structure locations, sizes, elevations and floor plans, driveway and parking areas and dimensions, lot and yard areas and dimensions, a drainage plan, open space and recreation areas and overall dwelling unit density.·

2. Water and sewer plans shall also be provided, indicating the overall requirements of the development for appropriate linkage to appropriate water and sewer systems.

3. The development plan may provide for staged development of the project and shall so indicate on the plan.

4. A study of the area's housing market shall also be provided, as proof of the economic feasibility of the proposal.

D. Lot Requirements: There shall be no minimum lot size, width, height or setback requirements within the R-7 planned residential development district. The use of "zero lot lines" is permitted.

E. Off Street Parking: Off street parking requirements shall be the same as for permitted uses in residential districts, except that they may be met by the use of common parking facilities. Where office commercial uses and structures are permitted, the planning commission shall determine the appropriate number of parking spaces, using existing standards for similar uses.

F. Homeowners' Association: If other satisfactory arrangements for improving, operating and maintaining streets, common parking and open space areas, drives, service areas and utilities have not been made with the city, a "homeowners' association" shall be provided for and created, in accordance with accepted procedures, state law, and financial requirements.

G. Subdivision Regulations: The requirements of .any existing and future subdivisions regulations shall be met by the· applicant for a planned residential development subsequent to the approval of said applicant's rezoning request or during the rezoning process. This shall include the preparation and approval of preliminary and final plats in developments meeting the definition of a "subdivision" according to said subdivision regulations, including development of townhouse units.

H. Signs: Signs shall be permitted in the development only for the purpose of identifying the development and advertising the sale of lots or residential or office commercial (where permitted) uses or units. Such signs, if they are to be permanent, shall be designed as an integral part of the project and shall be harmonious with the surrounding landscaping and design features.

Chapter 11. Business and Commercial Districts

Article A. C-1 Central Business District

Section 10-11A-1. Purpose.

A. This district is intended to establish and preserve an attractive, safe and convenient central business district, in a manner that will accommodate a wide range of retail uses and businesses, financial offices and uses, governmental and professional offices and uses and places of entertainment, in a setting conducive to, and safe for, a high volume of pedestrian traffic.

B. Compatible residential uses are. allowed, _in order to promote increased daily activity levels in the district and reuse and development of existing structures.

Section 10-11A-2. Permitted Uses; Off Street Parking.

Permitted and Principal Uses and Structures	Minimum Required Off Street Parking
Business and professional offices and studios	1 space for every 300 square feet of floor area
Churches or religious temples (permanent structures only)	1 space for every 4 seats in the main auditorium
Clubs and lodges	1 space per unit
Cultural centers, museums and art galleries	1 space for every 1,800 square feet of floor area
Dwelling unit above a store or shop	1 space per unit
Financial institutions and offices	1 space for every 150 square feet of floor area
General retail sales establishment (enclosed)	1 space for each employee
Hotels and motels	1 space per unit
Medical and dental clinics and offices	1 space for each employee, plus 3 spaces
Newspaper offices	1 space for each employee
Personal services	1 space for each employee
Public buildings (but not including utility buildings, storage or maintenance yards or buildings)	1 space for each employee, plus 6 spaces
Public parking garages	(Not applicable)
Restaurant, cafe, bottle or liquor by the drink club or tavern, operated in conjunction with a restaurant or cafe (but not a drive in restaurant)	1 space for every 100 square feet of floor space
Theaters and other places of amusement (enclosed)	1 space for each employee, plus 1 space for each 200 square feet of floor area
Traditional grocery stores (but not including quick stop type grocery stores)	1 space for every 150 square feet of floor area
Wholesale display and salesrooms (enclosed)	1 space for each employee, plus 1 space for each 200 square feet of floor area

Section 10-11A-3. Review Available Parking Spaces.

The planning commission may review available public parking spaces, at the request of any concerned party, in the determination of new parking spaces required to meet the provisions of this district. The objective of allowing such review is to encourage flexibility in the effective provision of parking facilities for the central business district, without adversely affecting the area available for commercial expansion, growth and redevelopment.

Section 10-11A-4. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the C-1 central business district:

A. Solar collectors, whether as part of a structure or incidental to a group of nearby structures, when used for the purpose of providing energy for heating and/or cooling of related principal structures.

B. Uses and structures (excluding storage warehouses) clearly incidental and necessary to the permitted principal uses and· structures in this district.

Section 10-11A-5. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Bottle clubs, liquor by the drink clubs, taverns, not operated in conjunction with a restaurant or cafe; provided, that:

1. Each request for a use permitted on review shall be for one principal building, structure or use only;

2. The establishment, if an existing structure, meets all mm1mum requirements of the city's adopted building, fire, health and safety codes;

3. The proposed use shall not be permitted if it will cause the destruction of an identified or designated historic site, structure or element, or will substantially reduce, through incompatible modification, alteration or addition, the historic significance of the site, structure or element.

4. The proposed use is not within three hundred feet (300') of an existing church or school facility, as defined by state law; and

5. The proposed use shall not have upper floors which are vacant and unused, and the request for a use permitted on review shall include a proposal for use of any and all upper floor area (failure to provide this information shall be grounds for denial by the planning commission).

B. Principal uses and structures permitted in the R-3 single-family residential district; provided, that:·

1. Each request for a use permitted on review shall be for one principal structure, building or use only;

2. Minimum requirements for off street parking, yard setbacks, lot area and width, and maximum height restrictions for the R-3 single-family residential district, are complied with; and ·

3. The proposed use shall not be permitted if it will cause the destruction of an identified or designated historic site, structure or element, or will substantially reduce, through incompatible modification, alteration or addition, the historic significance of the site, structure or element.

Section 10-11A-6. Lot, Yard and Height Restrictions.

Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
Commercial uses: No minimum lot area and width	Commercial Uses: None, except: a) where apartments are above a store or shop, in which case a rear yard setback of 20 feet shall be provided and b) where adjacent to a residential district, a side yard setback of 10 feet and a rear yard setback of 20 feet shall be provided.	4 stories or 50 feet

Section 10-11A-7. Special Requirements.

A. Signs:

1. Advertising signs related to the principal structure shall be kept in a safe and secure fashion.

2. Lighted signs shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in any residential district.

B. Uses Restricted: No use shall be permitted in the C-1 central business district when ·operation of such use would adversely affect the safe flow of pedestrian traffic, cause the destruction of designated historic structures, or impact unfavorably upon the central business district.

C. Parking Facilities, Lots: Off street parking facilities or lots shall be designed, located and constructed in accordance with the following provisions:

1. Said lot shall be located within two hundred feet (200') (exclusive of street and alley widths) of the principal use and shall have direct access to a street or alley.

2. Land upon which said lot is located shall be owned or controlled by the same entity which owns or controls the land upon which the principal use is located, except that the city may own and use land solely for off street parking purposes.

3. The intensity of light and the arrangement of reflecting devices shall be such as not to interfere with the surrounding or adjacent residential uses.

4. All parking surfaces required under the provisions of this district shall be paved with a sealed surface pavement, and maintained in a manner such that no dust will result from continued use.

Article B. C-2 Local/Highway Commercial District

Section 10-11B-1. Purpose.

A. This district is intended to provide for the range of commercial services which are normally oriented toward the highway within the community, in such a manner that the district will accommodate both quick stop and longer visit shopping, as well as provide for additional highway oriented office, retail, cultural and entertainment trade.

B. Additionally, district regulations are intended to minimize traffic congestion and noise, provide adequate and controlled parking and expansion area, allow safe pedestrian movement, minimize adverse impacts on residential areas, encourage -improved commercial site design and layout and encourage improved visual quality in highway commercial development.

Section 10-11B-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Any use permitted in the C-3 general commercial district	(Same as in the C-3 district)
Automotive display, sales, service and repair	1 space for every 300 square feet of sales, service or office floor area
Boats, motors, travel trailers and mobile home display, sales, service and repair	1 space for each employee, plus 1 space for each vehicle used by the industry
Drive in restaurants	1 space for each employee in addition to desired number of customer spaces
Drive in theaters	Storage lanes outside of ticket booth to accommodate 10 percent of theater capacity

Farm implement display, sales, service and repair	1 space for each employee, plus 1 space for each vehicle used by the industry
Garden centers, nurseries, green- houses and horticultural sales outlets which include either enclosed or unenclosed display areas, or both	1 space for each employee
Gasoline, service or filling station	1 space for every 200 square feet of floor area
Liquor stores	1 space for every 200 square feet of floor area
Ministorage buildings or mini-warehouses, divided into totally enclosed compartments of not more than 500 square feet, with no outside storage areas and no activities permitted other than storage of personal property	1 space per 20 units
Ministorage buildings, etc. (same as above entry), with area set aside or constructed for office space, primarily in conjunction with the operation of the storage facility	1 space per 20 units; plus 1 space for each employee
Quick stop type grocery stores (with or without gasoline sales facilities)	1 space for every 200 square feet of floor area
Restaurant, cafe, bottle or liquor by the drink club or tavern	1 space for every 100 square feet of floor area
Video arcades and electronic game centers	1 space for every 50 square feet of floor area

For all uses not covered above, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off street parking requirement for the permitted use.

Section 10-11B-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the C-2 highway commercial district:

A. Solar collectors, whether as part of a structure or incidental to a group of nearby structures, when used for the purpose of providing energy for heating and/or cooling of related principal structures.

B. Uses and structures (including accessory storage warehouses) clearly incidental and necessary to the permitted principal uses and structures in this zoning district.

Section 10-11B-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Funeral parlors; provided, that:

1. Off street parking shall be provided in the amount of one space for every four (4) seats in the main auditorium;

2. A waiting area, sufficient to hold at least ten (10) vehicles, is provided;

3. Front, side and rear yard setbacks shall be comparable to similar institutional uses permitted in this zoning district.

B. Nursing and convalescent homes and hospitals; provided, that:

1. Front, side and rear yard setbacks and height limitations shall be comparable to similar institutional uses permitted in this zoning district;

2. Off street parking shall be provided in the amount of one space per employee, plus one space for every two (2) beds; and

3. Adequate provisions are made for loading and unloading of supplies and materials.

C. Principal uses and structures permitted in the R-6 multi-family residential district; provided, that:

1. Each request for a use permitted on review shall be for one principal structure, building or use only; and

2. Minimum requirements for off street parking, yard setbacks, lot area and width, and maximum height restrictions for the R-6 multi- family residential district are complied with.

D. Public and private utility or contractor equipment and material storage and maintenance yards or buildings; provided, that any stored material or equipment shall be within a building or enclosed by a six foot (6') high fence or suitable landscaping to screen the materials or equipment from the view of adjacent public streets, parks, recreation areas and residential properties.

Section 10-11B-5. Lot, Yard and Height Requirements.

Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
Commercial uses: No minimum lot area and width	Commercial uses: None, except where apartments are above a store or shop, a rear yard setback of 20 feet shall be provided, and where adjacent to a residential district, a front yard setback of 10 feet and a rear yard setback of 20 feet shall be provided	4 stories or 50 feet

Section 10-11B-6. Special Requirements.

A. Signs:

1. Advertising signs, billboards and trade, business or industry identification sign, related to the principal structure or use, shall not be located in, overhang, or project into, a residential yard.

2. Lighted signs shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential zoning district.

3. All signs and billboards, including temporary signs, shall be maintained in a neat and presentable condition. In the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

B. Parking Facilities And Lots: Off street parking facilities or lots shall be designed, located and constructed in accordance with the following provisions:

1. Said spaces or lot shall be located within two hundred feet (200') (exclusive of street and alley widths) of the principal use and shall have direct access to a street;

2. Land upon which said space or lot is located shall be owned or controlled by the same entity which owns or controls the land upon which the principal use is located, except that the city may own and use land solely for off street parking purposes; and

3. All parking surfaces required under the provisions of this zoning district, including access to all units in mini-storage facilities, shall be paved with a sealed surface pavement, and maintained in a manner such that no dust or drainage problem will result.

C. Solar Collector Protection: Additions to the principal structure or landscaping of the grounds shall not create shadows on adjacent residential properties which would interfere with the function of a solar collector on such property during critical times of the day.

D. Screening: Screening shall be provided between mini-storage uses and adjacent residential areas. Said screening shall consist of six foot (6') high solid fencing, walls or landscaping, established so that the use cannot be seen by a person standing at ground level in an adjacent residential district.

Article C. C-3 General Commercial District

Section 10-11C-1. Purpose.

A. This district is intended to provide attractive, safe and convenient areas for general commercial uses, in a manner that will accommodate a wide range of retail uses and businesses, financial offices and uses, governmental and professional offices and uses, and places of entertainment, in a setting conducive to, and safe for, a high volume of pedestrian traffic.

B. Compatible residential uses are allowed, in order to promote increased daily activity levels in the district and reuse and redevelopment of existing structures.

Section 10-11C-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Business and professional offices and studios	1 space for every 300 square feet of floor area
Churches or religious temples (permanent structures only)	1 space for every 4 seats in the main auditorium
Clubs and lodges	1 space per unit
Cultural centers, museums and art galleries	1 space for every 1,800 square feet of floor area
Dwelling units above stores or shops	1 space per unit
Financial institutions and offices	1 space for every 150 square feet of floor area
General retail sales establishments (enclosed)	1 space for each employee
Hotels and motels	1 space per unit
Medical and dental clinics and offices	1 space for each employee, plus 3 spaces
Newspaper offices	1 space for each employee
Personal services	1 space for each employee
Public buildings and offices (but not including utility buildings, storage or maintenance yards or buildings)	1 space for each employee, plus 6 spaces
Public parking garages	(Not applicable)
Restaurants, cafes, and restaurants or cafes operated in conjunction with a bottle or liquor by the drink club, including an enclosed restaurant with a drive in facility (but not a drive in restaurant)	1 space for every 100 square feet of floor space
Theaters and other places of amusement (enclosed), but not video arcades	1 space for each employee, plus 1 space for each 200 square feet of floor area
Traditional grocery stores (but not including quick stop type grocery stores)	1 space for every 150 square feet of floor area
Wholesale display and salesrooms (enclosed), but not video arcades	1 space for each employee, plus 1 space for each 200 square feet of floor area

Section 10-11C-3. Review Available Parking Spaces.

The planning commission may review available public parking spaces, at the request of any concerned party, in the determination of new parking spaces required to meet the provisions of this district. The objective of allowing such review is to encourage flexibility and joint parking facility development, in the effective provision of parking facilities for an area, without adversely affecting the area available for commercial development.

Section 10-11C-4. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the C-3 general commercial district:

A. Solar collectors, whether as part of a structure or incidental to a group of nearby structures, when used for the purpose of providing energy for heating and/or cooling of related principal structures.

B. Uses and structures (excluding storage warehouses) clearly incidental and necessary to the permitted principal uses and structures in this zoning district.

Section 10-11C-5. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Recreational Vehicle Parks as defined in this title.

B. Ministorage buildings or mini-warehouses, divided into totally enclosed compartments of note more than five hundred (500) square feet; provided, that:

1. Each unit is available solely to a lessee only for the storage of personal property;

2. There shall be no outside storage of personal property;

3. There shall not be permitted in such facilities, any wholesale or retail sales activities, fabrication, repair, meetings, rehearsals or any other type of activity other than that allowed hereinabove;

4. Office area and activity be limited to that required for the ministorage facility function only;

5. All off street parking and other requirements for such uses (see C-2 local/highway commercial district provisions) be met; and

6. All screening requirements for such uses (see C-2 local/highway commercial district) be met.

C. Principal uses and structures permitted in the R-3 single-family residential district; provided, that:

1. Each request for a use permitted on review shall be for one principal structure, building or use only;

2. Minimum requirements for off street parking, yard setbacks, lot area and width, and maximum height restrictions for the R-3 single-family residential district are complied with.

Section 10-11C-6. Lot, Yard and Height Requirements.

Minimum Lot Area and Width	Minimum Required Front, Side and Rear Yard Setbacks	Maximum Height
Commercial uses: No minimum lot area and width	Commercial uses: None, except a) where apartments are above a store or shop, in which case a rear yard setback of 20 feet shall be provided; and b) where adjacent to a residential district, a side yard setback of 10 feet and a rear yard setback of 20 feet shall be provided.	3 stories or 45 feet

Section 10-11C-7. Special Requirements.

A. Signs:

1. Advertising signs related to the principal structure shall be kept in a safe and secure fashion.

2. Lighted signs shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in any residential zoning district.

B. Pedestrian Traffic: No use shall be permitted in the C-3 general commercial district, when operation of such use would adversely affect the safe flow of pedestrian traffic, without adequate consideration being provided for said problem.

C. Parking Facilities And Lots: Off street parking facilities or lots shall be designed, located and constructed in accordance with the following provisions:

1. Said lot shall be located within two hundred feet (200') (exclusive of street and alley widths) of the principal use and shall have direct access to a street or alley;

2. Land upon which said lot is located shall be owned or controlled by the same entity which owns or controls the land upon which the principal use is located;

3. The intensity of light and the arrangement of reflecting devices shall be such as not to interfere with the surrounding or adjacent residential uses; and

4. All parking surfaces required under the provisions of this zoning district, including access to all units in ministorage facilities, shall be paved with sealed surface pavement, and maintained in a manner such that no dust or drainage problems will result.

Article D. C-4 Planned Commercial District

Section 10-11D-1. Purpose.

This special district is intended to encourage and facilitate the design of planned shopping areas, developed as a unified grouping (in one or more buildings) of retail shops and stores. All .retail shopping areas permitted under this district shall be developed as a unit, with adequate off street parking areas, safe ingress and egress and appropriate landscaping and use of natural features, to encourage a safe and attractive area for commercial activity which will not be disruptive of any adjacent or surrounding environment.

Section 10-11D-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Any use permitted in the C-1 central business district or the C-3 general commercial district	Off street parking requirements shall be the same as set forth for each use in the appropriate commercial district; however, a common, off street parking facility for all of the development's uses may be provided, as long as the total number of parking spaces is not less than the sum of the individual requirements.

Section 10-11D-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the C-4 planned commercial district:

A. Solar collectors, whether as a part of a structure or incidental to a group of nearby structures, when used for the purpose of providing energy for heating and/or cooling of related principal structures.

B. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this zoning district.

Section 10-11D-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Gasoline, service or filling station, provided, that:

1. It is designed as an integral part of the overall development; and

2. It will not create a traffic pattern or other condition which is hazardous, unsafe or detrimental to the entire development.

Section 10-11D-5. Lot, Yard and Height Requirements.

Minimum Lot Area and Width	Minimum Required Front Side and Rear Yard Setbacks	Maximum Height
Area... 1 acre Width...50 feet at the building line	Front...25 feet Side (Side adjacent to residential district...24 feet) Rear...There shall be a rear yard, alley, service court or combination thereof, of not less than 30 feet	3 stories or 45 feet

Section 10-11D-6. Procedures.

Land may be rezoned as C-4 planned commercial district, according to the following procedures:

A. Application: Application shall be submitted in accordance with the procedures set forth for rezoning and amendments in section 10-2-4 of this title.

B. Review; Criteria: Prior to submitting its final recommendation, the planning commission shall review the proposal using the following criteria:

1. Consistency with the existing comprehensive plan;

2. Compatibility of the proposal with existing and projected development in adjacent areas;

3. Economic feasibility; and

4. Compliance with the provisions and standards included in the special requirements, section 10-110-7 of this article, for this zoning district.

C. Review Status Of Development: If the development is not under construction within two (2) years after the effective date of the rezoning, the planning commission shall review the status of the development and, if it finds that the developer cannot proceed immediately with the project, in conformity with all the requirements set forth herein, this fact and the reasons thereof, shall be reported to the city council, along with the planning commission's recommendation for a suitable zoning district classification. The city council may, at its discretion, set and hold the required hearing(s) and rezone the area to a more suitable zoning district.

D. Deviation From Development Plan: Any substantial deviation from the development plan submitted at the time of rezoning shall constitute a violation of the building permit authorizing construction of the development. Substantial changes in said plan shall be resubmitted to the planning commission and the city council, for review and approval. No building permit shall be issued which is not in substantial conformity with the approved development plan.

Section 10-11D-7. Special Requirements.

Land may be rezoned as C-4 planned commercial district only when the following conditions, standards and materials are met and/or provided:

A. Design Characteristics:

1. The proposed development shall be planned and designed as a unified area, compatible with surrounding uses (both natural and manmade) and considerate of existing vegetation, soils, topography and drainageways.

2. The proposal should promote creative use of natural open spaces and include landscaping proposals.

3. Project structural and street coverage shall not exceed sixty percent (60%) of the total land area.

B. Development Plan:

1. The applicant shall submit a formal development plan in support of his rezoning application, which shall include total acreage, proposed structure locations, sizes, elevations, uses and floor plans, parking area locations and dimensions, a drainage plan, a landscaping plan and open space and recreation area locations.

2. Water and sewer plans shall also be provided, indicating the overall water and sewer requirements of the development and the proposed means of accommodating these needs.

3. The development plan may provide for staged development of the project and, if so, the same shall be indicated on the plan.

4. An economic study of the project shall also be included, showing the feasibility of the development.

C. Lot Requirements: If any lots are platted for sale to other individuals, the minimum dimensions shall be the same as for the same use in the appropriate zoning district.

D. Off Street Parking: The planning commission may recommend to the city council that additional or special parking areas be provided, based upon the unique character or nature of the proposed project.

E. Subdivisions Regulations: The requirements of any existing and future subdivision regulations adopted by the city must be met by the applicant for a development under this zoning district (subsequent to the final approval of said applicant's rezoning request), if the proposal contains one or more lots which are to be sold to other individuals.

F. Advertising Signs: Advertising signs related to the development shall be designed as an integral part of the project and shall be harmonious with surrounding design features.

Chapter 12. Industrial Districts

Article A. I-1 Light Industrial District

Section 10-12A-1. Purpose.

A. This district is intended primarily for the conduct of light manufacturing, assembling and fabrication and for warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air or street transportation routes.

B. A major component of this district is to encourage good design in access, loading, storage and appearance.

Section 10-12A-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Any use, except dwellings, permitted in the C-3 general commercial district. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an 1-1 light industrial district	Same as the C-3, general commercial district
Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 200 square feet of sales, service or office floor area
Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 200 square feet of sales, service or office floor area
Freighting or trucking yard or terminal	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 200 square feet of sales, service or office floor area
Liquor wholesale	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 200 square feet of sales, service or office floor area
Oil field equipment yard	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 200 square feet of sales, service or office floor area
Public utility service yard or electrical receiving or transporting station	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 200 square feet of sales, service or office floor area
Sale barn	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 200 square feet of sales, service or office floor area
The following uses, when conducted within a completely enclosed building: A. The manufacture, compounding, processing for packaging or	1 space for each employee, plus 1 space for each vehicle used by the industry, plus 1 space for every 400 square feet of sales, service or office floor area

treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical perfumed toilet soap, toiletries, and food products. B. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process. C. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas. D. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like. E. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps. F. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing, but not a junkyard or salvage yard. G. Blacksmith shop and machine shop, excluding punch presses over 20 tons· rated capacity, drop hammers, and automatic screw machines. H. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors. I. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condenser, transformers, crystal holders, and the like.	

Section 10-12A-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures shall be permitted in the 1-1 light industrial district:

A. Accessory uses and structures, except residential accessory u s and structures, permitted in the C-3 general commercial district.

B. Dwelling units for watchmen or caretakers employed on the premises; provided, that an open yard of at least two thousand four hundred (2,400) square feet is reserved and maintained for use by the occupants.

C. Temporary buildings used in conjunction with construction work; provided, that such buildings are removed promptly upon completion of the construction work.

D. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this zoning district.

Section 10-12A-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Satellite receiver dishes and/or antennas; provided, that:

1. All such structures shall be located in the rear yard; and

2. All such structures shall be located outside of the rear and side yard setbacks for this zoning district.

B. Wind generators; provided, that:

1. There shall be no more than two (2) such structures per lot;

2. They shall not be closer to a place of public assembly or a dwelling (other than the principal dwelling on the same lot) than a distance equal to their height;

3. The height and location of such structures shall not interfere with the operation of any airport or landing strip; and

4. The height of such structures shall not exceed the maximum height allowed in this zoning district.

Section 10-12A-5. Lot, Yard and Height Requirements.

Minimum Lot Area and Width	Minimum Required Front Side and Rear Yard Setbacks	Maximum Height
None	Front...25 feet Rear...30 feet Side...20 feet	45 feet or 3 1/2 stories

Section 10-12A-6. Special Requirements.

A. Accumulations Of Waste Or Debris: No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building, nor shall any other debris or waste product be permitted to accumulate on the site.

B. Signs: All signs, including temporary ones, shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be promptly removed and the area occupied restored to a condition free from refuse and debris.

C. Review As Subdivision: The development and subdivision of land for industrial park purposes shall be reviewed by the planning commission as a subdivision, subsequent to the final approval of a rezoning request tor the area.

D. Parking Facilities: All parking facilities required under the provisions of this district shall be designed and constructed in accordance with the requirements for such facilities in section 10-11C-7 of this title, "Special Requirements" of the C-3 general commercial district.

E. Screening Of Stored Materials: No article or: material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it be so screened by fences, walls or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person at ground level.

F. Loading Spaces: All loading space required for industrial uses shall be designed not to .obstruct traffic or use road or alley rights of way in any way. Loading activities should take place, whenever possible, in the rear or at the side of any structures.

Article B. I-2 Heavy Industrial District

Section 10-12B-1. Purpose.

This district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this title. The intensity of uses permitted in this district makes it desirable that they be located sufficiently far enough away from residential areas as to not create a nuisance with noise or odor.

Section 10-12B-2. Permitted Uses; Off Street Parking.

All the following uses, once they have been studied by the planning commission and have received the express approval of the city council, may require approval of the city or county health department, the state fire marshal or other state and county regulating agencies, and specific restrictions designed to protect the public welfare may also be required:

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Gas manufacture	1 space for each employee, plus 1 space for each vehicle used by the industry
Liquor manufacturing	1 space for each employee, plus 1 space for each vehicle used by the industry
Petroleum refining	1 space for each employee, plus 1 space for each vehicle used by the industry

Section 10-12B-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures shall be permitted in the 1-2 heavy industrial district:

A. Accessory uses and structures, except residential accessory uses and structures permitted in the C-3 general commercial district;

B. Dwelling unit for watchmen or caretakers employed on the premises; provided, that an open yard of at least two thousand four hundred (2,400) square feet is reserved and maintained for use by the occupants.

C. Temporary buildings used in conjunction with construction work; provided, that such buildings are removed promptly upon completion of the construction work.

D. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this zoning district.

Section 10-12B-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses and structures on review:

A. Acid or explosives manufacturing plant; provided, that:

1. Particular attention is given to plant locations which avoid the dangers listed in the next use designated as "bulk storage of liquid fertilizer and petroleum products under pressure", and protect the health, safety, and welfare of the residents of the community; and

2. Adequate parking space, as determined by special review of the planning commission, is provided to serve such facilities.

B. Bulk storage of liquid fertilizer and petroleum products under pressure; provided, that:

1. Such uses shall not be located within five hundred feet (500') of any existing residential dwelling, school, chur9h or other place of public assembly;

2. Such uses shall be located so that prevailing winds will not cause fumes, odors or gases to be carried toward developed properties within the community; and

3. One parking space for each vehicle or trailer used by the industry is provided.

C. Junkyards and automobile wrecking and salvage yards, on sites of two (2) acres or more; provided, that:

1. A suitable front yard area is maintained as an open space, free of weeds and debris;

2. The site is enclosed by suitable landscaping or a six foot (6') high, wooden fence to screen the operation from the view of adjacent public streets, parks, recreation areas and residential properties; and

3. A minimum of one parking space for each employee, plus one space for each vehicle used by the facility is provided.

D. Plants for the manufacture and central mixing and proportioning of concrete and concrete products, the manufacture· and blending of fertilizer and the fabrication of iron and steel; provided, that: ·

1. Such use is not located closer than five hundred feet (500') to any existing residential dwelling unit, church, school or other place of public assembly;

2. Such use is located so that prevailing winds shall not cause dust, smoke or odors to create a nuisance for developed properties in the community;

3. At least one loading space shall be provided for each ten thousand (10,000) square feet of plant floor area; and

4. One parking space for each employee, plus one space for each vehicle used by the industry is provided.

E. Sanitary landfill or waste disposal area; provided, that:

1. The operation meets state health department minimum requirements;

2. No nuisance due to smoke, odor or blowing debris shall be created;

3. An access road, having at least a graveled surface shall be created;

4. At least five (5) parking spaces shall be provided;

5. The site shall be restored to a condition compatible with the surrounding area upon conclusion of the operation; and

6. No landfill or waste disposal area shall be located closer than one-fourth (1/4) mile to any residential dwelling, school or place of public assembly.

F. Satellite receiver dishes and/or antennas; provided, that:

1. All such structures shall be located in the rear yard; and

2. All such structures shall be located outside of the rear and side yard setbacks for this zoning district.

G. Stockyards, loading pens, rendering plants, sale barns and yards, buying stations, commercial poultry raising yards or structures and commercial feedlots; provided, that:

1. Such industry is not located closer than one-fourth (1/4) mile to any dwelling unit (other than that of the owner or operator), school, church or place of public assembly;

2. Provisions for drainage and waste disposal are made, subject to the approval of the local or county health officer;

3. Such industry is located so that the prevailing winds will not cause excessive dust or odor to create a nuisance for developed properties within the community; and

4. One parking space for each employee, plus one space for each vehicle used by the industry is provided.

H. Wind generators; provided, that:

1. There shall be no more than two (2) such structures per lot;

2. They shall not be closer to a place of public· assembly or a dwelling (other than the principal

dwelling on the same lot) than a distance equal to their height;

3. The height and location of such structures shall not interfere with the operation of any airport or landing strip; and

4. The height of such structures shall not exceed the maximum height allowed in this zoning district.

Section 10-12B-5. Lot, Yard and Height Requirements.

Minimum Lot Area and Width	Minimum Required Front Side and Rear Yard Setbacks	Maximum Height
None	Front...25 feet Rear...30 feet Side...20 feet	45 feet

Section 10-12B-6. Special Requirements.

A. Waste Products: No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building, nor shall any other debris or waste product be permitted to accumulate on the site.

B. Signs: All signs, including temporary ones, shall be maintained in a neat and presentable condition. In the event that they shall become illegible or their use shall cease, they shall be promptly removed and the area occupied restored to a condition free from refuse and debris.

C. Review Of Development: The development and subdivision of land for ·industrial park purposes shall be reviewed by the planning commission as a subdivision, subsequent to the final approval of a rezoning request for the area.

D. Parking Facilities: All parking facilities required under the provisions of this district shall be designed and constructed in accordance with the requirements for such facilities in section 10-11C-7 of this title, "Special Requirements" for the C-3 general commercial district.

Chapter 13. Floodway Districts

Article A. F-1 Floodway District

Section 10-13A-1. Purpose.

A. This district is intended to comprise those portions of the city's floodplain areas adjoining watercourses, which are reasonably required to carry and discharge the floodwaters of the 100-year flood. Such · flood hazard areas are unsuitable for residential, commercial or industrial purposes.

B. It is the purpose of this district to protect the public health, safety and general welfare by regulating uses in the floodway which are dangerous to such health or safety in times of flood, or" cause increases in flood heights or velocities in upstream, adjacent or downstream areas, creating damage to property.

C. A secondary purpose of this district is to protect individuals from unknowingly purchasing lands which are unsuited for structural use purposes because of flood hazards.

Section 10-13A-2. Permitted Principal Uses.

The following uses having a low flood damage potential and not obstructing flood flows shall be permitted within the F-1 floodway district to the extent that they are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials or equipment. No use shall adversely affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system, nor shall it be detrimental to uses permitted in the adjoining F-2 floodway fringe (overlay) district or other districts within the F-2 floodway fringe (overlay) district:

A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming or wild crop harvesting.

B. Docks, piers and other water related uses.

C. Livestock. The keeping of agricultural livestock (in accordance with other city ordinances relating thereto).

D. Public or private open spaces.

E. Public or private recreational uses (or uses similar in nature), such as, golf courses, tennis courts, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, hunting and fishing areas and walking and riding tails.

F. Residential lawns, gardens, parking and play areas.

Section 10-13A-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses are permitted in the F-1 floodway district:

A. Uses clearly incidental and necessary to the permitted principal uses in this zoning district; provided, that:

1. Such uses shall not require fill of any type;

2. Such uses shall not adversely affect the channel or floodway capacity of any main stream, tributary, drainage ditch or other drainage facility; and

3. Such uses shall not be detrimental to uses permitted in the adjoining F-2 floodway fringe (overlay) district, or other districts within the F-2 floodway fringe (overlay) district.

Section 10-13A-4. Uses and Structures Permitted on Review.

Subject to the requirements of this title, the planning commission may permit the following uses on review; provided, that all of the standards set forth in section 10-13A-5 of this article, "Special Requirements" for this district are met:

A. Circuses, carnivals and similar transient amusement enterprises.

B. Extraction of sand, gravel or other materials.

C. Open storage yards for equipment, machinery or materials. Railroads, streets, bridges, utility transmission lines and pipelines. Stables.

D. Temporary or seasonal roadside stands.

Section 10-13A-5. Special Requirements.

Prior to final approval of a use permitted on review in the F-1 floodway district, the following standards must be met:

A. Detrimental Effects: No use shall be permitted which is detrimental to existing or permitted uses in the adjoining F-2 floodway fringe (overlay) district, or other districts within the F-2 floodway fringe (overlay) district.

B. Policies Conflicting With Comprehensive Plan: No use shall be permitted which is in conflict with policies recommended by the comprehensive plan of the city.

C. Increase Water Surface Elevation: No structure (temporary or permanent), fill, deposit, obstruction, storage of materials or equipment or other use may be allowed which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or increases the water surface elevation of the 100-year flood more than one foot {1') at any point.

D. Depositing Fill: Before any fill may be deposited in the floodway, certification by a professional registered engineer or architect must be provided, demonstrating that ·such fill shall not result in any increase in flood levels. Such certification shall be accompanied by a plan showing the uses to which the filled land will be put and the final dimensions of the proposed fill. Such fill, if allowed, shall be protected against erosion by riprap, vegetative cover or bulkheading.

E. Structure Restrictions: No structures shall be designed for human habitation. Any structures permitted shall be firmly anchored to prevent flotation and shall be placed with the longitudinal axis parallel to the direction of the flood flow.

F. Service Facilities: Service facilities shall be constructed one foot (1') above the flood protection elevation for the particular area, and floodproofed.

G. Storage Of Materials: Storage or processing of materials that are buoyant, flammable, explosive or which could cause injury in time of flooding, are prohibited. All other similar materials must be firmly anchored or readily and quickly removable prior to flooding.

Article B. F-2 Floodway Fringe (Overlay) District

Section 10-13B-1. Purpose.

A. This overlay district provides special regulations designed to reduce flood losses in those areas of the floodplain, outside of the floodway, which are subject to periodic flooding and therefore require special consideration before development is permitted to occur.

B. The requirements of this overlay district are in addition to the requirements contained in the basic, underlying zoning district(s).

Section 10-13B-2. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Any use permitted in the F-1 floodway district	(Not applicable)
Structures, or substantial improvements to structures; provided, that they meet all of the conditions set forth in section 10-138-5 for this article	Minimum parking requirements shall be the same as required by the underlying zoning district in which the use is allowed

Section 10-13B-3. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the F-2 floodway fringe district; provided, that all of the standards set forth in section 10-138-5 of this article are met:

A. Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this district and the underlying districts.

Section 10-13B-4. Uses and Structures Permitted on Review.

The planning commission may require that any permitted principal use or structure listed in this zoning district be subject to the use permitted on review procedure in section 10-2-3 of this title when any of the data provided (in accordance with section 10-138-5 of this article) to said commission is incomplete, erroneous or subject to question.

Section 10-13B-5. Special Requirements.

All of the following conditions must be met prior to the issuance of a building permit for construction of, or substantial improvements to, any structure in the F-2 floodway fringe district (the property owner/applicant shall provide, with the building permit application, such topographic, engineering or other data as may be required to determine the effects of the structure or fill on the flow of water and/or the effects of flooding on the proposed structure or fill):

A. Lowest floor Elevation: Structures must be constructed so that the lowest floor (including

basement) is elevated one foot (1'} above the level of the 100-year flood.

B. Fill For Structures: Fill for such structures shall extend at such elevation (subsection A of this section} at least fifteen feet (15') at the front and rear, and five feet (5'} at the sides, beyond such structure.

C. Water Surface Elevation: No use shall be constructed which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage system, by increasing the water surface elevation of the 100-year flood more than one foot (1'} at any point.

D. Construction Materials And Methods: Construction materials and methods must be used which are flood resistant and will minimize flood damage.

E. Anchoring Buildings, Equipment: All buildings, structures, mobile homes, equipment, materials or applicable uses shall be firmly anchored to prevent flotation, collapse or lateral movement which could damage other structures or restrict bridge openings or other narrow sections of the stream.

F. Waste Disposal And Water Supply: Waste disposal and water supply facilities shall be modified or protected to eliminate infiltration of floodwaters into such systems and discharges from such systems into the floodwaters.

G. New Construction: New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including the basement) elevated to the level of the 100-year flood elevation or, together with utility and sanitary facilities, be floodproofed so that the structure is watertight below the 100-year flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads, as well as the effects of buoyancy. A registered professional engineer or architect shall certify in writing, at the time of the submission of the building permit application, that these standards will be met by the proposal.

Chapter 14. Historic Districts

Article A. H-1 Historic (Overlay) District

Section 10-14A-1. Purpose.

A. This overlay district is designed to encourage the protection, stabilization, rehabilitation and restoration of identified neighborhoods of historic, architectural, social or visual significance, and the individual landmarks, landmark sites and historic features located therein, in order to safeguard the municipality's historic and cultural heritage, as embodied and reflected in such designated historic districts.

B. The requirements of this overlay district are in addition to the requirements contained in the basic, underlying zoning district(s).

Section 10-14A-2. Procedures for Historic District Designation.

A. Review Proposals; Exceptions: The city planning and preservation review commission and the city council shall review all proposals for the creation of specific historic districts authorized under the general provisions of this district, utilizing the zoning ordinance amendment procedures established in section 10-2-4 of this title, with the following exceptions:

1. Study of any proposed historic district may be initiated by the planning and preservation review commission, as well as by the private sector;

2. No fee shall be charged for review of proposed historic districts; and

3. Notice of public hearing(s) shall be given to all affected persons by newspaper publication.

B. Certain Proposals: The planning and preservation review commission and the city council shall review only historic district proposals which:

1. Meet the provisions of section 10-14A-4 of this article, "Special Requirements", of this district and applicable provisions of the city's preservation review ordinance; and

2. Are based upon the development of a proposed historic district plan and accompanying historic district ordinance.

C. Number And Title Of District: Each historic district shall be numbered and titled (for example, H-2 central business historic district; and H-3 Randlett Park historic district), and shall be adopted as an individual ordinance to supplement this zoning title.

D. Ordinance A Part Of Zoning Title: Upon the adoption by ordinance of any designated historic district, said ordinance shall be placed in this zoning title, to become a legal part of said zoning title.

Section 10-14A-3. Administrative Procedures for Historic Districts.

A. Review Application: All building permit applications for work in an area officially designated as an historic district shall first be reviewed by the city planning and preservation review commission, for compliance with the terms of the applicable historic district ordinance.

B. Time Limit For Review: Said commission shall have thirty (30) days from the date of receipt of the building permit application to review said application.

C. Planning Commission Determination:

1. If the planning commission determines that the activity proposed by said application is in compliance with the provisions of the applicable historic district ordinance and will not destroy or adversely affect any landmark, landmark site, historic district property or the overall character of the historic district, said commission may

approve, in writing, the issuance of the building permit.

2. If the planning commission determines that a landmark, landmark site, historic district property or the overall character of the historic district would be adversely affected by the proposed change, said commission may withhold its approval of the granting of the building permit.

3. If the planning commission refuses to approve issuance of the building permit, it shall transmit its reasons therefor, in writing, to the applicant, within seven (7) days of such decision. Said commission shall also request that the applicant meet with the commission to work out a mutually acceptable agreement to avoid the adverse effects, maintain historic, architectural, social or visual integrity, and achieve the applicant's objectives. If no plan of agreement can be reached by the planning commission and the applicant within six (6) months of the date of the planning commission's letter of permit refusal to the applicant, the city building official may issue the building permit, without approval. of the commission, if the applicant requests issuance of the permit.

D. Additional Procedures: The planning commission may incorporate additional administrative procedures or requirements in individual historic district ordinances, in order to supplement or complement the basic procedures outlined in this section. Whenever there is a conflict between these administrative procedures and those of the city's preservation review ordinance, the latter shall govern and take· precedence.

Section 10-14A-4. Special Requirements.

A. Ordinance Contents: Outline: Each historic district ordinance shall contain, as a minimum, material to fit the following outline:

1. Purpose;

2. Boundaries;

3. Special administrative provisions;

4. Historic district plan preparation;

5. Character of the area;

6. General design regulations;

7. Permitted uses;

8. Off street parking provisions;

9. Signs; and

10. Public facilities design and construction.

B. Accompanying Documents: Any building permit application or historic district proposal for which a rezoning request or requests must be made, or for which a waiver or variance of the adopted building code must be obtained, shall be accompanied by said rezoning request (in accordance with the provisions of this title) or a written request to the appropriate agency for said waiver or variance.

Article B. H-2 Central Business Historic (Overlay) District

Section 10-14B-1. Purpose.

The central business historic (overlay) zoning district is intended to protect, enhance and perpetuate an area of historical, ethnic, cultural, architectural, artistic and geographic significance located within the city. It is also intended to protect and enhance the city's economic base by promoting the further development of tourism in the community, to stabilize and improve property values, to foster civic pride by protecting the city's unique architectural and cultural heritage by regulating the unnecessary destruction and defacement of its structural assets, to preserve historic architectural design and integrity, and to ensure the harmonious, orderly and efficient growth and development of the city.

Section 10-14B-2. District Boundary Description.

A. Boundary: The boundaries of the H-2 central business historic district shall be described as follows: Beginning at a point where the centerline of West Third Street meets the North boundary line of the Chicago, Rock Island and Pacific railroad right away, then South to the intersection of the West Third Street Centerline with the center line of Broadway Avenue, then East to the centerline of West Second Street, then South to the centerline of Oklahoma Avenue, then East to the centerline of East Second Street, North to the centerline of the alley between East Main and East Broadway Avenue, West to the centerline of First Street, North to the East – West railroad right of way line, then West along the North boundary of the right of way line to the point of beginning.

B. Lots and Blocks: This area shall include those areas of the street or railroad rights of way described hereinabove, and include the following lots and/or blocks in the Original Townsite plat of the City of Anadarko, Oklahoma.

A seven-block district, including and bounded on the North by the Chicago, Rock Island and Pacific Railroad right away, on the East side by East Second Street, on the West by West Third Street, and on the South by Oklahoma Avenue (excluding the Caddo County Courthouse, Block 50; and all of Block 26 and Lots 1-16 of Block 37); including Blocks 27-28, 35, 36, and Lots 17-32 of Block 37, and Blocks 48-49, of the Original Anadarko Townsite plat, all within the limits of the herein described boundaries.

C. Zoning Map: The boundary of the area shall be shown on the official zoning district Maps of the city.

See Appendix B. Figure 10-14B-2-1.

Section 10-14B-3. Special Administrative Provisions.

A. Definitions:

1. APPROVAL: A certificate of appropriateness is granted and the project can proceed, as long as all other permits are obtained.

2. APPROVAL WITH MODIFICATIONS: The applicant has agreed to alter his proposal in accordance with the recommendations of the planning and preservation review commission; a certificate of appropriateness is granted and the project can proceed.

3. DENIAL: The planning and preservation review commission has found that the proposed project does not conform to the intent of this title and design guidelines. Any denial must be accompanied by a written statement from the planning and preservation review commission which documents the specific guidelines which have not been met.

4. SUSPENSION: The planning and preservation review commission lacks adequate information to review an application. Once that information has been requested and supplied, the review process can proceed, with proper notification. An application cannot be suspended for more than one hundred eighty (180) days.

B. Standards And Guidelines: The area within the central business historic (overlay) zoning district shall be subject to those requirements and regulations imposed herein. These standards and guidelines shall also be used in reviewing applications for certificates of appropriateness.

C. Certificate Of Appropriateness Required: Within the boundaries of the central business historic district, a certificate of appropriateness must be issued by the planning and preservation review commission prior to any alteration, new construction, demolition or change of use. A certificate of appropriateness is also required for alteration, construction or demolition of any sign within the district boundaries.

D. Exception: The ordinary maintenance and repair of any "structure", as defined in section 10-1-4 of this title, shall not require a certificate of appropriateness.

E. Application For Certificate Of Appropriateness: An application for a certificate of appropriateness shall be made to the planning and preservation review commission, in writing, on forms prescribed by the city and shall be accompanied by full plans and specifications for the proposed work. All complete applications shall be considered by the planning and preservation review commission at an open public meeting.

F. Notice Of Hearing: Written notice of all hearings shall be sent to the applicant and the owner(s) of the property, giving the time, date, place and subject of the hearing, not less than twenty (20) days prior to the hearing.

G. Commission Action: The planning and preservation review commission may approve, modify or disapprove the application in whole or in part, or suspend action on it for a period not to exceed one hundred eighty (180) days.

1. Approval: An application for a certificate of appropriateness shall be approved if the proposed work is consistent with the central business historic district's development standards and use guidelines and is compatible with the spirit and purposes of this article and the city's adopted comprehensive plan.

2. Denial: If the proposed alteration, new construction, demolition or change in use is not accepted, the planning and preservation review commission shall deny the application for the certificate of appropriateness.

H. Notify Applicant Of Decision: Notification of the planning and preservation review commission's decision shall be made in writing to the applicant or the property owner(s) within fifteen (15) days after the determination.

I. Maintenance Of Buildings:

1. All owners of buildings within the central business historic district shall be responsible for, and provide reasonable maintenance to, their building(s) to prevent decay and deterioration.

2. The planning and preservation review commission shall determine what buildings within the central business historic district require and need maintenance or repairs to further the purposes of this article. All decisions by the planning and preservation review commission that a building requires maintenance and repairs shall be made at a public hearing, and in determining whether the building requires and needs maintenance and repairs, the owner of such building shall be given twenty (20) days' written notice of the hearing.

3. If the planning and preservation review commission determines that a building within the central business historic district requires maintenance and/or repairs, the owner of said building shall provide and furnish the suggested maintenance and/or repairs within a reasonable time after notification of the planning and preservation review commission's decision.

4. If an owner fails to provide suggested maintenance and/or repairs, he/she shall be subject to the penalty provisions herein provided.

J. Demolition Permit:

1. Demolition of structures within the central business historic district is to be discouraged. A demolition permit can be approved by the planning and preservation review commission if:

i. The applicant can document that the structure does not contribute to the historic and architectural significance or integrity of the central business historic district; or

ii. The applicant can show through the written judgement of two (2) or more historic preservation professionals that the building is in poor condition and cannot be restored or rehabilitated; or

iii. The city building official has made a determination that the building is structurally unsafe for public occupancy or is a hazard

to the public and cannot be restored or rehabilitated.

2. Unless one of these cases can be adequately demonstrated by the applicant, the planning and preservation review commission shall deny the permit or request. The application shall not be reconsidered for one hundred eighty (180) days. After that time, the applicant can submit written documentation that there is no adequate alternative use and no market for the sale and subsequent reuse of the structure, and request another· review by the planning and preservation review commission.

K. Review Of Certificate Of Appropriateness: An application for a certificate of appropriateness must be filed for all exterior alterations within the central business historic district. Only routine maintenance of buildings, landscaping and sites is exempted. Once an application has been submitted, the city staff shall review it for completeness and accuracy. The application is then submitted to the planning and preservation review commission and the review proceeds as specified herein.

L. Dispute Decision; Appeal: Any person disputing the decision can appeal to the city council. The request for review by the city council must be made in writing within fifteen (15) days of the planning and preservation review commission's decision. Persons aggrieved by the city council's decision can appeal to a court of law.

M. City Intent And Purpose: It is important that applicants remember that this title is not meant to impede development, but to encourage preservation and enhancement of historic downtown Anadarko. Applications should be completed and presentations made with this in mind. It is the intent of the city that the review proceed efficiently, with minimum delays. Efficient reviews can be accomplished only if applicants submit complete and accurate applications and planning and preservation review commission members familiarize themselves with applications prior to each hearing.

N. Repairing Or Remodeling Buildings: Notwithstanding the provisions of this title, it shall be lawful within the central business historic district to repair, remodel or restore all historic or architecturally significant buildings or structures in the same manner and with the same kind or similar materials with which they were originally constructed, provided that such building or structure shall be kept safe and not hazardous to its occupants or the public. The city building official shall allow or direct such repairs, modifications and/or improvements as conditions permit, as are deemed necessary to preserve the architectural and historic character, and as are also needed to meet adequate life and safety standards.

Section 10-14B-4. Historic District Plan Preparation.

A. Style; Characteristics: The Anadarko central business district (CBD) is a cohesive example of the late 1890s and early 1900s turn of the century commercial architectural· style, with numerous features representing the influence of the Italianate style. The city's original townsite is platted in the grid pattern, with twenty five foot (25') lots predominating. This layout reflected the basic state of the art in CBD development: use of corner orientations at major intersections, good relationships with transportation networks, and strong relationships among buildings on a block. The typical commercial building is characterized by a rectangular plan, two (2) or more stories, brick, stone or wood construction, flat roofs frequently hidden by a false front parapet of brick, and ornamental treatment (including pressed metal cornices, window hoods, brackets and panelled friezeboards).

B. Similarities: Although other buildings with later construction dates are scattered among the original CBD commercial structures, most are similar in scale and detail.

C. Downtown Versus Outlying Shopping Centers: For the past forty (40) years central business districts have faced many problems. The extensive use of the automobile after World War II forced downtown to change considerably. Main streets became busy and congested with traffic, and, as a result, highways were diverted from the downtown. Building facades were modernized and gaps were left in the fabric of the commercial street. Downtowns began to degenerate and age, altered by the economic and social conditions of our time. Main streets no longer served as the main shopping district, the original purpose, and were left in this deteriorating state to compete with the outlying shopping centers that developed along the bypass highways.

D. Exterior Design Of Buildings: The buildings in downtown Anadarko have served the commercial area well for the past eighty (80) years. Building interiors have been changed to meet the needs of the building owners, while exteriors of many buildings have remained faithful to the original design; the only major changes have occurred in the first floor storefronts. The detail, rhythm and similar materials used in these buildings form a pattern that continues to provide a unifying element to the downtown. This pattern, revealed through the warm red brick, the similar design and the regular spacing of doors and windows, is the same pattern that should form the basis for restoring and rehabilitating the downtown.

E. Restoration Approach: The restoration approach to CBD redevelopment is tailored to meet the demands of current needs and budgets. Preservation and reuse are excellent alternatives to new construction and high interest costs. Buildings in Oklahoma are just now coming of age; Anadarko, with its excellent turn of the century central business district, still has a cultural and economic resource to utilize in its revitalization efforts. The downtown has always been an important source of commerce, and the recognition of the importance of the historic buildings in the downtown provides a positive direction for a thriving, long term economic recovery.

Section 10-14B-5. Character of the District.

A. Facade: The traditional facade in downtown Anadarko was built in a variety of styles and variations, yet it has remained essentially the same. There are approximately three (3) blocks, lining two (2) streets, that are primarily made up of these two-story, brick,

commercial buildings. These buildings bring unity to the downtown. From their ornamental cornices and moldings to the spacing and size of the ground floor doors and windows, these buildings compose an organized mass. Each original building relates well to its neighbor and works to give downtown Anadarko its own distinctive character.

B. Upper Face And Storefront: The majority of these early commercial structures were two-story with two (2) distinct parts:

See Appendix B. Figure 10-14B-5-1.

1. The upper face is usually a flat masonry wall, with regularly spaced windows. Decorative masonry and a cornice are usually a part of the upper face.

2. The storefront, in contrast to the upper face, is a large display window. The regularly spaced twenty five foot (25') fronts were built as entrances and display space for the retail businesses that line the Anadarko downtown. The storefront was framed by masonry support walls on each side and an iron beam, called a lintel, dividing the two(2) parts. The size of the storefront helps add human scale to the downtown by defining a pedestrian zone.

C. Architectural Styles:

1. The predominant architectural style in downtown Anadarko is the Italianate. This style was characterized by bracketed cornices, distinctive hooded windows and elaborate cast iron fronts.

2. While the Italianate style is typical of many buildings, the Queen Anne style is also strongly evident in downtown Anadarko. This popular style is characterized by an all brick facade and cornice, ornamented by panel brick patterning. The ornamentation of the Queen Anne style forms an integral part of the facade wall, rather than being applied to the cornices and storefronts.

3. During the early 1900s, the Romanesque revival style, typified by heavy "rusticated" or rough textured masonry employing large pieces of stone, and by bold, arched openings, was also featured in Anadarko's commercial architecture.

4. After 1910, a variety of other styles began to appear. The Anadarko Railroad Depot is built in the semimission style. A later example of the modern style is the post office. The Redskin and Miller Theater marquee designs were added to the buildings, and are interesting examples of the modern style. While most of the altered buildings fit into the early theme, it is the additions of the past twenty (20) years to the original buildings that have altered the appearance of the downtown and weakened the cohesion that originally existed.

See Appendix B. Figure 10-14B-5-2.

Section 10-14B-6. General Design Guidelines.

A. Definitions:

1. REHABILITATION: As defined by the secretary of the interior, is "the act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural and cultural values".

2. RESTORATION: As defined by the secretary of the interior, is "the act or process of accurately recovering the form and details of a property and its setting, as it appeared at a particular period of time, by means of the removal of later work or by the replacement of missing earlier work".

B. Storefronts: If storefronts have been changed, the "standards for rehabilitation" from the secretary of the interior recommend either:

1. developing a new storefront of contemporary design that is compatible with the surrounding architecture; or

2. basing the new storefront on historical photographs or other evidence of the original features. The design of the new storefront should be compatible with the original building and of the same period as the original building.

C. Contemporary Design: In some instances, it may be impossible to obtain evidence of the original structure. When this situation occurs, a contemporary design that is compatible. with the original commercial architecture is allowed, if designed using the secretary of the interior's guidelines.

D. Secretary Of The Interior's Standards For Rehabilitation:

1. Standard #1: Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. Standard #2: The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. Standard #3: All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Standard #4: Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Standard #5: Distinctive stylistic features or examples of skilled craftsmanship which

characterize a building, structure or site shall be treated with sensitivity.

6. Standard #6: Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. Standard #7: The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Standard #8: Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

9. Standard #9: Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

10. Standard #10: Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions o-r alterations were to be removed in-the future, the essential form and integrity of the structure would be unimpaired.

E. Criteria, Policies And Procedures: As a general rule, review criteria, procedural policies, and consequences of decisions will extend beyond the tenure of any planning and preservation review commission members. It is most essential that policies be based on what is important to the long term protection, preservation and enhancement of the central business historic district. Highest priority should go to the preservation and restoration of significant structures (historically and architecturally) and sit s that express the unique characteristics of the particular periods in which they were built.

F. Decision Making Criteria: The planning and preservation review commission shall utilize the following and other criteria in this title in reaching decisions on proposals presented for review. These criteria permit the use of modern fabrics. They do not encourage invitation or fake facades, but do encourage the designers of new buildings or alterations to existing structures -to consider. the relationship of the proposal to that of the total character of the district.

1. Height: As a general rule, new buildings or modifications to existing ones should be to a height within ten percent (10%) of the average height of existing adjacent buildings.

2. Proportion Of Buildings' Front Facades: Consideration shall be given to the relationship between the width to height of the front elevation of the building.

3. Proportion Of Openings Within Facility: Consideration shall be given to the relationship- of width to height of windows and doors.

See Appendix B. Figure 10-14B-6-1.

4. Rhythm Of Solids To Voids In Front F cades: Consideration shall be given to an ordered recurrent alternation of strong-weak architectural elements, so as to ensure appropriate rhythm of mass of openings.

5. Rhythm Of Spacing Of Buildings On Streets: Consideration shall be given to a rhythm of recurrent building masses to spaces between buildings or structures.

6. Rhythm Of Entrance And/Or Porch Projections: Consideration shall be given to entrances to sidewalks so as to provide a rhythm of entrances or porch or other projection at an intimate scale.

7. Relationship Of Materials: Consideration shall be given to the predominant material utilized, such as brick, stone, stucco or wood siding on other adjacent structures.

8. Relationship Of Textures: Consideration shall be given to the predominant textures which may be smooth (such as smooth stucco) or rough (such as brick with tooled joints or horizontal wood siding or other textures).

9. Relationship Of Color: Consideration shall be given to a predominant color that may be of a natural material or a patina colored by time, insofar as the mass and details (such as trim) are concerned.

10. Relationship . Of Architectural Details: Consideration shall be given to architectural details and their relationship to the structure in question, as well as those adjacent.

11. Relationship Of Roof Shapes: Buildings in the central business historic district shall have compatible roof shapes.

12. Walls Of Continuity: Consideration shall be given to vertical physical ingredients such as brick walls, fences, landscape masses, building facades, or combinations of these so that continuous, cohesive walls of enclosure are provided along the street.

13. Relationship Of Landscaping: Consideration shall be given to the predominance of a quality and quantity of landscaping; emphasis shall be with the amounts and continuity of landscaping.

14. Ground Cover: Consideration shall be given so that there will be a predominance in the use of brick pavers, cobblestones, granite blocks or other compatible materials.

15. Scale: Consideration shall be given to scale so that the size of units of construction and architectural detail relate to the size of man. Consideration shall also be given to building mass and how it relates to open space. The predominant elements of scale may be brick or stone units, windows or door openings, porches and balconies, etc.

16. Directional Expression Of Front Elevation: Consideration shall be given to structural shape, placing of openings and architectural detail that may provide a predominantly vertical, horizontal or nondirectional character to the buildings' front facades.

Section 10-14B-7. Permitted Uses; Off Street Parking.

Permitted Principal Uses and Structures	Minimum Required Off Street Parking
Any use permitted in the underlying zoning district	Minimum parking requirements shall be the same as are required by the underlying zoning district
Improvements, alterations and additions to existing structures; provided, that they meet all of the applicable conditions established herein	Same as above

Section 10-14B-8. Permitted Accessory Uses and Structures.

Subject to the provisions of this title and other municipal ordinances, the following accessory uses and structures are permitted in the H-2 central business historic district; provided, that all applicable standards are met: Uses and structures clearly incidental and necessary to the permitted principal uses and structures in this district and the underlying zoning district subject to the following limitations:

A. Limitations on Use: No lot located in the Downtown Historic District shall be used for storage of any kind unless it contains a structure where the material or items being stored cannot be seen from the curb of the street or shall be properly stored behind a fence approved by code enforcement. No storage units or portable buildings of any kind shall be permitted. No lot shall be used to store any type of motorized vehicle for a period longer than (48) hours. Downtown businesses may have outside sales on empty lots or parking areas on private property under the following restrictions:

1. Obtain a permit from City Hall.

2. Cannot exceed three consecutive days.

3. Limited to only twice in a thirty day period.

Section 10-14B-9. Signage.

The planning and preservation review commission shall consider signs within the central business historic district in the same manner as other requests for certificates of appropriateness, utilizing the procedures for such requests. The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs in the central business historic district shall be subject to the following review considerations:

A. Size, Shape And Lettering: Signs shall be pedestrian oriented in size and shape. Lettering and symbols should be simple and bold.

B. Area: The area of all signs on a building shall not exceed an area of two (2} square feet for each foot f street frontage occupied by the building, and shall in no event exceed a total of one hundred (100) square feet on each street frontage.

C. Roof Signs: Roof mounted signs shall be discouraged.

D. Projecting Signs: A sign shall not project perpendicularly beyond the property line more than six feet (6'). Projecting signs for each establishment should be limited to one, eighteen (18) square foot, double sided sign on each street frontage occupied by the establishment. Faces of double sided signs should be parallel.

E. Placement: The tops of all signs should be placed entirely below the level of the lowest cornice or strong horizontal element located above the ground story of the building, but in no event higher than three feet (3') above the top of the ceiling level of the ground story, with the exception of simple black or gold letters which -may be applied to windows above the first floor. Lettering should be contemporary to the period in which the building or structure was built, represent good graphic design, and reflect the historic image of the central business historic district.

F. Flashing Or Animated Signs: Nothing herein shall prohibit flashing, moving or animated signs; provided, that all provisions and conditions stated herein are met. Plastic, backlit signs shall not be allowed.

G. Commercial Graphics: Preservation of commercial graphics painted on the sides of certain buildings shall be encouraged.

H. Historic Signs: All requests for signs not conforming to the provisions hereinabove shall be accompanied by documentary evidence that signs of such size and advertising such a business were in use in the area prior to 1930. Historical signs should conform in size, shape, design, material, coloring, lighting and location to the pre- 1930 period. Documentary evidence must be approved by the planning and preservation review commission.

I. Nonconforming Signs:

1. Signs in existence on the effective date of this title which do not conform to the provisions of the central business historic district, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs and treated in accordance with chapter 6 of this title. In the event signs become nonconforming by amendments to the sign regulations of the central business historic district, they shall be treated in

a similar manner, beginning with the date they become nonconforming.

2. Nonconforming signs and/or parts thereof, including sign supports, may be declared public nuisances and abated as prescribed by title 4, chapter 3 of this code.

Section 10-14B-10. Public Facilities Design and Construction.

A. Streetscapes: The streetscape of the central business historic district can be developed by using similar and compatible landscaping, street furniture, signage and architecture. At each point or intersection where a new zoning district begins, there should be an easy flow or transition from one zoning district to the next.

B. Street Lamps: In the central business historic district, standard period lamps and compatible street furniture are ways to tie the district together. Street lamps shall match those shown in historic photographic documentation as closely as possible.

C. Sidewalks And Curbs: Sidewalks and curbs should be kept in good condition to allow pedestrians easy and safe access to each store. Corners should be well kept, with handicapped ramps and well marked crossings.

D. Landscaping: Landscaping in the downtown will provide a fresh appearance to the streetscape. Trees and planters are a useful addition, with trees providing a canopy of shade for pedestrians, as well as a windbreak and dust filter to improve outside weather conditions.

E. Signage: Public signage is also important in the streetscape. Streets and the location of public facilities should be well marked and the type of sign and lettering compatible with downtown design patterns.

F. Compliance With Regulations: All open spaces, streets, sidewalks, street furniture, street signs, lighting installations and any other structure or monuments, shall conform to the overall purpose of the central business historic district, and shall meet all applicable provisions, conditions and standards established herein.

Section 10-14B-11. Façade and Building Restoration.

The following specific design· guidelines shall be used in the review processes established in the central business historic district for building or facade restorations:

A. Upper Story Windows: Upper story windows create a repeated pattern that helps tie facades together and must be addressed during restoration work; this effect is severely negated when building owners and merchants allow these windows to fall into disrepair.

B. Window Maintenance: Existing windows should be checked thoroughly for serious problems, replacement needs, and simple maintenance solutions. It is normally possible to replace most parts of the window with materials that are identical. Wooden replacement windows are easy to buy or have made, and many parts are also available if they need to be replaced. Wooden windows should be retained, with a clear glass. Dark glass and aluminum do not blend well with historic projects and are not acceptable for restoration that involves tax credits for buildings on the national register of historic places. The most important concern with windows is the necessity to retain their original appearance. With careful attention to weatherstripping and regular maintenance, wooden windows can be energy efficient. If the second floor is used, the building owner may want to consider a storm window that is placed on the inside of the window or integrated use of thermopane glass. This allows the original appearance of the window to be retained. The opening for the window should not be changed. Single sash windows should not be considered for openings where double-hung windows were intended.

C. Upper Faces And Storefronts: The appearance of the upper face and storefront, and their connection to the surrounding buildings is the key to the overall design of the central business historic district. The majority of Anadarko's downtown stores have second floors that are identical to their original design. Although many are in need of repair, simple inexpensive changes will transform these second floors into a positive force in the downtown.

D. Doors: The facade of the building is a large part of the store's image. The original facade was designed to reflect its commercial appearance. The traditional facade looked substantial, yet inviting to the customers. The front door should be special and should be compatible with the design of the facade. If the storefront is to retain its original character, a wooden door with a glass panel should be considered, unless photographic documentation suggests otherwise. It is always possible to salvage old doors or use new doors of the same design. Whatever type of door is chosen, the owner needs to make a careful choice based on the total design of the storefront, historic photographs and any original remaining materials. If there are secondary entrances, these doors should also be carefully considered and made a part of the total design scheme.

E. Storefront Design: There are three (3) approaches to storefront design that are appropriate to the central business historic district:

1. Work with the existing storefront to help it fit into the general design scheme. Major changes may have occurred and it may not be financially possible for the owner to make immediate corrections. The color of the building, the type of signage and the condition of the building should be considered first. General maintenance may improve the building temporarily; if possible, building owners should paint existing metal trim on windows to blend into the color scheme of the building.

2. If the owner wants to reconstruct his storefront and historical photographs are available, they shall be used to achieve a design identical to the original.

3. If the owner wants to reconstruct his storefront and no historical photographs are available,

design may be based on surrounding buildings and basic principles of compatibility.

F. Historical Decoration: The detailing of commercial downtown buildings was often elaborate and intricate. Today, however, a great deal of this exists only on the upper story of the downtown buildings. Much of Anadarko's visual character rests .in its architectural detailing; as an art that has become almost extinct, every precaution shall be taken to preserve such details on downtown buildings.

G. Cast Iron And Sheet Metal:

1. Metal decoration is found on- some of Anadarko's buildings built before 191O, applied as an addition to masonry buildings. Cornices, window trim and sometimes entire facades were embellished by intricate metal decorative elements, and should be preserved.

2. Signs of obvious deterioration should be noted, such as corrosion, tears, holes and missing pieces. The. more subtle signs are surface discoloration and indications of rust; these are hints of deterioration within. Metal work should be carefully inspected to ensure that the supports are still in good condition.

H. Wood:

1. Wood was also used for detailing buildings. Although not as common, it is found on some buildings in downtown Anadarko, and should be carefully treated and preserved.

2. Regular maintenance can prevent wood from deteriorating. If wood has deteriorated, it should be repaired or replaced, painted and a regular maintenance program developed. Minor problems can be taken care of by filling and caulking holes, priming and painting.

I. Decorative Glass:

1. Beveled, leaded and stained glasses were used in many ways on historic buildings; it was most common in clerestory windows, and should be preserved.

2. Glass in clerestory windows has frequently been covered up. Carefully remove plywood or other materials that have been used to cover old windows, and check for the original glass. If stained glass is involved, it may be necessary to contact a craftsman familiar with the material.

J. Tile:

1. Clay tile was also used on many downtown Anadarko's buildings for decoration. Although this material was used at a later date, it is unique and an important detail to preserve in the downtown.

2. Missing tiles should be replaced with tiles that are as close in appearance as possible to the original.

K. Masonry Problems And Cleaning:

1. Tuckpointing of the brickwork (replacing of old mortar with new mortar) should be considered with most older buildings. Mortar analysis, to allow development of replacement mortar which most closely resembles the original, will be required by the planning and preservation review commission, unless an exception is granted. New mortar shall duplicate the old, in tint and/or color, texture, sand type, lime content and joint type.

2. Decorative masonry includes both brick and stonework in downtown Anadarko, and should be carefully treated and preserved.

3. Mortar in the joints of -brickwork deteriorates and it is sometimes necessary to have the building tuckpointed. This is necessary to protect moisture from seeping in between the bricks and reaching the interior of the building. If the building has been painted, the owner may want to remove the paint. Sandblasting shall not be used. (A harsh method such as sandblasting damages the surface of the brick and can cause other problems, such as scaling.) Soap and water, along with mild chemicals, are recommended. Bristle brushes, not metal brushes should be used, to prevent disturbing the mortar or damaging the masonry. Although there are new methods using different types of particles to clean buildings, abrasive blasting shall not be considered when restoring n historic building.

4. A building should be cleaned to improve the appearance, determine if the dirt present is causing harm to the structure, and to determine if the building has previously been painted. The type of construction and brick or stone used must be considered before attempting to clean a structure. Careful study of the building, to determine what type of dirt has caused discoloration and if any repairs are necessary before cleaning, is an important prerequisite for selecting a cleaning method. There are three (3) major types of cleaning: water, chemical and mechanical (abrasive). Water methods soften the dirt and rinse the deposits from the surface. Chemicals react with the dirt and speed the cleaning process, while water is used to rinse the chemicals and dirt off the surface. Mechanical methods include sandblasting, grinders and sanding discs, removing the dirt by abrasion, followed by a water rinse. Each method should be carefully reviewed. Sandblasting or similar methods may not be used because of the sensitive nature of older stone and brick. These methods abrade the surface and erosion will take place. Mortar joints and brick faces are particularly affected, and abrasive cleaning may allow water to penetrate the shell of the building.

5. There are several types of water cleaning: low pressure over an extended period, moderate to high pressure, and steam. Bristle brushes are sometimes used to supplement the water wash. The type of brick and mortar should be examined for its hardness or softness before any cleaning is permitted. Although water cleaning is the simplest, safest and least expensive, it should be

tested on a small area to find out if that particular method will suffice.. If a water treatment works well and it is determined that no damage will occur, it should be the first method considered when cleaning historic buildings.

6. Chemical cleaning is usually not recommended for historic buildings, but there are new products on the market that are considered safe for some projects. Any chemical used should be tested on a small area to evaluate its effect on the material before its use on the entire project.

7. All water and all joints to be repaired shall be removed by hand raking the joints; use of mechanical grinders shall not be allowed..

L. Painting: One of the simplest and most dramatic changes that can be made is a new paint job on the building. An owner or designer should take the following into consideration to ensure a successful job:

1. Determine what is necessary to prepare the building for paint. Check the wood to see if it is in good repair. Replace all wood that has deteriorated. If the brick is painted, should it be repainted or should the paint be removed? Does the brick need to be repainted? (This should all be done before the building is painted.)

2. Develop a painting schedule. Good weather is necessary for exterior paint jobs, and some interior work may require special (e.g., nonhumid) conditions.

3. Check all windows. Replace and repair wood and glass. Replace damaged or missing putty.

4. Prepare the surface. All loose paint should be removed and edges of remaining paint should be sanded smooth. The wood surface should not be damaged.

5. Use the correct type of paint for the surface. Brick, wood and metal surfaces all require different types of paint to ensure a permanent bond.

6. Quality paint will last longer than cheaper paint.

M. Colors: The following guidelines should be used for choosing colors on buildings in the central business historic district:

1. The color chosen must be compatible with adjacent buildings. All the buildings need to work together.

2. Paint a small, sample patch test area. The color chip will look different on the building in the sunshine or on cloudy days.

3. If the building is to be returned to its original color scheme, it will be necessary to scrape a small area through the layers of newer paint to discover the original color.

4. Different color schemes were used during different periods. During the early 1900s, lighter earth tones were common. White was not as widely used during the Victorian period as it is today. Buildings were frequently painted in a decorative manner, with several colors used on the trim.

5. Aluminum frames that have replaced the traditional wooden frames should be compatibly painted if they are temporarily left.

N. Miscellaneous: Historic details and related problems should be handled with care. Maintenance is the first priority, repairing or replacing lost or damaged details if necessary. Care should be taken not to add detailing that is not authentic to the period in which the district's buildings were constructed.

Section 10-14B-12. Infill Construction.

The following specific design guidelines shall be used in the review processes established in the central business historic district, for new infill construction:

A. Infill Construction: The construction of new buildings on vacant lots in the central business historic district should be encouraged to fill in the "holes" created by demolition and fire . This is a special problem in an historic district because, although most professionals agree that an infill building should look new, new construction should be sensitive to the historical character that has already been established. A new building should not copy the surrounding historic buildings but should be influenced in its design by the surrounding architecture. The following ideas govern the visual relationships between an infill building and its neighbors.

See Appendix B. Figure 10-14B-12-1.

B. Context: When new construction is being considered, the architect/ builder should understand the context for new buildings or building additions for the historic district. ("Context" refers to the overall appearance and general form of the surrounding structures.) The Anadarko central business historic district is typical of the traditional turn of the century, two-story, storefront design. The architect/ builder should respect the existing architecture and design of buildings that already fit well with their neighbors. The height, details, setbacks, lot width, window shape and position, door placement, general rhythm and predominant materials should be considered when designing an infill structure.

C. Composition: There should be a clear distinction between the first and second floors. A similar rhythm with respect to neighboring buildings, window placement, the height of existing clerestories, first floor display windows, door size and placement, should be followed with new construction. There is an existing rhythm in Anadarko's downtown commercial structures which should be maintained with new construction.

D. Materials And Color: An infill building should be composed of materials which complement the adjacent buildings. Warm red and buff brick dominates the Anadarko downtown and similar brick should be used in new construction. A new building should not stand out, but blend with the block. The

basis for color selection should be the total color scheme that fits with the downtown. In the central business historic district, bright colors may not always be appropriate; earth tones are preferred for most large areas.

E. Height And Width: Anadarko's downtown buildings are usually similar in height. A new facade should be closely related to the neighboring buildings. Usually, the width of the site in a downtown is predetermined by the original lot size. The width of a new building should continue to maintain the established rhythm of the block. If the lot is larger than twenty five feet (25'), the mass of the facade should be broken into smaller bays of similar size with respect to the existing buildings.

See Appendix B. Figure 10-14B-12-2.

F. Setback: The setback should be consistent with the neighboring structures.

See Appendix B. Figure 10-14B-12-3.

G. Roof Forms: The type of roof should be similar to adjacent buildings. In Anadarko, the majority of roofs are flat, and new designs should be in keeping with the traditional commercial structures.

See Appendix B. Figure 1014-B-12-4.

Article C. H-3 Randlett Park Historic District

Section 10-14C-1. Ordinance Adopted by Reference.

A. Adoption: The document entitled the "H-3 Randlett Park Historic District Ordinance for the City of Anadarko, Oklahoma", prepared by the association of south central Oklahoma governments (ASCOG), is hereby adopted by reference, pursuant to ordinance 1010. All of the provisions included in said document shall be in full force and effect from and after the effective date hereof.

B. Copy On File: At least one copy of such ordinance shall be and remain on file in the office of the city clerk for public use, inspection and examination.

C. Penalty: Any person, firm or corporation who violates any provision of the ordinance adopted by reference herein shall, upon conviction, be punished by a fine not exceeding two hundred dollars ($200.00). Each day said ordinance is violated may be considered a separate offense.

TITLE 11 – SUBDIVISION REGULATIONS

Chapter 1. Authority; Purpose; Definitions

Section 11-1-1. Citation and Authority.

A. Title: This title shall hereafter be known, cited and referred to as the SUBDIVISION REGULATIONS OF THE CITY OF ANADARKO, OKLAHOMA.

B. Statute Authority: The following regulations governing the subdivision and development of land within the jurisdictional area of the Anadarko municipal planning commission have been prepared, adopted and enacted (by ordinance number 937 effective May 7, 1986) in accordance with, and pursuant to the authority granted by 11 Oklahoma Statutes sections 45-104, 46-103 and 46-104, and subsequent amendments thereto.

Section 11-1-2. Purpose.

These regulations are designed, intended, adopted and should be administered for, the following purposes:

A. To protect and provide for the health, safety and general welfare of present and future residents of the city.

B. To guide the future growth and development of the community, in accordance with the implementation of the comprehensive plan for the city.

C. To ensure the provision of adequate light, air, privacy and fire and flood protection for residents of the city.

D. To prevent overcrowding of the land and undue congestion of population.

E. To prevent the development of slums and blight.

F. To encourage orderly and beneficial development of all parts of the community.

G. To protect and conserve the value of land throughout the community, as well as the value of buildings and improvements upon the land.

H. To minimize conflicts among the uses of land and buildings.

I. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, schools and other public requirements and facilities.

J. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community through proper location, width, design and construction of streets and other trafficways.

K. To establish reasonable standards of design and procedures for subdivisions, resubdivisions, lot line adjustments, and lot splits, in order to further the orderly layout and use of land.

L. To establish adequate, accurate and accessible public records and monumenting of subdivided land.

M. To equitably distribute the costs involved in land subdivision.

N. To prevent the pollution of air and water.

O. To safeguard the area's water table.

P. To encourage the wise use and management of natural resources in order to preserve the integrity, ecological stability and the beauty of the community, as well as the value of the land.

Q. To provide for open spaces through efficient design and layout.

R. To assure the adequacy of drainage facilities.

S. To minimize flood losses resulting from periodic inundation through:

1. Restriction or prohibition of subdivision of lands for uses which are dangerous to health, safety or property in times of flood, or which, with reasonably anticipated improvements, will cause excessive increases in flood heights or velocities;

2. Requirements that each subdivision lot in an area vulnerable to flooding be provided with a safe building site, with adequate access and that public utilities and facilities which serve such uses be installed with protection against flood damage at the time of installation; and

3. Protection of individuals from purchase of lands unsuitable for intended purposes because of flood hazards, through the prohibition of unprotected flood hazard lands subdivision, requirements for delineated flood hazard areas on the final plat, and suitable uses provided for areas unsuitable for residential development.

Section 11-1-3. Jurisdiction.

This title shall govern the subdivision of land (as established by section 11-2-2 of this title) within the jurisdictional area of the municipal planning commission of the city.

Section 11-1-4. Statement of Policy.

A. It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the city pursuant to the city's comprehensive plan for the orderly, planned, efficient and economical development of the city.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until available public facilities and improvements are assured or exist and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreation facilities, transportation facilities and related improvements.

C. Existing and proposed public improvements shall conform to, and be properly related to, the proposals

shown in the Anadarko comprehensive plan and capital improvements program, and it is intended that this title shall supplement and facilitate the enforcement of the provisions and standards contained in the city's building and housing codes, zoning ordinance, city code, comprehensive plan and capital improvements program.

Section 11-1-5. Interpretation.

In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

Section 11-1-6. Definitions.

For the purpose of this title, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as hereinafter set forth. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in this title"; the word "title" means "these subdivision regulations"; a "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

A. AIR RIGHTS: The rights to a space above a property, for development.

B. AIR SPACE: The space above the land which might be subject to .division and sale either with, or separate from, the surface.

C. ALLEY: A minor right of way, dedicated to public use, from which a secondary means of access to the back or side of properties otherwise abutting a street is obtained, and which may be used for public utility purposes.

D. BLOCK: A parcel of land, intended to be used for development purposes, which is entirely surrounded by public streets, highways, railroad rights of way, public walks, parks,· rural lands, drainage channels or boundary lines of municipalities.

E. BOND: Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in an amount and form satisfactory to the Anadarko, Oklahoma, city council. All bonds shall be approved by said city council whenever a bond is required by these regulations.

F. BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattel or moveable property of any kind (including any structure).

G. BUILDING CODE: A collection of regulations, adopted by the Anadarko, Oklahoma, city council, setting forth standards for the construction of buildings and other structures, for the purpose of protecting the health, safety and welfare of the public.

H. BUILDING OR SETBACK LINE: A line or lines within a lot designating the area outside of which buildings may not be erected.

I. BUILDING PERMIT: A permit required before construction can be initiated. Building permit provisions are contained in the city code of the city of Anadarko, Oklahoma.

J. CHANNEL: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

K. CITY: The city of Anadarko, Oklahoma.

L. CITY CODE: The officially adopted city code of the city of Anadarko, Oklahoma.

M. CITY COUNCIL: The city council (the official governing body) of the city of Anadarko, Oklahoma.

N. CLUSTER DEVELOPMENT: A development pattern in which densities and/or uses are "clustered" rather than spread evenly throughout a parcel as in conventional lot by lot development. (Cluster development is used to preserve open space, create workable land use mixtures and save money by building fewer streets and shorter utility lines.)

O. COMPREHENSIVE OR COMMUNITY PLAN: The officially adopted comprehensive plan or plans for the city of Anadarko, Oklahoma, which provide(s) long range development policies for the area subject to urbanization in the foreseeable future.

P. CONSTRUCTION PLANS: Maps or drawings accompanying a subdivision plat, showing the specific location and design of required subdivision improvements.

Q. DEDICATION: The transfer of property from private to public ownership.

R. DEDICATION, FEE IN LIEU OF: Payments of cash, authorized and provided for in the adopted· subdivision regulations, when requirements for mandatory dedication of land cannot be met because of site conditions or other reasons.

S. DENSITY: The average number of families, persons or housing units per acre of land.

T. DRAINAGE: Any depression below the surrounding land, serving to give direction to a regular or periodic current of water.

U. EASEMENT: A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

V. EROSION: The general process whereby soils are removed or moved by flowing surface or subsurface water.

W. FLOOD HAZARD AREA: The maximum area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has one percent chance of being flooded in any given year).

X. FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas adjacent to stream channels, resulting

from the overflow of such streams, rivers or other inland waterways.

Y. FLOODPLAIN: The areas adjoining a river, stream or other body of water which have been or may be hereafter covered by floodwater.

Z. FLOODPLAIN MANAGEMENT PROGRAM: The full range of codes, ordinances and other regulations, projects and programs relating to the use of land and construction within the limits of the floodplain. The term encompasses the city's zoning ordinance, subdivision regulations and sanitary and building codes.

AA. FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but not the ordinary side of a corner lot.

BB. GRADE: The slope of a road, street or other public way, specified in percentage terms.

CC. IMPROVEMENTS: Street pavements, curbs, pedestrianways, water mains, sanitary and storm sewers, monuments, trees and other appropriate items for which the city of Anadarko, Oklahoma, may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which municipal responsibility is established. All such improvements shall be properly bonded, in accordance with the provisions of this title.

DD. INTENSITY: The degree to which land is used (often used synonymously with "density").

EE. LOT: A parcel of land, intended as a unit for the transfer of ownership or for development, of at least sufficient size to· meet minimum zoning ordinance requirements for use, coverage and area, and to provide such yards and other open spaces as are required. Such lot shall abut a public street or a private street (if said private street conforms to statutory standards), and may consist of:

1. single lot of record;

2. A portion of a lot of record;

3. A combination of complete lots of record, of complete lots of record and portions of lots of record; or

4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any lot or parcel be created which does not meet the requirements of this title or the city's adopted zoning ordinance.

FF. LOT AREA: The total horizontal area included within lot lines.

GG. LOT, CORNER: A lot located at the intersection of, and abutting on, two (2) or more streets.

HH. LOT DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

II. LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and has nonintersecting frontage on two (2) or more streets.

JJ. LOT FRONTAGE: That dimension of a lot, or portion of a lot, abutting on a street, except the side dimension of a corner lot.

KK. LOT, INTERIOR: A lot other than a corner lot.

LL. LOT LINE ADJUSTMENT: A relocation of the lot line(s) included in a plat which· is filed of record, for the purpose of making necessary adjustments to building sites.

MM. LOT LINES: The lines bounding a "lot", as defined herein.

NN. LOT, MOBILE HOME: A parcel or tract of land for the placement of a single mobile home and for the exclusive use of its occupants.

OO. LOT OF RECORD: A separate and distinct parcel of land, designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of the Caddo County courthouse.

PP. LOT,REVERSE FRONTAGE: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of access provided on a minor street.

QQ. LOT SPLIT: Any division of land into three (3) or fewer parcels for the purpose, whether immediate or future, of transfer of ownership, and which constitutes a "subdivision", as herein defined.

RR. LOT, TOWNHOUSE: A lot shown on a townhouse plat and intended as the site of a single, attached dwelling unit.

SS. MANUFACTURED HOUSING: 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 large multisection unit, with a minimum width of twenty feet (20');

   ii. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the city'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 neighbor- hood;

vii. Have a 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 legitimate front and rear doors; and

x. Have a minimum eave width of six inches (6").

2. Type II manufactured housing shall:

i. Have more than seven hundred twenty (720) square feet of occupied space in a single, double, expando or multisection 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 city'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 municipal codes and the manufacturer's specifications;

vi. Have siding material of a type customarily used on site built residences in the neighbor- hood;

vii. Have roofing material of a type customarily used on site built residences in the neighbor- hood;

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 legitimate front and rear doors; and

x. Have a minimum eave width of six inches (6").

3. Type III manufactured housing shall:

i. Have more than four hundred {400) square feet of occupied space, in a single, double, expando or multisection 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 city's appropriate, adopted code; and

v. Have utilities connected, in accordance with appropriate municipal requirements and the manufacturer's specifications.

TT. METES AND BOUNDS: A system of describing and identifying land, by measures (metes) and direction (bounds), from an identifiable point of reference.

UU. MOBILE HOME: 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.

VV. MOBILE HOME PARK: Land or property which is used, or intended to be used, or rented for occupancy by two (2) or more mobile homes, trailers or moveable sleeping quarters of any kind.

WW. MOBILE HOME SUBDIVISION: See definition of Subdivision.

XX. MODULAR HOME: A factory fabricated, transportable building unit, not built on 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 include prefabricated subelements incorporated into a structure at the site. All of the following conditions must be certified (in writing) by the manufacturer of the "modular home":

1. The structure is designed only for erection on a site built, permanent foundation;

2. The structure is not designed to be moved once erected or installed on a site built, permanent foundation;

3. The structure is designed and manufactured to comply with the city's adopted building code; and

4. The structure is not designed, to the manufacturer's knowledge, to be used other than on a site built, permanent foundation.

YY. MONUMENT OR MARKER: A subdivision improvement, designed to provide permanent survey reference points within a subdivision, which may be of one of three (3) types:

1. Type A: A r:aoncorrosive metal plate set in portland cement or asphaltic concrete;

2. Type 8: Iron bar or pipe set in concrete; or

3. Type C: Iron bar set n unexcavated soil.

ZZ. 100-YEAR FLOOD: A flood of a frequency expected to occur on the average of once every one hundred (100) years or a flood magnitude which has a one percent (1%) chance of occurring in any given year.

AAA. PARCEL: A lot or contiguous group of lots, in single· ownership or under single control, and usually considered as a single tract for purposes of development.

BBB. PEDESTRIANWAY: A right of way dedicated to public use to facilitate pedestrian access to streets and properties.

CCC. PLANNED UNIT DEVELOPMENT: A form of development usually characterized by a unified site design for a number of housing units, and incorporating such techniques as clustering structures, providing common open space, density increases and a mix of building types and land uses (this permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot by lot basis).

DDD. PLANNING COMMISSION: The municipal planning commission of the city of Anadarko, Oklahoma, including all members of the preservation review commission and the regional planning commission as well.

EEE. PLAT, FINAL: A map of a land subdivision, and any required accompanying material, prepared in a form suitable for filing of record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

FFF. PLAT, PRELIMINARY: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

GGG. PLAT, SKETCH: A sketch of a proposed development, submitted to the planning commission prior to the preliminary plat, to enable the subdivider to illustrate the subdivision's general nature and allow the city and the subdivider to work out basic problems with the proposal.

HHH. PRIVATE OR RESTRICTIVE COVENANTS: A private legal restriction on the use of land, contained in the deed to the property, or otherwise formally recorded.

III. REDIVISION OR RESUBDIVISION: A change in an approved or recorded subdivision plat, if such change affects any street layout,. lot line or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision.

JJJ. RIGHT OF WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or another special use. The usage of the term "right of way" for land platting purposes shall mean that every right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

KKK. ROADWAY: That portion of any street so designated for vehicular traffic. Where curbs are in place, that portion of the street between the curbs.

LLL. SEDIMENTATION: Processes that operate at or near the surface of the ground to deposit soils, debris and other materials, either on other ground surfaces or in water channels.

MMM. SOLAR COLLECTOR:

1. Any device or combination of devices or elements which rely upon sunshine as an energy source. The term also includes any substance or device which collects solar energy for use in:

   i. The heating or cooling of a structure or building;

   ii. The heating or pumping of water;

   iii. Industrial, commercial or agricultural processes; or

   iv. The generation of electricity.

2. A solar collector may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member, or part, of a roof of a building or structure and serving as a window or wall.

NNN. SOLAR RIGHT: A right to an unobstructed line of sight path from a solar collector to the sun, which permits radiation from the sun to impinge directly on the solar collector.

OOO. START OF CONSTRUCTION: The first placement of permanent construction on a site, such as the pouring of footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction (except in identified flood hazard areas) does not include: land preparation, land clearing, grading or filling or excavation for basements, footings, piers or foundations; or erection

of temporary forms; or the installation of pilings under proposed subsurface footings; or installation of sewer, gas and water pipes, or electric or other service lines from the street; or existence on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure. In flood hazard areas only, "start of construction" shall include all of the above.

PPP. STREET: Any public or private right of way which affords the primary means of access to abutting property.

QQQ. STREET CLASSIFICATION: For the purpose of providing for the development of the streets, highways, roads and rights of way in the city of Anadarko, Oklahoma, and for their future improvement, reconstruction, realignment and necessary widening (including provision for curbs and sidewalks), designation and classification of each existing street, highway, road and right of way in the comprehensive plan of the city of Anadarko, Oklahoma. The classification of each street, highway, road and right of way is based upon its location in the respective zoning districts of the city, its present and estimated future traffic volume and its relative importance and function, as specified in the city's comprehensive plan. The required street and sign improvements shall be measured as set forth for each classification in the adopted subdivision regulations and/or the city's comprehensive plan.

RRR. STREET, COMMERCIAL OR INDUSTRIAL: A street which abuts property zoned for commercial or industrial use and which is designed to provide access to those parcels so designated.

SSS. STREET, HALF: Any street platted twenty five feet (25') or more in width, where, at the time of the approval of the plat, it is the intent of the city council that said street dedication shall constitute only a part of the total street easement width.

TTT. STREET, MAJOR: An arterial street which is so designated on the major streets plan or comprehensive plan, and is designed to carry intercity traffic and to relate the various neighborhoods or residential areas within the city of Anadarko, Oklahoma. Major streets shall be classified as follows:

UUU. UNITED ACCESS HIGHWAY: A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands, and other persons, have no legal right to access to or from the same, except at such points and in such manner as may be determined by the Oklahoma state department of transportation.

VVV. PRIMARY ARTERIAL OR THOROUGHFARES: A roadway intended to move through traffic to and from major traffic generators or as a route for traffic between communities or employment centers.

WWW. SECONDARY ARTERIAL OR THOROUGHFARE: A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas, or a road which may be designated to carry traffic from collector streets to the system of primary arterials.

XXX. STREET, MINOR: Any street other than one designated as a major street in the major streets plan or the comprehensive plan, but not including alleyways. Minor streets shall be classified as follows:

YYY. COLLECTOR STREET: A street collecting traffic from other minor streets; serves as the most direct route to a major street or community facility and should be designed so that no residential properties front onto it.

1. COURT: A secondary designation following a street name, used only when street alignment is such that a short street is created that does not warrant a new street name.

2. CUL-DE-SAC: A street having one end open to vehicular traffic and one closed end, terminated by a turnaround.

ZZZ. DEAD END STREET: A street, similar to a cul-de-sac, but providing no turnaround at its closed end.

AAAA. FRONTAGE OR SERVICE STREET: A street auxiliary to, and located on, the side of a major street for service to abutting properties and adjacent areas and for control of access.

BBBB. LOCAL STREET: A street primarily providing access to and from abutting property and serving only occasional through traffic.

CCCC. PLACE: A secondary designation following a street name, used only when street alignment is such that a short street is created that does not warrant a new street name.

DDDD. STREET, PERIMETER: Any existing street to which the parcel of land to be subdivided abuts on only one side.

EEEE. SUBDIVIDER OR DEVELOPER: Any person, firm, partnership, corporation or other entity acting as a unit, subdividing, proposing to subdivide or resubdividing land as herein defined, including all changes in street or lot lines.

FFFF. SUBDIVISION: The division or redivision of land (vacant or improved) or airspace, into two (2) or more lots, tracts, parcels, sites, areas, units or plots, _any one of which, when divided, has an area of less than ten (10) acres, for the purpose of transfer of ownership or for development, or the dedication, vacation or realignment of any public or private right of way easement. Subdivisions shall be classified as follows:

GGGG. MAJOR: All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements.

HHHH. MINOR: Any subdivision containing not more than three (3) lots fronting on an existing street, involving any new street or road, or the extension of municipal utilities or facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property,· and not in conflict with any provision or portion of the

comprehensive plan, zoning ordinance or these regulations (a "lot splie or "lot line adjustment" shall be considered a minor subdivision}

IIII. MOBILE HOME: A unified development of mobile home lots, which has been subdivided for the purpose of individual ownership, and which is governed by the provisions of this title, the city's adopted zoning ordinance and the city code for the city of Anadarko, Oklahoma.

JJJJ. NONRESIDENTIAL: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this title.

KKKK. SUBDIVISION REGULATIONS: The officially adopted subdivision regulations for the city of Anadarko, Oklahoma, designed to provide standards for the subdivision of land within the jurisdictional area of the planning commission of said municipality.

LLLL. TEMPORARY IMPROVEMENT: Improvements built and maintained by a subdivider during construction of the subdivision, prior to the release of the performance bond, or its equivalent.

MMMM. TOWNHOUSE: Improvements built and maintained by a subdivider during construction of the subdivision, prior to the release of the performance bond, or its equivalent.

NNNN. TREE CROWN: The outside diameter of a tree's branches.

OOOO. WAY: Any street, avenue; highway, boulevard, road or alley reserved and/or dedicated for public or private use, chiefly by vehicular or pedestrian traffic.

PPPP. ZERO LOT LINE: A flexible development approach in which a building is sited on one or more lot lines with no yard (conceivably, 3 of the 4 sides of the building could be on the lot lines), in order to allow more flexibility in site design and to increase the amount of usable open space on the lot.

QQQQ. ZONING ORDINANCE: The officially adopted zoning ordinance for the city of Anadarko, Oklahoma.

Chapter 2. Administration; General Provisions

Section 11-2-1. Official Recording.

A. Filing With City: No land shall be subdivided or a plat filed within the jurisdictional area of the municipal planning commission of the city until the subdivider (or his agent) shall obtain the approval of said planning commission (and the city council, if the plat is within the city's corporate limits) for the preliminary plat and the final plat of the proposed subdivision.

B. Filing With County: No plat or other land subdivision instrument shall be filed in the office of the Caddo County clerk until it shall have received approval, as herein required.

C. Filing Of Plats: All plats of record (i.e., final plats) shall be filed within two (2) years of the date of final approval by the municipal planning commission of the city, and no lots shall be recorded as transferred by the Caddo County clerk regarding any final plat, until such plat is filed.

D. Failure To Record Final Plat: Failure to record the final plat within two (2) years of said date of approval shall void all approvals thereto.

Section 11-2-2. Application of Regulations.

The regulations of this title shall apply to the following forms of land subdivision and development within the jurisdiction of the Anadarko municipal· planning commission:

A. Land And Air Space: The division of land or air space into two (2) or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain ten (10) acres or less in area.

B. Redivision: The redivision of land, previously divided or platted, into tracts, lots, sites or parcels, any part of which redivision shall be ten (10) acres or less in area.

C. Easements: The dedication, vacation or reservation of any public or private easement through any tract of land, regardless of the area involved, including those for use by public and private utility companies.

D. Streets Or Alleys: The dedication or vacation of any street or alley through any tract of land, regardless of the area involved.

E. Planned Unit Development: Planned unit development or planned development (residential, industrial or commercial), as defined in section 11-1-6 of this title, and the city zoning regulations, section 10-1-4 of this code.

F. Shopping Center Or Industrial Park: Any commercial shopping center or industrial park development which fits the other jurisdictional provisions of these subdivision regulations.

G. Topographic Features: Any tract, lot, site or parcel of land, regardless of size, which is to be developed and on which exists, or will exist because of such contemplated development, any topographic feature or improvement requiring the dedication or reservation of any easement, public or private, under the provisions of these subdivision regulations.

H. Vacated Plat: Any plat or part of a plat which is to be vacated by the owner of the premises or tract of land.

I. Lot Splits: Lot splits and lot line adjustments, according to the provisions contained herein for "Exceptions To Regulations", in section 11-2-3 of this chapter.

Section 11-2-3. Exceptions to Regulations.

A. Lot Splits: Whenever there is a tract or previously subdivided parcel of land, under single ownership, which is to be resubdivided into three (3) or fewer lots, the proposed subdivision may be excepted from the procedural requirements of this title (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;

1. An accurate survey (in a plat format) of the proposed tract, and the resubdivision thereof, prepared by a land surveyor registered in the state of Oklahoma, shall be submitted to the planning commission.

2. The planning commission shall review the proposed lot split to ensure compliance with all design and improvement requirements of this title.

3. Upon approval, the planning commission chairman shall certify the survey/plat by signing of said document.

4. Upon denial, the planning commission chairman shall submit the reasons for denial, in writing, to the applicant.

5. Whenever a deviation is required from improvement standards, or a street or other element is to be dedicated, the city council shall have final approval and acceptance rights. For all other lot splits, the action of the planning commission shall be final, although the applicant may elect to appeal to the city council.

6. A tract of land which has been subject to lot splits involving more than five (5) lots over any period of time shall not be allowed further use of the lot split exception. Said tract shall be subject to the procedures contained herein for the platting of land.

B. Lot Line Adjustments: For the purpose of adjusting the size of building sites, lot line adjustments to lines of platted lots shall be excepted from the procedural requirements of this title; however, it is not intended that extensive replatting be accomplished under this exception. Said lot line adjustments shall be subject to the following provisions:

1. No additional lot shall be created by any lot line adjustment.

2. No lot line adjustment shall be allowed unless all required improvements are either completed and accepted by the city, or their construction is secured under the applicable provisions of this title.

3. All proposed parcels or building sites involved in a lot line adjustment shall abut on either an existing alley or adequate utility easement, and on a publicly dedicated street.

4. Unusable parcels shall not be created as a result of any lot line adjustment.

5. Lot line adjustment requests shall be reviewed and approved or denied by the planning commission, with the right of appeal to the city council.

Section 11-2-4. Vacation of Plats.

A. Declaration: Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein by a written instrument, of which a copy to such plat shall be attached, declaring the same to be vacated, following court action, as required by state law.

B. Consideration By City: Such an instrument shall be approved by the planning commission in like manner as plats of subdivisions. The city council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

C. Recording And Filing: Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in the streets, alleys, public grounds and all dedications laid out or described in such plat.

D. Sale Of Lots: When lots have been sold, the plat may be vacated in the manner herein provided, by all of the owners of lots in such plat joining in the execution of such writing, subsequent to court action as required by applicable state law.

Section 11-2-5. Responsibility for Administration.

The primary responsibility for the administration of this title shall be that of the planning commission. It is the intent of the planning commission that the public interest be protected by a thorough review of all proposed plats, without undue delay to developers.

Section 11-2-6. Amendment of Regulations.

The city council may, from time to time, adopt amendments to these regulations to the end that the public is better informed and that the approval and review of plats is improved and/or expedited. These amendments shall be adopted by said city council by ordinance, following at least one review by the planning commission.

Section 11-2-7. Agenda of Planning Commission.

A. Placed On Agenda: Each plat submitted for preliminary or final review shall be placed on the agenda of the planning commission only after fulfilling appropriate requirements of this title.

B. Request For Exceptions: Any plat not meeting all of the requirements may be submitted if the subdivider presents, with the plat, a written request for specific exceptions, and enumerates, in detail, the reasons therefor; however, the planning commission, after appropriate review of said request, shall not be bound to continue its review if said request does not contain adequate reasons for said omissions and a reasonable timetable for submission of omitted elements.

Section 11-2-8. Filing Fees.

A. Fees Established: In order to partially defray the administrative costs of plat review, a filing fee shall be paid to the city clerk, at the time of submission of the preliminary plat, in the following amount: seventy-five dollars ($75.00), plus five dollars ($5.00) per lot for the first fifty (50) lots, plus two dollars and fifty cents ($2.50) for each additional lot thereafter.

B. Submitting Phase For Final Approval: Where only a phase of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five (5) years of the preliminary approval, without payment of an additional filing fee by the subdivider, if the final plat for the additional area conforms substantially with the approved preliminary plat.

Section 11-2-9. Variances.

A. Findings: Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of this title may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured; provided, that such variance shall not have the effect of nullifying the intent and purpose of this title; and further provided, that the planning commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property in the area where the variance is located;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result (as distinguished from a mere inconvenience), if the strict letter of this title are carried out; and

4. The variances will not in any manner conflict with, or vary from, the provisions and/or policies of the city's adopted zoning ordinance or comprehensive plan.

B. Conditions: In approving variances, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this title.

Section 11-2-10. Conflict with Public and Private Provisions.

A. Public Provisions: The regulations of this title are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of this title imposes a restriction different from those imposed by any other provision of this title or any other ordinance, rule or regulation, statute or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. Private Provisions:

1. The regulations of this title are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of this title are more restrictive or impose standards or regulations higher than such easement, covenant or other private agreement or restriction, the requirements of this title shall govern.

2. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or of higher standards than the requirements of this title or the determination of the planning commission in approving a subdivision or in enforcing this title, and such private provisions are not inconsistent with this title or determination thereunder, then such private provisions shall be operative and supplemental to this title and determinations made thereunder.

Section 11-2-11. Separability.

If any section, clause, paragraph, provision or portion of this title shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this title.

Section 11-2-12. Violations; Penalty.

A. Building Permit Issuance Restricted: No building permit shall be issued for any new structure or change, improvement, or alteration of any existing structure on any tract of land in a subdivision filed of record after the effective date of this title, which does not comply with all the provisions of this title.

B. Penalty: A violation of this title shall be deemed an offense and shall be punishable by fine. Any person, firm or corporation which violates or refuses to comply with any of the provisions of this title shall be fined in an amount not to exceed two hundred dollars ($200.00) for each offense, consistent with this city code. Each day a violation is permitted to exist shall constitute a separate offense.

Chapter 3. Plat Preparation and Review

Section 11-3-1. Processes and Procedures.

A. Plat Approval: For all cases of subdivision within the scope of this title, a plat shall be drawn and submitted to the planning commission and the city council (if the subdivision is within the city limits), for their approval or disapproval.

B. Acceptance Of Dedications And Easements: All easements and areas dedicated to public use within the corporate limits of the city shall be submitted to the city council for acceptance. Outside of the corporate boundaries of the city, no easements or publicly dedicated areas shall be effectively dedicated to Caddo County until such easements or areas, as shown on the plat, have been submitted to, and reviewed and formally accepted by, the board of commissioners of Caddo County, Oklahoma, consistent with appropriate jurisdictional requirements.

C. Subdivision Process: The subdivision process prescribed in this title shall consist of three (3) phases:

1. Sketch plat (optional);

2. Preliminary plat (and improvement plans); and

3. Final plat.

D. Special Procedures: Administrative procedures for review of the following types of subdivisions shall be as provided in chapters 1 and 2 of this title:

1. Lot splits.

2. Lot line adjustments.

3. Planned development.

4. Mobile home subdivision.

5. Resubdivision.

6. Undeveloped plats.

7. Vacation of plats.

Section 11-3-2. Sketch Plat.

A. Purpose: The purpose of the optional sketch plat stage is to provide for the identification of problems and the arbitration of the various interests of the parties involved in the subdivision of land.

B. Application: Prior to subdividing the land, the owner or his representative should request, in writing, formal planning commission consideration of a sketch plat of the proposed subdivision.

C. Planning Commission Review: Planning commission review of the sketch plat shall be in accordance with the following provisions:

1. Upon receipt of a request for sketch plat review, the appropriate municipal representative or the city clerk shall set a hearing date for planning commission review of said sketch plat. The owner or applicant shall be notified of the hearing.

2. The planning commission shall review the sketch plat considering the requirements of this title, the best use of land in the area according to the comprehensive plan, the design of trafficways in the area and their relation to the topography, utilities, drainage, lot size and arrangement, and other municipal ordinances, resolutions or policies. The owner or subdivider shall provide the planning commission with as many copies of the sketch plat as will be necessary to allow adequate review.

3. The planning commission may request the comments of any individual or agency, public or private, with respect to the sketch plat.

4. Following their review, the planning commission shall discuss with the owner or subdivider any questions, changes or conditions which would appear to be required as a prerequisite to ultimate approval of the preliminary plat. This shall not abridge the right of the planning commission to subsequently require additional changes in the preliminary and final plats, as further study may dictate.

5. Completion by the planning commission of the sketch plat review shall constitute authorization to prepare and submit a preliminary plat.

6. Completion of the sketch plat review shall be made within forty five (45} days of the date of receipt of the written notification, unless an extension is requested by the owner or subdivider and approved by the planning commission. Failure to meet this deadline or extension shall mean that the preliminary plat application can be submitted by the owner or subdivider.

D. Notice Of Dedication: In all instances where the sketch plat indicates the dedication or reservation of public spaces, drainageways or other easements, the owner or subdivider shall submit one copy of the sketch plat to the appropriate governing body (either the Anadarko city council or the Caddo County board of commissioners} for their review of the proposed dedication or reservation, as well as any involved utility companies.

E. Specifications: The sketch plat submitted to the planning commission shall be drawn at an approximate scale of one inch equals one hundred feet (1" = 100') and shall include the following:

1. Name of the proposed subdivision;

2. Full legal description of the proposed subdivision;

3. Approximate scale, north arrow and date;

4. Name, address and telephone number of the legal owner (or agent of the owner) and citation of the last instrument conveying title to the owner;

5. Name, address and telephone number of the person(s) responsible for the subdivision design;

6. Overall dimensions of the proposed subdivision;

7. The proposed street and/or alley layout;

8. Approximate lot dimensions;

9. Topographic map;

10. The location of all existing and proposed easements which may affect or be within the proposed subdivision;

11. The approximate location of adjoining streets, drainageways and subdivisions;

12. The location of all proposed open space areas, drainageways and drainage easements; and

13. The proposed street naming system or concept.

Section 11-3-3. Preliminary Plat.

A. Purpose: The preliminary plat is intended to provide an interim step in the subdivision process in which the

developer presents detailed plats and improvement plans for review and approval by the planning commission and the city council (if the subdivision is within the city limits).

B. Application: Based upon the review of the sketch plat, the owner or his representative may file an application for review and approval of a preliminary plat. The application shall:

1. Be made on forms available from the office of the city clerk;

2. Be accompanied by at least four (4) copies of the preliminary plat and at least two (2) copies of the required improvement plans, if submitted at this time, as described in this chapter; and

3. Be delivered to the office of the city clerk, or the municipal planning commission chairman (or his designated representative on the municipal staff), not less than seven (7) days prior to the meeting date at which the preliminary plat is to be reviewed.

C. Planning Commission Review: The chairman of the planning commission (or his designated representative on the municipal staff) or the city clerk shall be responsible for setting a date for planning commission review of the preliminary plat and notifying the owner of the subdivision or his agent, in writing, of said date. He shall also be responsible for obtaining the comments of municipal utilities superintendents, the county health department, the police and fire chief and the school superintendent on the proposed subdivision. The planning commission's review of the preliminary plat shall be.in accordance with the following provisions:

1. The planning commission shall review the applicant's preliminary plat, and shall approve, approve conditionally or disapprove the plat within sixty {60) days of the date of its receipt by the city from the applicant. The subdivider shall be notified in writing of this action, which notification shall specifically state any conditions of approval, or those provisions of the comprehensive plan or other regulations with which the disapproved plat was not in conformance. One copy of the preliminary plat shall be returned to the subdivider with said notification. On conditionally approving a plat, the planning commission may require the submission of a revised preliminary plat.

2. If the preliminary plat has not been acted upon by the planning commission within the sixty (60) day period and an agreement to extend the time has not been obtained f om the applicant, the plat shall be deemed to have been approved by the planning commission.

3. If the plat conforms to all of the standards referred to herein, or after all agreed to revisions are included therein, two (2) copies of the preliminary plat shall be forwarded to the city clerk along with a written recommendation from the planning commission, for scheduling of review by the city council.

D. City Council Review: The city clerk shall be responsible for placing the subdivision on the agenda of the city council and providing written notice of said date to the chairman of the planning commission and the owner (or his agent) of the subdivision. The city council's review of said subdivision shall be in accordance with the following provisions:

1. The city council shall approve, approve conditionally or disapprove the preliminary plat within sixty (60) days of its receipt by the city clerk for placing on the city council's agenda. The subdivider shall be . notified in writing of this action, which notification shall specifically state any conditions of approval, or those provisions of the comprehensive plan or other regulations with which the disapproved plat was not in conformance. One copy of the preliminary plat shall be returned to the subdivider with said notification. On conditionally approving a plat, the city council may require the submission of a revised preliminary plat.

2. If the preliminary plat has not been acted upon by the city council within the sixty (60) day period and an agreement to extend the time has not been obtained from the applicant, the plat shall be deemed to have been approved by the city council without the acceptance, by the city, of dedications, easements, etc.

3. If the preliminary plat conforms to all of the standards of the comprehensive plan, this title and other regulations of the city, and is approved, or after the applicant and the city council agree upon any revised copy, the subdivider may proceed with the construction of required improvements and the preparation of the final plat.

E. Approval Period: The approval or conditional approval of a preliminary plat shall be effective for a period of two (2) years from the date of city council approval, at the end of which time, unless a final plat on the subdivision shall have been submitted to the planning commission, the preliminary plat shall be considered null and void. In such cases, the subdivider shall be required to resubmit a preliminary plat for the subdivision. In reviewing a preliminary plat which has been resubmitted by reason of being voided by the passage of time, the planning commission shall not be bound by a previous approval.

F. Sectionalizing Subdivision Plats: Prior to approval of a final plat, the planning commission may permit the preliminary plat to be divided into two (2) or more phases and may impose such conditions upon filing of the final plat phases as it may deem necessary to assure the orderly development of the plat.

G. Conditional Approval Provisions: The planning commission or the city council may elect to place conditions upon the approval of the preliminary plat, and may stipulate the requirements for satisfaction of such conditions. In addition, either body may conditionally approve a preliminary plat which is submitted for consideration without complete improvement plans in order to expedite the review process. Such conditional approval shall be given only when the subdivider provides written assurance of

improvement plan submission within a specified period of time which allows the adequate review of said plans prior to consideration of the final plat.

H. Specifications: Preliminary plats submitted to the planning commission shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), and shall bear, or be accompanied by, the following information or materials:

1. Descriptive. Margin Data:

i. Map scale, north point and date.

ii. Proposed subdivision name.

iii. Names and addresses of the owners of record, the subdivider, and the registered engineer or licensed surveyor preparing the plat.

iv. An inset key map showing the location of the proposed subdivision, reference to existing or major streets and to government section lines or other survey control points, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.

2. Existing Conditions:

i. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

ii. Topography, with contour intervals of two feet (2') or less, referenced to a U.S. geological survey or U.S. coast and geodetic survey bench mark.

iii. Water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. If any portion of any land within the proposed subdivision lies within the city's designated floodplain, such fact and said land shall be clearly shown on the preliminary plat.

iv. Location, widths and names of all existing platted or dedicated ·streets, alleys or other public ways and easements, railroad and utility rights of way, parks, watercourses, drainage ditches, permanent buildings, bridges and the location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures or pipelines.

v. Zoning district classification (if there is more than one classification, the dividing lines shall be shown) of land to be subdivided, as well as adjoining lands.

3. Proposed Development:

i. The boundaries of the proposed subdivision (to the indicated scale), showing the total perimeter; lengths of all lines shall be measured to the nearest foot and bearings of lines shall be given.

ii. The location and width of proposed streets, alleys, easements and pedestrianways, conforming to the approved street classification criteria.

iii. The classification of every street within or adjacent to the proposed subdivision, in accordance with the intended use of the street based on the proposed design (this shall be done by placing the appropriate term directly on each street).

iv. The location of all drainage channels and subsurface drainage structures, the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed subdivision.

v. Approximate radii of all curves and lengths of all tangents.

vi. Layout, numbers and approximate dimensions of lots and the number or letter of each block.

vii. Building setback lines, with dimensions.

viii. Indication of any lots on which uses other than residential are proposed by the subdivider.

ix. The location, size and type of all proposed public utility lines, including storm and sanitary sewer, water, gas and power lines. If a community sewage treatment plant, or other type of community disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision, the basic design layout for such community type sewage treatment or disposal system shall be shown (or accompany the plat) and be so identified on the preliminary plat.

x. The location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.

4. Additional Materials:

i. One copy of a generalized statement, signed by the developer, describing the conditions existing on the site, suitability for development and the developer's goals for the proposed development.

ii. One copy of a description of the improvements (such as grading, paving, walkways, and the installation of utilities, etc.) which the developer proposes to make,

and the times when they are proposed to be made.

iii. Two (2) copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the centerline and along the property lines of the street.

iv. One copy of the proposed "House Numbering System" (by lot), in accordance with the specifications of title 9, chapter 6 of this code.

v. Where deed restrictions are to be recorded on the plat, one copy of a brief description of the proposed restrictions shall accompany the plat.

vi. In case of resubdivision, one copy of the existing plat shall accompany the preliminary plat.

5. Floodplain Subdivision Materials:

i. One copy of the preliminary plan for on site waste disposal systems, including disposal sites for lands subject to flooding, or sanitary sewers, with grade, pipe size and points of discharge.

ii. One copy of the preliminary plan, for the drainage system, with grade, pipe size and location of outlet.

iii. One copy of the preliminary plan for the water supply and distribution system, with pipe sizes and location of hydrants.

iv. One copy of a description of any proposed fill or other structure elevating techniques, levees, channel modifications or other methods to overcome flood or related hazards, and a statement describing their impacts on existing development in upstream and downstream areas.

Section 11-3-4. Improvement Plans.

A. Improvement Plans Required: The owner or subdivider should, at the time of his submission of the preliminary plat to the planning commission, also include at least four (4) copies of the improvement plans required by this title. Improvement plans shall include, but not be limited to, plans for the following:

1. Streets.

2. Sanitary sewer.

3. Water.

4. Drainage.

5. Erosion and sediment control.

B. Specifications: Plans shall be drawn at a scale of not more than one inch equals one hundred feet (1" = 100'.), on twenty four inch by thirty six inch (24" x 36") sheets, and shall include, but not be limited to, the following:

1. Plans and profiles showing the locations and typical cross sections of proposed street improvements, including curbs, gutters, and sidewalks.

2. The location, size, profile and invert elevations of proposed sanitary sewers, including manholes.

3. The location and size of proposed water mains, valves, fittings and fire hydrants, including service taps underneath proposed streets.

4. The location and design of drainage structures, easements or rights of way dedicated to the public, including typical cross sections of all channel improvements and a site grading plan. Improvement plans shall be accompanied by drainage calculations in accordance with the adopted standards in this title for drainage improvements.

5. The location of all existing or proposed easements and rights of way and typical cross sections of the proposed utility installations within said easements.

C. Preparation Of Plans: Improvement plans shall, as required by law, bear the seal of an engineer registered in the state of Oklahoma.

D. Erosion And Sediment Control Plans: Erosion and - sediment control plans shall be submitted for the planning commission's and city council's review, showing compliance with the following provisions, before a final plat may be approved:

1. Stands of existing trees, as they are to be preserved upon project completion, specifying their locations on the property, shall be shown.

2. The projected sequence of work represented by the erosion and sediment control plan, as related to other major items of construction, shall be shown.

3. Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and to minimize the potential for erosion. No site shall be graded except in accordance with approved plans to meet foundation, parking and the drainage requirements of this title.

4. Plans for development and construction shall minimize cut and fill operations.

5. During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills.

6. Fills shall not encroach upon natural watercourses, their floodplains or constructed channels in a manner so as to adversely affect other properties.

7. Alteration of land in existing developed areas shall be conducted in such a manner that changes in patterns of natural drainage shall not adversely affect other landowners.

8. No construction materials or construction byproducts shall be discarded in any drainageway or stream.

9. Land shall be developed in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development and construction operations. Control measures such as hydroseeding, berms, interceptor ditches, terraces and sediment traps shall be put into effect prior to the commencement of each increment of the development and construction process.

10. Existing trees shall not be cut or otherwise damaged or destroyed within portions of property to be used for required open space, setback or buffer requirements of the city zoning ordinance.

11. In cases where retention of natural trees would create unusual hardship or development problems in open space, setback and buffer areas, planted trees may be required in lieu of preserving existing trees.

12. No paving with concrete, asphalt or other impervious material within the tree crown zone of trees to be preserved shall be allowed.

13. Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.

Section 11-3-5. Final Plat.

A. Purpose: The purpose of the final plat is to create a document for record which accurately describes the subdivided land, both as to exact dimensions and legal provisions which are pertinent to the subdivision.

B. Application: Following approval of the preliminary plat by the planning commission and the city council, the owner or subdivider shall file a written application with the chairman of the planning commission (or his designated representative on the municipal staff} for final plat approval. The application shall:

1. Be made on forms available in the office of the city clerk.

2. Comply in all respects with the preliminary plat, as approved by both the planning commission and the city council (if necessary).

3. Be accompanied by at least four (4) prints of the proposed plat and either one original linen tracing or a reproduction original of stable polyester base (or stable polyester base film).

4. Be accompanied by two (2) copies of any proposed restrictive covenants.

5. Be accompanied by one set of "record" plans for any improvements already completed.

6. Be delivered to the planning comm1ss1on chairman (or his designated representative on the municipal staff), or the city clerk, not less than seven (7) days prior to the planning commission meeting date at which the plat is to be reviewed.

C. Planning Commission Review: Upon receipt of . the final plat application and materials, the chairman of the planning· commission (or his designated representative on the municipal staff) shall set a date for planning commission review of the final plat and shall notify the owner or subdivider, in writing, of said review date. The planning commission's review shall be in accordance with the following provisions:

1. The final plat of the proposed subdivision shall be submitted to the planning commission for final approval within two (2) years of the date on which the preliminary plat was approved by the city council. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved, unless the planning commission agrees to an extension of time.

2. The planning commission shall act upon the final plat within forty five (45) days after its receipt at city hall by the planning commission chairman (or his designated representative on the municipal staff) for final approval. The subdivider shall be notified in writing upon approval or conditional approval of the final plat by the planning commission. If no action on the final plat has been taken within the above specified time, and the applicant does not agree to an extension of time for action, the plat .shall be deemed to have been approved. Certification by the city clerk as to the date of the final plat's submission and the failure of the planning commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.

3. If the final plat is disapproved by the planning commission, the reasons for such disapproval shall be stated in writing, with reference to specific sections of the comprehensive plan or those ordinances or regulations with which the plat does not comply. A copy of this statement shall be sent to the applicant, along with one of the prints submitted by the applicant.

4. If the plat conforms to all of the requirements provided herein, one copy of the final plat shall be forwarded to the city council for its review, along with the written recommendation of the planning commission and the signature of the chairman of the planning commission on the approved plat.

5. No vested rights shall accrue to any plat by reason of preliminary or final approval, until the actual signing of the final plat by the mayor, or in the case of plats reviewed by the regional planning commission, by the chairman of the Caddo County board of commissioners. All requirements, conditions or regulations adopted by the planning commission, applicable to the

subdivision (or on all subdivisions generally), shall be deemed a condition for any subdivision prior to the time of signing of the final plat by the chairman of the planning commission. Where the planning commission has required the installation of improvements prior to signing of the final plat, said commission shall not unreasonably modify the conditions set forth in the final approval.

D. City Council Review: The city clerk shall be responsible for placing the subdivision on the agenda of the city council and providing written notice of said date to the chairman of the planning commission and the owner (or his agent) of the subdivision. The city council's review of said subdivision shall be in accordance with the following provisions:

1. The city .council shall approve or disapprove the final plat and notify the subdivider of its action. Such notification shall include specific written references to those portions of the plat which are not in compliance with these or other regulations, if the plat is disapproved.

2. After final approval of the plat and the affixing of all required signatures on the original tracing the subdivider shall provide the planning commission with three (3) dark line prints thereof and file with the city clerk one contact reproducible tracing. The applicant shall file the original tracing and two (2) prints with the Caddo County clerk.

E. Approval Period: The final plat shall be filed in the office of the Caddo County clerk within two (2) years after final approval by the city council. If not filed within such time, said approval shall be considered null and void.

F. Boundary Traverse Closure: Boundary traverse closure data, based on the surveyor's or engineer's calculations thereof, shall be provided to the office of the city clerk at the time of submission of the final plat.

G. Specifications: Final plats submitted to the planning commission shall be neatly drawn in ink on a tracing cloth or reproducible mylar, at a scale of one inch equals one hundred feet (1" = 100') (tracts of land in excess of 40,000 square feet may be platted at a scale of 1 inch equals 200 feet), from an accurate survey. The plat shall be prepared on sheets whose dimensions are twenty four inches by thirty six inches (24" x 36"), or which can be folded to these dimensions. The plat shall have a binding margin of two inches (2") on the left side, and minimum margins of one inch (1") on the right side and one and one-half inches (11/ " } at the top and bottom. The final plat shall bear, or be accompanied by, the following information or materials:

1. Title Data:

i. Name of the subdivision.

ii. Name of the city, county and state.

iii. Location and description of the subdivision, referenced to section, township and range.

2. Margin Data:

i. Map scale, north arrow and date.

ii. Names and addresses of the developer and the engineer and/or surveyor.

iii. A key map (on the first sheet in a plat series) showing the location of the subdivision referenced to government section corners, section lines and major streets. When more than two (2) sheets are required for the plat, the key map shall show the sheet number of the sheet for the area included on the sheet.

iv. Owner's certificate· and dedication, signed.

v. Surveyor's certificate of survey, signed and his seal.

vi. Certificate for release of mortgage for any portion dedicated to the public, signed.

vii. Reference to any separate instruments, including restrictive covenants, filed in the office of the county recorder of deeds, which directly affect the land being subdivided.

viii. The proper acknowledgements of .owners and the consent of the mortgagee to plat restrictions.

ix. County treasurer's certificate.

x. Approval certificate of the planning commission (and the date) over the signature of the planning commission chairman.

xi. Certificate of the city council's acceptance of ways, easements and public land dedications.

xii. Certificate of health department approval, where sanitary sewers are not proposed, signed.

3. Existing And Proposed Conditions:

i. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as herein specified.

ii. The boundary lines of the land being subdivided, fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names.

iii. The lines of all proposed streets, fully dimensioned by lengths and bearings or angles.

iv. The lines of all proposed alleys. Where the length or direction of an alley is not readily discernible from data given for lot and block lines, the length and bearing shall be given.

v. The widths and names, where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements, which shall be properly located.

vi. The lines of all proposed lots, fully dimensioned by lengths and bearings or angles, except that where a lot line meets a street line at right angles, the angle or bearing value may be omitted.

vii. The outline of any property which is offered for dedication to public use, fully dimensioned and marked “Public".

viii. Blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "reserved" or “not a part".

ix. The location of all building lines, setback lines and easements for public services or utilities, with dimensions showing their location.

x. The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns.

xi. The location and description of all section corners and permanent survey monuments in or near the tract. Reference to at least one, and preferably two (2), known survey control points shall be shown by angle and distance.

4. Floodplain Subdivision Materials:

i. All information required on the preliminary plat, including, but not limited to, regulatory flood elevations, boundaries of floodprone areas, fills, flood protection works and areas subject to special deed restrictions.

ii. Floodway and floodway fringe areas, as determined by the city.

iii. Final plans for any sanitary sewers, with grading, pipe and points of discharge.

iv. Final plans for drainage systems, with grading, impacting, storage and regulating structures, pipe sizes and location of outlets.

v. Final plans for any water supply and distribution system, with pipe sizes and location of hydrants.

Chapter 4. Subdivision Design

Section 11-4-1. General Design Principles and Standards.

A. Preparation: The design of each new subdivision shall be prepared in accordance with the principles established by the comprehensive plan for the city, and with the minimum standards of this title and other regulations.

B. Topography And Natural Physical Features: The arrangement of lots, blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. The system of sidewalks, roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

Section 11-4-2. Streets.

A. General Provisions:

1. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access ·from, an existing street, unless such street is:

i. An existing state or county roadway; or

ii. A street shown upon a plat approved by the planning commission and recorded in the Caddo County clerk's office. Such street or highway must be suitably improved as required by the highway regulations and specifications, or be secured by a performance bond required under this title, with the width and right of way required by this title.

2. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein.

3. The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the comprehensive plan and be designed in accordance with the provisions of this title and other applicable regulations.

4. Roads shall be related appropriately to the topography, to promote good drainage and gravity flow sewer systems. Local roads shall be curved wherever possible to provide topographic compatibility. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. A combination of steep grades and curves shall be avoided.

5. All thoroughfares shall be properly related to special traffic generators (such as industries, business districts, schools, churches and shopping centers), to population densities, and to the pattern of existing and proposed land uses.

6. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, the location of rail facilities, the provision- of alleys, truck loading and maneuvering areas, walks and parking areas, so as to minimize conflict of movement between the various types of traffic (including pedestrian).

7. Proposed streets shall be extended to the boundary lines of the tract to be subdivided (unless prevented by topography or other physical conditions), unless, in the opinion of the planning commission, such extension is not

necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.

8. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of· the proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

9. No street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission and the city council.

10. Major streets in the subdivision shall be planned to conform with the major street plan adopted by the city, and provision shall be made for the extension of major and secondary thoroughfares. Except for courts, places or cul-de-sacs, streets normally shall provide for a reasonable linkage with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts, be a reasonable projection. of streets in the nearest subdivided tracts, or conform to a neighborhood plan approved or adopted by the planning commission.

11. Whenever a subdivision abuts or contains an existing or proposed major street, the planning commission may require service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

12. Minor streets shall be laid out so that their use by through traffic will be discouraged.

13. Railroad rights of way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

    i. In residential districts, a buffer strip at least twenty five feet (25') in depth, in addition to the normal depth of the lot required in the district, shall be provided adjacent to the railroad right of way or limited access highway. This strip shall be part of the platted lots and shall be designated as follows on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited".

    ii. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

    iii. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty feet (150') from the railroad right of way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

14. Reserve strips controlling access to minor streets by parties or persons other than public agencies shall be prohibited.

15. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract which is being subdivided.

16. Whenever the major or minor street is located wholly within the proposed subdivision, the total width of the right of way shall be dedicated. Whenever the major or minor street is located adjacent to the outer edge of the subdivision, one-half (1 1/2) of the right of way shall be dedicated, if it is determined by the planning commission that it is equitable and feasible from an engineering and design standpoint for the other half of the right of way to be dedicated from adjacent property.

17. The finished elevation of proposed streets within the designated floodplain shall be no more than two feet (2') below the level of the 100-year flood.

18. The criteria established in the "Street Design Standards" table shall be followed in the layout and design of all major and minor streets.

    See Appendix B. Figure 11-4-2-1.

B. Alignment:

1. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties, when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the comprehensive plan.

2. Street jogs with centerline offsets of less than one hundred fifty feet (150') shall be avoided. A tangent of not less than one hundred feet (100') in length shall be introduced between reverse curves on major streets and collector streets.

C. Cul-De-Sacs And Dead End Streets:

1. The maximum length of a cul-de-sac shall normally be five hundred feet (500'), including a turnaround which shall be provided at the closed end, with an inside curb radius of at least forty

feet (40') and a right of way radius of not less than fifty feet (50').

2. In the case of temporarily dead ended streets which are incomplete but designed to provide future connection with adjoining unsubdivided areas, proper provisions shall be made for adequate storm drainage so that storm water does not collect at the ends of these streets. If the adjacent property is undeveloped and the street must dead end temporarily, the right of way and the improvements shall be extended to the property line. The planning commission may limit the length of temporary dead end streets in accordance with· the design standards of this title.

3. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead end street. For greater convenience to traffic and more effective police and fire protection, permanent dead end streets shall, in general, be limited in length, in accordance with the design standards of this title.

D. Intersections:

1. Streets shall be laid out to intersect at r:ight angles and may be curved, if necessary, in order to make this possible. In no event shall a street intersect any other street at any angle of less than seventy five degrees (75°).

2. Street corners on local residential streets shall have a minimum radius of twenty feet (20') at the curb line or its equivalent.

3. Street corners on commercial and industrial streets shall have a minimum radius of twenty five feet (25') at the curb line or its equivalent.

4. Street intersections involving major streets shall have a minimum street corner radius of thirty feet (30') at the curb line or its equivalent.

5. A twenty five foot (25') area of clear vision at street intersections in subdivisions shall be provided. This area shall be kept clear of all structures and vegetation exceeding a height of three feet (3') above the established municipal street elevation. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right of way, to the extent deemed necessary to provide adequate and unobstructed vision.

6. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty feet (60'), measured from the nearest right of way line of the intersecting street.

Section 11-4-3. Alleys.

A. Waiver Of Requirements: Alleys shall be provided in all subdivisions, except that the planning commission may waive this requirement in commercial and industrial districts, where other definite and assured provisions are made for service access, such as off street loading, unloading and parking, consistent with and adequate for, the uses proposed.

B. Width:

1. Alleys for residential areas shall not be less than twenty feet (20') in width.

2. Alleys serving commercial and industrial areas shall not be less than thirty feet (30') in width.

C. Intersections: Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall permit safe vehicular movement.

D. Dead End Alleys: Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the planning commission.

E. Easements: where alleys are not provided, easements not less than ten feet (10') wide shall be provided along each rear lot line, and alongside lot lines where necessary for use by public and private utilities. The planning commission may require aerial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities, where it is deemed necessary. Fenced in easements shall have fences located only on the property line or the easement line. All such easements shall have access gates in the fences, and all fences in a block shall be on the same line if the easement is a drainage easement.

F. Earth Slopes. Right of way widths in excess of the standards designated in this title shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one.

G. Maintenance: Property owners are responsible for maintaining alleys/easements and right-of-ways adjacent to their property to the midpoint, keeping them free of high grass, weeds, trash and debris.

Section 11-4-4. Pedestrianways.

See section 11-5-10 of this title.

Section 11-4-5. Easements.

A. Utilities:

1. Easements centered on rear lot lines shall be provided specifically for utilities (private and public); such easements shall be at least ten feet (1O') wide on each lot. Proper coordination shall be established between the subdivider and the

applicable utility companies for the establishment of utility easements in adjoining properties.

2. In large lot or "residential estates" subdivisions, or where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten feet (1O') in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the final plat.

B. Drainage:

1. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water or drainage easement, or drainage right of way, conforming substantially to the lines of such watercourse, and of such width and/or construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel· with landscaped banks and adequate width, for maximum potential volume of flow (calculated in a manner as determined by the provisions of this title).

2. Where topography or other conditions are such as to make the inclusion of drainage facilities within road rights of way impractical, perpetual unobstructed easements at least fifteen feet (15') in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the final plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

3. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the final plat. The city will not encourage transfer of a drainage problem o to adjacent property.

4. The applicant shall dedicate, either in fee simple title, or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the planning commission.

5. Low lying lands along watercourses subject to flooding or overflow during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure, nor for computing the area requirements of any lot.

6. Utility lines shall not be located within drainage easements without approval of the planning commission and special floodplain design factors being considered.

Section 11-4-6. Lots.

A. Arrangement: Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health regulations, and in providing driveway access to buildings on such lots from an approved street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on major streets or collector streets.

B. Dimensions: Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning regulations and this title.

C. Side Lot Lines: In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

D. Depth: The depth of residential lots, other than lots for townhouses, should not be less than one hundred feet (100').

E. Area: The area of residential lots, other than lots for townhouses, shall not be less than seven thousand (7,000) square feet.

F. Individual Sewerage Disposal: In subdivisions where septic tanks ·or other individual sewerage disposal devices are to be installed, the size of all lots included in such subdivision shall be subject to the approval of the county health department. The health department shall notify the developer and the planning commission in writing of its findings.

G. Double And Reverse Frontage: Double frontage and reverse frontage lots shall be avoided, except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

H. Commercial Or Industrial Uses: Platted lots shall not be required for subdivisions involving rented or leased space for commercial and industrial use, but when provided should be of appropriate size and arrangement to provide for adequate off street parking and loading facilities based on the intended use. No individual parcel shall be created for a particular commercial or industrial use that has an area, width or depth that is less than is required for the permitted use under the applicable provisions of the zoning ordinance.

Section 11-4-7. Blocks.

A. Dimensions And Shapes: The dimensions and shapes of blocks shall consider the following:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

2. Zoning requirements (lot sizes and dimensions);

3. Convenient access, circulation, control and safety of street traffic; and

4. Limitations and opportunities of topography.

B. Length: Blocks for residential use shall not be longer than one thousand eight hundred feet (1,800'), measured along the centerline of the block.

C. Crosswalks: Pedestrianways or crosswalks, not less than four feet (4') wide or more than ten feet (10') in width, may be required by the planning commission through the center of blocks more than eight hundred feet (800') long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

D. Width: Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off street parking and loading facilities.

Section 11-4-8. Building Lines.

A. Compliance With Zoning Regulations: Building lines shall be provided for all residential subdivisions, in accordance with the setback requirements of the zoning ordinance.

B. Side Yard: A side yard building line shall be provided not less than five feet (5') back of a crosswalk right of way line on· the side of a lot abutting a midblock crosswalk or pedestrianway.

C. Oil And Gas Wells: Where there is found to be a producing oil or gas well which is in or a within one hundred fifty feet (150') of the boundaries of the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by state law and the Oklahoma corporation commission (and so certified by said corporation· commission) and which is outside of the boundaries of a proposed subdivision but within one hundred fifty feet (150') thereof, there shall be a building setback line placed on the plat so as to prevent the erection of any building within one hundred fifty feet (150') of such wells. Where there is found to be an abandoned oil or gas well which is adequately plugged according to the standards established by state law and the Oklahoma corporation commission, which well is within the boundaries of a proposed subdivision, certificate or clearance from the Oklahoma corporation commission shall be obtained for each such well before the final plat of the subdivision is approved.

Section 11-4-9. Public Areas.

A. School Or Recreations Use: Except when an applicant utilizes planned development provisions, whenever a tract to .be subdivided includes a school, recreational use (in excess of the requirements of section 11-4-1O of this chapter), or other public use as indicated in the comprehensive plan or any portion thereof, such space shall be suitably incorporated by the applicant into his sketch plat or preliminary plat. After proper determination of its necessity by the planning commission and the appropriate local official or other agency involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.

B. Referral To Public Body: The planning commission shall refer the proposal to the public body concerned with acquisition by donation, purchase or other method, for its consideration and report. The planning commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired, and an estimate of the time required to complete the acquisition.

C. Notify Property Owner: Upon receipt of an affirmative report, the planning commission shall notify the property owner and designate on the preliminary and final plats that area proposed to be acquired by the public body.

D. Acquisition Of Land: The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plat of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development, in accordance with this title.

Section 11-4-10. Parks, Open Spaces and Natural Features.

A. Requirements: Where, as indicated by the comprehensive plan, a proposed subdivisions contains, wholly or_ in part, a proposed public open space (parks, recreation areas, etc.), the following requirements shall apply:

1. In subdivisions containing eighty (80) acres or more, the subdivider shall make a dedication of suitable land for public purposes of not less than two percent (2%) of the total land area of the subdivision.

2. In subdivisions containing less than eighty (80) acres, the planning commission shall require the dedication of one percent (1%) of the total land area, or shall require the payment of a fee equal to the market value of one percent (1%) of the

total land area of the subdivision. Such fee is to be deposited in a fund reserved and expended for municipal park or cultural facilities and improvements only.

3. In lieu of either of the above standards, the subdivider may elect to retain two percent (2%) of the total land area, to be designated as park or open space, etc., such land to be maintained by the subdivider or by agreement of the purchasers of lots (i.e., homeowners' association) in the subdivision (formal agreement required).

4. In no case will the subdivider dedicate land for public parks or open space unless the city agrees to accept and maintain such parks or open space.

B. Natural Or Manmade Features; Trees:

1. Existing natural or manmade features which would add value to residential development or to the city as a whole, such as tree masses, watercourses, landmarks, historic sites and similar irreplaceable assets, shall be preserved in the design of the subdivision, whenever possible. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees and shall further indicate all those marked for retention, as well as the location of all proposed shade trees along the street side of each lot.

2. New trees provided in new subdivisions shall be approved by the planning commission and shall be planted in accordance with all municipal regulations. Only long lived trees, acceptable to the planning commission, shall be planted, consistent with the comprehensive plan.

C. Easement: The preliminary plat and final plat shall include an easement authorizing the local government to plant shade trees within five feet (5') of any required access or right of way. This provision may be waived at the option of the planning commission.

Section 11-4-11. Nonresidential Subdivisions.

A. Commercial Or Industrial: If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such ·land shall be made according to such provisions as the planning commission may require.

B. Compliance With Zoning Regulations: A nonresidential subdivision shall be subject to all of the requirements of the zoning ordinance, as well _as such additional standards as may be required by the planning commission.

C. Street And Block Standards: In addition to the principles and standards in this title, the applicant shall demonstrate to the satisfaction of the planning commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated, and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development appropriate, desired or anticipated;

2. Street rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon;

3. Special requirements may be imposed with respect to street, curb, gutter and sidewalk design and construction;

4. Special requirements may be imposed with respect to the installation of public utilities, including water, sewer and storm water drainage;

5. Every effort shall be made to protect adjacent areas from the potential nuisance of a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary; and

6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Section 11-4-12. Planned Development.

Whenever a subdivision is developed as a planned development under the appropriate provisions of the zoning ordinance, wherein adequate park or recreational area is provided, through traffic is cared for adequately and the majority of the minor streets are of the cul-de-sac or loop type, the planning commission may vary the design requirements of this title, in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the entire community. In no case, however, shall the overall density, intensity of use or land area coverage for the planned development exceed those minimums established in the zoning ordinance for the district in which such uses would normally be located.

Chapter 5. Subdivision Improvements

Section 11-5-1. Improvements Required.

Any final plat or subdivision located within the municipal planning commission's jurisdiction shall not be approved unless the developer or subdivider shall provide the improvements specified in this chapter or file surety bonds with the city clerk to ensure the actual construction and maintenance of such improvements, according to the principles and standards approved by the city council, and contained in this title and other applicable regulations.

Section 11-5-2. Improvement and Maintenance Bonds.

A. Bond Conditions: Such improvement and maintenance bonds, provided to guarantee the installation and maintenance of the required improvements, shall:

1. Be in favor of the city;

2. Be in an amount equal to one hundred percent (100%) of the cost of improvements, installations and reasonable maintenance thereof, as approved by the city council; and

3. Provide conditions satisfactory to the planning commission and the city council.

B. Affidavit Of Completion: Improvement bonds shall be in force until, and terminate ninety (90) days after, the filing with the city council of a completion affidavit obtained from the city building official, unless within said ninety (90) days, said building official determines that the requirements, standards and specifications of these regulations applicable to the construction, installation and completion of said .improvements have not been met. In such case, the city building official shall notify the applicant in writing, by certified or registered mail, and the bond shall continue to run until the filing of proof that the deficiencies have been corrected and all standards met.

C. Maintenance Bond: Maintenance bonds shall run for a period of one year from the date of release of the improvement bond.

Section 11-5-3. Plans Required.

A. Preparation: Plans for the improvements required by this chapter shall be prepared by a certified professional engineer, as required by state law.

B. Filing With City Clerk: One set of record plans and specifications, certified and signed by an engineer registered in the state of Oklahoma, shall be filed with the city clerk, prior to the acceptance by the city council of any improvements installed by the subdivider, consistent with state law.

Section 11-5-4. Miscellaneous Provisions.

A. Design And Installation: All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties.

B. Time Limit: The construction and installation of all improvements required by these rules and regulations shall be completed within two (2) years of the date of approval of the final plat by the planning commission, unless good cause can be shown for the granting of an extension of time by authority of the planning commission or the city council.

C. Utility Facilities; Location: All utility facilities, including, but not limited to, gas, electricity, telephone, and CATV cables, shall be located underground within the subdivision. Wherever existing facilities are located aboveground, except where such facilities are located on public roads and rights of way, they may be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the developer's expense. At the discretion of the planning commission, the requirement for ·service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use. After installation of such lines, as installed diagrams shall be furnished by the installer to the city building official, drawn to scale and indicating the location of all lines.

D. Plats; Compliance With Regulations: In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:

1. All applicable provisions of state statutes;

2. The official comprehensive plan, the adopted zoning ordinance, building and housing codes and all other applicable laws of the city;

3. The special requirements of any rules and regulations of the state health department and/or other appropriate state agencies;

4. The rules and regulations of the Oklahoma department of transportation, if the subdivision or any lot contained therein abuts a state highway or connecting street; and

5. The standards and regulations adopted by the city council and all boards, commissions, agencies and officials of the city, including the adopted policies and resolutions adopted by the Anadarko public works authority.

Section 11-5-5. Monuments and Markers.

A. Installation: The developer of any subdivision shall install, within that subdivision, permanent reference monuments and markers, placed flush with the ground, in accordance with the provisions of this section.

B. Setting In Ground: All monuments and markers shall be properly set in the ground and approved by a registered land surveyor, prior to the time the planning commission recommends approval of the final plat.

C. Disturbing Monuments: Existing monuments or markers shall not be disturbed, unless absolutely necessary, in which case the monuments or markers shall be replaced at the exact spot from which they were removed.

D. Location: The location of all monuments and markers shall be included on the final plat, including existing monuments and markers.

E. Types Of Monuments: Three (3) types of monuments and markers shall be used for different situations. The following specifications shall be applicable to each type of situation:

1. Type A:

i. Permanent reference monuments shall be placed at the intersection of the centerline of rights of way, regardless of whether the paving of the street is centered in the right of way. There shall be a minimum of one such monument in each subdivision, with an additional such monument required for each twenty (20) acres over the first twenty (20) acres. If no two (2) of the intersection

monuments are within line of sight of each other, an additional marker shall be placed on the right of way centerline, so as to establish a straight line which can be seen (line of sight) from one end to the other. An additional such marker shall be placed at the center point of the turnaround in each cul-de-sac.

See Appendix B. Figure 11-5-5-1.

ii. These monuments shall be of noncorrosive metal plate, set in accordance with the accompanying diagram, and each shall be stamped with a cross at the point of the intersection and the elevation to the nearest tenth of a foot (0.1').

2. Type B: Permanent reference markers shall be placed at each turning point in the external boundary of the subdivision, to be set in concrete in accordance with the diagram below.

See Appendix B. Figure 11-5-5-2.

3. Type C: Permanent reference markers shall be placed at: a) each corner of each block; b) each corner of each lot; c) the points of curvature and points of tangency of all inside and outside rights of way lines; d) the point of intersection of the outside line of a curve in a street right of way; and e) on all quarter section points within the subdivision or on its perimeter, to be set in unexcavated earth.

See Appendix B. Figure 11-5-5-3.

Section 11-5-6. Streets and Alleys.

A. Compliance With Standards And Specifications: The developer of any subdivision designed to be used for residential, commercial or other purposes, shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision, in accordance with the standards and specifications of this title and other applicable regulations.

B. Design And Layout: Streets shall conform in design and layout to the standards and principles contained in chapter 4 of this title.

C. Access To Street: Every lot within a subdivision shall have access to a public street. (Private streets, where permitted, must comply with the improvements required of comparable public streets, in accordance with state law.) Driveway installations hall be completed to the street paving edge.

D. Cost Relief: Whenever a subdivision contains a street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the street that would equal the cost of an improvement required to serve only the subdivision, as determined by the planning commission and the city council.

E. Approval Of Construction Plans: Streets shall be designed, graded and improved to conform to the design and construction specifications and diagrams contained in these subdivision regulations. Construction plans for all street improvements shall be approved by the city council prior to final plat approval and filing. Special consideration shall be given to design and construction of streets around solid waste, “dumpster" locations.

F. Collector Streets: When street standards are reduced for subdivisions zoned for “residential estates" development, a maximum of forty (40) acres should be served by one· collector street. Where such collector streets will serve more than forty (40) acres, the planning commission may require higher quality street improvement standards be met by said collector street.

G. Alleys: In areas where alleys are required, they shall be constructed in accordance with those standards and requirements which may be established by the planning commission and the city council.

Section 11-5-7. Bridges, Culverts and Low Water Crossings.

A. Special Agreement For Expense: Bridges and low water crossings of primary benefit to the developer, as determined by the planning commission, shall be constructed at the full expense of the developer without reimbursement from municipal or county government. The sharing of expense, as determined by the planning commission, will be fixed by special agreement between municipal or county government and the developer.

B. Basis For Requirement: Bridges, culverts, or low water crossings shall be provided where watercourses cross continuous streets or alleys, and shall be sized and constructed to accommodate the 100-year frequency rain, based on the drainage area involved.

C. Design: Design of bridges, low water crossings and culverts shall conform to municipal or county construction specifications.

See Appendix B. Figure 11-5-7-1.

D. Notes:

1. This standard shall apply to paved alleys, where required.

2. Residential alleys shall be 20 feet in width; commercial alleys shall be 30 feet in width.

3. Alley shall slope from the outer edge to the centerline or centerline to outer edge at 1 inch fall per foot, as indicated.

4. Base shall vary in accordance with local conditions, including soil tests, and shall be approved by the local government engineer.

Section 11-5-8. Street and Regulatory Signs.

A. Placement; Design: Street name signs shall be placed at all intersections, within or abutting the subdivision, by the developer. All such signs shall be approved as

to type and location by the planning commission and the city council.

B. Deposit; Installation: The developer shall deposit with the city clerk, at the time of approval of the final plat for the subdivision, a sum to be based on a current estimate by the city building official, for each regulatory sign required by the city council at road intersections. The city shall then install all such regulatory signs within the subdivision, unless other arrangements are made by the city council.

Section 11-5-9. Street Lights.

Provisions shall be m de by the developer for adequate lighting of public streets within the proposed subdivision, in accordance with the standards and specifications of the city. The developer of a subdivision shall pay the city to install all street lights; the city council may, on the basis of a written agreement with the developer, allow said installation on a progressive, as developed schedule.

Section 11-5-10. Pedestrianways.

A. Determination Of Need: The developer of any subdivision, whether residential or nonresidential in character, shall request a determination of the need for pedestrianways from the planning commission, at the time of sketch plat submission.

B. Commission Decision: The planning commission, after reviewing the request, may require that pedestrianways be constructed and suitably surfaced, to connect with existing or future walkways in the area and provide for adequate pedestrian circulation.

C. Considerations: The pedestrianways plan should consider the provision of adequate pedestrianways within any subdivision or portion thereof, with consideration given to walkway connections in areas adjacent to, or outside of, the subdivision. Pedestrian approaches to such focal points as school sites, recreation areas and parks should be provided for, in addition to pedestrianways for normal circulation.

D. Design And Location: Pedestrianways shall be designed and located in accordance with the following provisions:

1. Minimum paving section where sidewalks are required, shall be four feet (4') in width;

2. Pedestrianways shall be located within the dedicated, nonpavement, right of way of all roads;

3. Provisions in section 11-4-7 of this title shall be met; and

4. A median strip of grassed or landscaped area, at least two feet (2') wide, shall separate all pedestrianways from adjacent curbs. At the discretion of the planning commission, alternative designs may be approved.

E. Curb Ramp For Physically Handicapped: Pedestrianway design and construction shall consider the guidelines for the design and construction of curb ramps for the physically handicapped, contained in the Oklahoma department of transportation's “Safety Design Guide For Municipal Street Systems".

Section 11-5-11. Landscaping and Natural Features.

A. Natural Features: Existing natural features which would add value to residential development (such as trees or watercourses) shall be considered for preservation in the design of the subdivision. No trees shall be removed from any proposed subdivision, nor any change of grade of the land made, until the planning commission has approved the preliminary plat.

B. Trees Shown On Sketch Plat: All trees, etc., to be preserved, shall be shown on the sketch plat or preliminary plat.

C. Change Of Grade: All trees shall be welled and protected against change of grade, wherever necessary.

D. Review And Approval: New trees or landscaping to be provided by the developer shall be subject to review and approval by the planning commission, in accordance with the city's beautification policies and plans.

E. Applicable Provisions: Applicable provisions of this city code, as well as section 11-4-10 of this title shall be considered.

F. New Developments: New developments shall include plans for design of screened in “dumpster” areas to be integrated with street and parking facilities.

Section 11-5-12. Water System.

A. Compliance With Standards. And Specifications: The developer shall install water lines and fire hydrants in accordance with the standards and specifications of these and other applicable regulations. In no case shall the use of flexible PVC pipe or any rigid plastic with a wall thickness and strength of less than ASA standard schedule C-900 be allowed.

B. Adequate Supply: Action shall be taken by the developer to extend or create a water supply system capable of providing domestic water use and fire protection. This system shall provide an adequate supply of potable water to every lot in the subdivision.

C. Fire Hydrants: Fire hydrants shall be required for all subdivisions except those approved for low density zoning districts in which individual wells are to be used. Fire hydrants shall be located no more than six hundred feet (600') apart and within five hundred feet (500') of any structure. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

D. Public Water Main: Where a public water main is accessible, the developer shall install adequate water facilities (including fire hydrants), subject to the specifications of state or municipal requirements. All water mains shall be at least eight inches (Sa) in diameter.

E. Extensions: Water main extensions shall be approved by appropriate government agencies.

F. Facilities Shown On Plat; Cost: To facilitate the above, the location of all fire hydrants, all water supply improvements and the boundary lines of any proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the improvement bond to be furnished by the developer.

G. Individual Wells: In subdivisions approved by the planning commission for low density zoning districts, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Oklahoma state department of health for its approval, and individual wells and central water systems shall be approved by the Oklahoma state department of health.

H. Future Water Service: If the planning commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements (including the provision of necessary easements) for future water service at the time the plat receives final approval. Improvement or cash bonds may be required to ensure compliance.

I. Locater Wires: Locater wires shall be placed at each meter and valve along all water lines.

J. Burial Of Lines: Lines shall be buried a minimum depth of forty eight inches (48").

K. Water And Sewer Line Installations: Oklahoma state department of health requirements for parallel or crossing water and sewer line installations are hereby adopted by reference.

Section 11-5-13. Sewage Collection and Disposal Systems.

A. Mandatory Connection: In accordance with the standards and specifications of these and other applicable regulations, the subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible, as determined by this city code or the planning commission. If a public sanitary sewer is placed in a street or alley abutting any property, the owner thereof shall be required to connect to said sewer for the purpose of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system, consistent with this code.

B. Individual Systems: Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disp9sal systems may be used; provided, that such systems comply with the requirements of the Oklahoma state department of health and are not located within twenty feet (.20') of the lot line of the lot on which the system is located. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of five (5) years, the applicant may install sewage systems as follows:

1. Medium Density Residential Districts: Central sewerage system only; no individual disposal systems will be permitted. Where plans exist for a public sewer system to be built in a greater period than five (5) years, the applicant shall install all sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.

2. Low Density Residential Districts: Individual disposal systems or central sewerage systems may be used; however, easements for future use shall be included on the final plat.

C. Design Of Improvements: All sanitary sewer improvements shall be designed by an engineer registered in the state of Oklahoma, and shall be approved by the city council, the planning commission, the Oklahoma state department of health and other appropriate agencies. Sanitary sewer design shall be in accordance with the design criteria for sanitary sewers in this chapter. In no case shall the use of flexible PVC pipe or any rigid plastic pipe with a wall thickness and strength of less than ASA standard schedule 40, be allowed. Locater wires shall be placed at all main connections.

D. Compliance With City Plan: When required or proposed improvements correspond with recommended improvements contained in the city's comprehensive plan, or other approved sanitary sewer report or document, said facility shall be designed in accordance with said plan or report. All appropriate policies and plans of the Anadarko public works authority shall also be followed.

E. Excess Costs; City Involvement: When an improvement required by the comprehensive plan, or other approved sanitary sewer report or document, exceeds the capacity needed to serve the proposed development, the city may participate in the excess cost of such facility, in accordance with the city's adopted utility extension policies.

F. Low And Medium Density Residential Districts: In low and medium density residential districts, where a public sanitary sewerage system is reasonably accessible, and will become available within a reasonable time (not to exceed 5 years), the developer may choose one of the following alternatives:

1. Central Sewerage System: (Maintenance cost shall be assessed against each property benefited.) Where plans for future public sanitary sewerage systems exist, the developer shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or

2. Individual Disposal Systems: The developer shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made, in addition to allowing the use of individual systems on each

site. As a condition of building permit approval on each housing unit in such an area, sewer line shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

G. High Density Residential And Nonresidential Districts: Sewage collection and disposal systems in high density residential and nonresidential districts shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by local officials and approving agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right of way) shall be subject to the specifications, rules, regulations and guidelines of the city, and the Oklahoma state department of health.

H. Individual Disposal Systems: If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the zoning ordinance, and percolation tests and test holes shall be made as directed by the city building official and the results submitted to the health department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment devices, shall also be approved by the city building official, and be in accordance with the state statutes.

Section 11-5-14. Design Criteria for Sanitary Sewers.

A. Deviations Allowed: These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the city council.

B. Design Factors: Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current regulations and reports, where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste, together with an adequate allowance for infiltration and other extraneous flow.

C. Maximum Size: The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the planning commission.

D. Minimum Size: No public sewer shall be less than eight inches (8") in diameter, except that the use of a six inch (6") diameter sewer may be permitted in situations where it cannot be extended and no more than four hundred feet (400') will be installed in any one place.

E. Velocity Of Flow:

1. All sewers shall be designed and constructed with: hydraulic slopes sufficient to give mean velocities, when flowing full, of not less than two feet (2') per second (based on Kutter's or Manning's formula, using an "n" value· of 0.013). Use of other practical "n" values will be approved for the longer pipe sections, if deemed justifiable on the basis of research or field data presented. The following are the minimum slopes which should be provided, especially where the depth of flow may be small, and are desirable minima in all parts of the system:

MINIMUM SLOPES FOR SEWER SIZES	
Sewer Size (Inches)	Minimum Slope in Feet per 100 Feet
8	0.40
10	0.29
12	0.22
14	0.17
15	0.15
16	0.14
18	0.12
21	0.10
24	0.08

2. Under special conditions, if full and justifiable reasons are given, slopes slightly less than those required for the two foot (2') per second velocity when full, may be permitted. Such decreased slopes will only be considered where the depth of flow will be 0.3 of the diameter or greater for design average flow. Whenever such decreased slopes are selected, the engineer must furnish with his report ·computations of the depths of flow in such pipes at minimum, average and peak rates of flow. It is recognized that such flatter grades may cause additional sewer maintenance expense and odor nuisance. The selection of the size of pipe shall be determined on the basis of the most desirable flow characteristic obtainable.

F. Alignment: All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the planning commission or the city council.

G. Manhole Location: Manholes shall be installed at the end of each line, at all changes in grade, size or alignment, at all intersections, and at distances not greater than four hundred feet (400') for sewers fifteen inches (15") and smaller, and five hundred feet (500') for eighteen inches (1an) in diameter and larger.

H. Manholes: The difference in elevation between an incoming sewer and the manhole invert shall not exceed twelve inches (12") except where required to match crowns. The use of drop manholes will require approval by the local government engineer. The minimum inside diameter of the manholes shall conform to those specified by the city council or the planning commission. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

I. Sewerage Locations: Sanitary sewers shall be located within street or alley rights of way, unless topography

dictates otherwise. When located in easements on private property, access shall be available to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley rights of way, where possible. Imposed loading shall be considered .in all locations. Not less than six feet (6') of cover shall be provided over the top of the pipe in street and alley rights of way or three feet (3') in all other areas.

J. Water Supply Interconnections: There shall be no physical connection between a public or private potable water supply system and a sewer, which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells and other water supply sources and structures.

K. Relation Of Sewers To Water Mains: A minimum .horizontal distance of ten feet (10') shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten feet (10') in each direction from the crossing, measured perpendicular to the water line. All state department of health requirements relevant to this relationship are hereby adopted by reference.

Section 11-5-15. Storm Drainage and Flood Hazard Areas.

A. Protection Of Flood Hazard Areas: All subdivisions of land shall comply with the design and improvement requirements herein established for the protection of flood hazard areas and the prevention of erosion.

B. Drainage Classifications: For the purpose of these regulations, drainage shall be classified as follows:

1. Surface drainage is runoff of such a limited quantity and/or slow rate that it does not cause erosion of a defined channel;

2. A minor tributary is any drainage channel having a drainage basin of six hundred forty (640) acres (one square mile) or less in area;

3. A major tributary is any channel having a drainage basin of not less than one square mile or greater than twenty five (25) square miles; and

4. A river is any channel having a drainage basin of greater than twenty five (25) square miles. .

C. Responsibility For Drainage: Responsibility for drainage shall be allocated as follows, unless otherwise specifically designated;

1. The developer of a subdivision is responsible for the following:

i. All surface drainage on the subdivision;

ii. All increase in surface drainage outside the subdivision which results from the development of the subdivision;

iii. The improvement of all minor tributaries lying within the subdivision;

iv. Any significant increase in the rate or quantity of runoff in any minor or major tributary, or river, which results from the development of the subdivision; and

v. Provision for the maintenance of all floodway and floodway fringe areas of major tributaries and rivers which have not been dedicated to the public.

2. The city and other levels of governments will be responsible for the following:

i. The improvement of floodways of major tributaries;

ii. The improvement of river floodways; and

iii. The maintenance of floodway and floodway fringe areas dedicated to the public.

D. Designation Of Flood Hazard Areas: Flood hazard areas are designated on the official zoning district map of the city. The boundaries of all floodway and floodway fringe areas and zoning districts shall be designated on the preliminary and final plats and shall be clearly marked.

E. Drainage Assessment: For all areas not otherwise designated in a floodway or floodway fringe area, the developer shall be responsible for having an engineer (registered in Oklahoma) prepare a drainage assessment of all of the area of the proposed subdivision, and all areas affected by runoff resulting from development of the proposed subdivision in accordance with the following provisions:

1. The 100-year maximum flood shall be used as the basis for the sizing of all drainage channels, bridges and other structures, unless otherwise specified herein;

2. The calculation of all runoff shall be based on saturated urbanization of the drainage basin for minor tributaries and surface drainage, as reflected in the comprehensive plan, and shall be based on the maximum degree of urbanization, as reflected in the comprehensive plan, for the drainage basin of a major tributary or river; and

3. The calculation of stream. flow and runoff characteristics of the subdivision shall be carried out in consultation with the planning commission and the city council, and the methodology and formulas used shall result in quantities which would be not less than those derived from the application of the following formulas and values:

i. Runoff from all drainage areas shall be not less than that determined by the rational formula:

See Appendix B. Fibure 11-5-15-1.

ii. The size of closed storm sewers, open channels, culverts and bridges shall not be

less than that determined by using the Manning formula:

F. Flowage Easements: All floodways located within the subdivision shall be designated by the developer as 11flow age easements" and shall be maintained as permanent open space for private recreation or agriculture for which no buildings or structures are required, or dedicated to the public for drainage, recreation and utility use, or used in accordance with the appropriate provisions of the city zoning ordinance.

G. Floodway Fringe Areas: All floodway fringe areas shall be planned for uses which are permitted in the appropriate district of the zoning ordinance, and in no case shall the proposed use or construction cause a displacement of floodwater in the floodway fringe that will increase flooding in other areas of the floodway or floodway fringe.

H. Reduce Adverse Effects Of Development: When it is determined by the planning commission that the development of the subdivision will significantly increase runoff·in·the flood hazard area or will otherwise adversely affect storm water runoff, the planning commission may require any or all of the following to the extent needed to reduce the adverse effects of the development:

1. The existing floodway lying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened and improved to the extent required to prevent overflow beyond the limits of the floodway;

2. Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas and streets will not be subject to overflow, and in a manner that will provide for the rapid runoff of all rainfall; however, such improvements shall be carried out in a manner that will preserve and protect large trees and attractive physical features of the area;

3. Whenever channel improvement is carried out, sodding, backsloping, cribbing and other bank protection shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved;

4. A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer, or unless a paved street surface is provided on both sides of a paved channel to give access to abutting properties; or

5. Culverts, bridges and other drainage structures shall be constructed in accordance with the specifications of the city at all locations where drainage channels intersect with continuous streets or alleys.

I. Channels: All minor tributary and surface drainage channels located within the subdivision shall be improved in accordance with the standards set forth in the illustrations on the following pages, or other equivalent standards, as determined by the city building official. The last drainage channel illustration shall be used only for channels of minor tributaries which drain less than eighty (80) acres, and which are designed as an integral part of the landscape of the area, so that maintenance of sodded slopes will be the responsibility of the property owners abutting the channel. All channels shall be designed to carry a 100-year maximum flood, shall be designed for self-cleaning and care of maintenance, shall have sufficient hard surface along the flow line to prevent ponding of water, and shall have design characteristics of alignment, materials of construction and cross sectioned elements that will be hydraulically efficient and visually harmonious with the adjacent landscape.

J. Storm Sewers: Enclosed storm sewers may be required by the city council where special ot unusual conditions make open channels hazardous or otherwise unfeasible.

K. Site Grading: Site grading shall be carried out in such a manner that surface water from each lot shall flow directly to a storm sewer, improved channel or paved street without crossing more than two (2) adjacent lots.

L. Surface Water: Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six inch (6") high curbs during a fifty (50) year frequency rain for the area and grades involved; provided, however, that in no case shall the drainage area served by one street exceed twenty (20) acres, regardless of the amount of flow.

M. Drainage Easements: Drainage easements of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers. In no case shall the total easement be less than twenty feet (20').

TITLE 12 – FLOOD CONTROL

Chapter 1. Flood Damage Prevention

Section 12-1-1. Statutory Authorization, Findings of Fact, Purpose and Methods.

A. Statutory Authorization: The legislature of the state of Oklahoma has in 82 Oklahoma Statutes sections 1601-1618, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the city of Anadarko, Oklahoma, ordains the following, to become effective immediately.

B. Findings Of Fact:

1. The flood hazard areas of the city of Anadarko are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights· and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous· to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

C. Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

7. Ensure that potential buyers are notified that property is in a flood area.

D. Methods Of Reducing Flood Losses: In order to accomplish its purposes, this chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage; and

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Section 12-1-2. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A. ACCESSORY STRUCTURE: A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include, but are not limited to, garages and storage sheds.

B. AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within the city of Anadarko subject to a one percent (1%) or greater chance of flooding in any given year.

C. BFE: Base flood elevation.

D. BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

E. BASE FLOOD ELEVATION: The elevation in feet above mean sea level of the base flood or one percent (1%) chance flood.

F. BASEMENT: Any area of the building having its floor sub- grade (below ground level) on all sides.

G. CFR: Code of federal regulations.

H. CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

I. DEVELOPMENT: Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

J. DEVELOPMENT PERMIT: A permit issued by the city of Anadarko flood- plain administrator which authorizes development in a special flood hazard area in accordance with this chapter.

K. ELEVATED BUILDING: A nonbasement building built, in the case of a building in zones AE, A, and X, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of zones AE, A, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

L. EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

M. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either. final site grading or the pouring of concrete pads) is completed before August 4, 1972.

N. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

O. FEMA: The federal emergency management agency.

P. FIRM: Flood insurance rate map.

Q. FLOOD INSURANCE RATE MAP: An official map of the city of Anadarko on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the city of Anadarko.

R. FLOOD INSURANCE STUDY: The official report provided by FEMA for the city of Anadarko which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

S. FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, or

2. The unusual and rapid accumulation or runoff of surface waters from any source.

T. FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the city of Anadarko subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

U. FLOODPLAIN ADMINISTRATOR: A person accredited by the OWRB and designated by the city council of the city of Anadarko to administer and implement laws, ordinances and regulations relating to the management of floodplains.

V. FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage; including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

W. FLOODPLAIN MANAGEMENT REGULATIONS: Zoning codes and ordinances, subdivision regulations, · -building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

X. FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).

Y. FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

Z. HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AA. HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the national register of historic places (a listing maintained by the department of the interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;

2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   i. By an approved state program as determined by the secretary of the interior, or

   ii. Directly by the secretary of the interior in states without approved programs.

BB. LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

CC. LEVEE SYSTEM: A flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

DD. LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement}. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of title 44 CFR.

EE. MANUFACTURED HOME: A structure transportable in one or ·· more sections, which is built on a permanent chassis - and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home" does not include a "recreational vehicle".

FF. MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

GG. MEAN SEA LEVEL: For purposes of the national flood insurance program, the North American vertical datum (NAVO) of 1988 or other datum, to which base flood elevations shown on the city of Anadarko flood insurance rate map are referenced.

HH. NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, which- ever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management ordinance adopted by the city of Anadarko city council and includes any subsequent improvements to such structures.

II. NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain damage prevention ordinance adopted by the city of Anadarko city council.

JJ. OWRB: The Oklahoma water resources board.

KK. RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

LL. START OF CONSTRUCTION: For other than new construction or substantial improvements under the coastal barrier resources act (public law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

MM. STRUCTURE: A walled and roofed building, including a gas or liquid storage tank that is· principally above-ground, as well as a manufactured home.

NN. SUBSTANTIAL DAMAGE: Damage- of ..any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

OO. SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent {50%) of the market value of the structure before 11start of construction" of the improvement. This includes structures that have incurred "substantial damage” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or

2. Any alteration of a “historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure”

PP. VARIANCE: A grant of relief by the city of Anadarko city council to a person from the terms of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter (for full requirements see section 60.6 of title 44 CFR).

QQ. VIOLATION: The failure of a structure or other development to be fully compliant with this chapter.

RR. WATER SURFACE ELEVATION: The height, in relation to . the North American vertical datum (NAVO) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 12-1-3. General Provisions.

A. Lands To Which This Chapter Applies: This chapter shall apply to all areas of ·special flood hazard within the jurisdiction of the city of Anadarko, Oklahoma.

B. Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study For Caddo County, Oklahoma And Incorporated·· Areas" dated April 18, 2011, with the accompanying flood insurance rate map (FIRM) are hereby adopted on April 18, 2011, by reference and declared to be a part of this chapter. However, until this date the current effective flood maps for the city of Anadarko, dated September 27, 1991 for Caddo County shall be used for this purpose until April 18, 2011.

C. Establishment Of Development Permit: A development permit shall be required to ensure conformance with the provisions of this chapter.

D. Compliance: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

E. Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation: In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;-

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is .considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Anadarko or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Section 12-1-4. Administration.

A. Designation Of The Floodplain Administrator: The city council of the city of Anadarko designates the code enforcement officer as flood- plain administrator to administer and implement the provisions of this chapter and other appropriate sections of national flood insurance program regulations in title 44 CFR pertaining to floodplain management.

B. Duties And Responsibilities Of The Floodplain Administrator: Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with 82 Oklahoma Statutes section 1601-1618, as amended.

2. Reviews permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

3. Review, approve or deny all applications for development permits required by this chapter.

4. Review proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval are required.

5. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries- ·of the areas of special flood hazards {for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. Shall require the developer/applicant to determine and provide the base flood elevation on two (2) FEMA ·elevation certificates, one pre and one post, as well as other data as required in order to administer the provisions of section 12-1-5 of this chapter.

9. When a floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development {including fill) shall be permitted within zone AE as delineated on the Caddo County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot {1') at any point within the city of Anadarko.

10. After a disaster or other type of damage occurrence to structures in the city of Anadarko, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

11. Maintain a record of all actions involving an appeal from a decision of the city council.

12. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

C. Permit Procedures:

1. An application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn. to scale showing the location, dimensions, and elevation. of proposed land- scape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

   i. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and

   ii. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

2. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

   i. The danger to life and property due to flooding or erosion damage;

   ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   iii. The danger that materials may be swept onto other lands to the injury of others;

   iv. The compatibility of the proposed use with existing and anticipated development;

   v. The safety of access to the property in times of flood for ordinary and emergency vehicles;

   vi. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

   vii. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

   viii. The necessity to the facility of a waterfront location, where applicable;

   ix. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

   x. The relationship of the proposed use to the comprehensive plan for-that area.

3. The floodplain administrator or city council, as applicable, may approve certain developments in zones A or AE delineated on the Caddo County FIRM which increases the water surface elevation of the base flood by more than one foot (1'), provided that the applicant for the development permit in that case first complies with 44 CFR section 65.12.

D. Variances:

1. General Provisions:

   i. The board of adjustment may grant variances for uses which do not satisfy the requirements of the Oklahoma floodplain management act or this chapter, if the applicant for the variance presents adequate proof that: 1) compliance with this chapter will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and 2) satisfies the pertinent provisions of this subsection D. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.

   ii. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma floodplain management act or by other laws of the state.

   iii. In no case shall variances be effective for a period longer than twenty (20) years.

iv. Any person seeking a variance shall file a petition with the city council, accompanied by a filing fee of twenty five dollars ($25.00).

v. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection C2 of this section and provisions of this subsection D have been. fully considered. As the lot size increases beyond. The one-half (1/2) acre, the technical justification required for issuing .the . - variance increases.

vi. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the chairman of the city council which states that: 1) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and 2) such construction below the base flood level increases risks to life and property.

vii. At such time as the city council deems the petition ready for notification to the public, the city council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Caddo County at least thirty (30) days prior to the hearing.

viii. The board of adjustment shall conduct the hearing and make determinations in accordance with the applicable provisions of this subsection D. This appeals group shall exercise wide discretion in weighing the equities involved and the advantages and dis- advantages to the applicant and to the public at large when deter- mining whether the variance shall be granted.

ix. Variances shall only be issued upon:

a) A showing of good and sufficient cause;

b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and

d) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

x. Upon consideration of the factors stated in this subsection D and the intent of this chapter, the city council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in subsection 12-1-1C of this chapter.

xi. The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the city council shall be sent by the floodplain administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.

2. Special Provisions:

i. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or the state inventory of historic places,- without regard to the procedures set forth in the remainder of this chapter.

ii. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

iii. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

iv. Variances may be issued for new construction and substantial improvements -and for -other development necessary for the conduct of a functionally dependent use provided that:

a) The criteria of subsections D1e, D1i, D2b, and D2c of this section are met, and

b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to ·public safety.

Section 12-1-5. Provisions for Flood Hazard Reduction.

A. General Standards: In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately-anchored to prevent, flotation, collapse or lateral movement of the structure resulting from. hydro-dynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

7. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards: In all areas of special flood hazards the following provisions are required:

1. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot (1') above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.

2. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least one foot (1') above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.

3. Enclosures: New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

ii. The bottom of all openings shall be no higher than one foot (1') above grade; and

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes: Require that all manufactured homes to be placed anywhere within the city of Anadarko within zones A and AE on the city of Anadarko FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at or above the BFE. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. This -requirement is in if addition to applicable state and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the floodplain administrator by said installer prior to habitation of the manufactured home.

5. Recreational Vehicles: Require that recreational vehicles placed on sites within zones A and AE on the Caddo County FIRM either:

i. Be on the site for fewer than one hundred eighty (180) consecutive days,

ii. Be fully licensed and ready for highway use, or

iii. Meet the permit requirements of subsection 12-1-4C of this chapter and the elevation and anchoring requirements for "manufactured homes" in subsection 84 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type. utilities and security devices, and has no permanently attached additions.

6. Accessory Structure: Accessory structures to be placed on sites within zones A and AE on the Caddo County FIRM shall comply with the following:

i. The structure shall be unfinished on the interior;

ii. The structure shall be used only for parking and limited storage;

iii. The structure shall not be used for human habitation. Prohibited activities or uses include, but are not limited to, working, sleeping, living, cooking, or restroom use;

iv. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;

v. The structure shall be constructed and placed on the building site so as to offer the

minimum resistance to the flow of floodwaters;

vi. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;

vii. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;

viii. Floodway requirements must be met in the construction of the structure;

ix. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and

x. The structure shall be located so as not to cause damage to adjacent and nearby structures.

C. Standards For Subdivisions:

1. The applicant for a development permit for any subdivision located in zones A and AE which is fifty one (51) or more lots or greater than five (5) acres shall generate the base flood elevation data for that subdivision.

2. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

3. All subdivisions including the placement of manufactured home . parks and- subdivisions shall have public utilities and facilities such· as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Section 12-1-6. Floodplain Management Fee Schedule.

The city of Anadarko city council establishes the following fee schedule not to exceed five hundred dollars ($500.00) for any one service:

A. Notice of intent fee: Twenty five dollars ($25.00) maximum.

B. Floodplain development permit application review: One hundred dollars ($100.00).

C. Floodplain development permit fee: Twenty five dollars ($25.00).

D. Inspection fee, per inspection: Twenty five dollars ($25.00).

Section 12-1-7. Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this chapter is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a r:nisdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be subject to penalties as delineated in section 1-10-24 of this code. Nothing herein contained. shall prevent the Anadarko floodplain administrator, the city council of the city of Anadarko or its city attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

APPENDIX A – CITY OF ANADARKO, OKLAHOMA CITY CHARTER

City Charter

City
of
ANADARKO
OKLAHOMA

CITY CHARTER

Adopted 1947, as amended in June 30th, 2020 Special Election

CITY CHARTER

ANADARKO, CADDO COUNTY, OKLAHOMA

PREAMBLE

We, the people of the city of Anadarko, Oklahoma, in order to enjoy the full benefit of home rule, do ordain and establish this charter for the city of Anadarko.

ARTICLE I
BOUNDARIES

Section 1.1.

The municipal corporation, now existing and known as the city of Anadarko, Caddo County, Oklahoma, shall remain and continue to be a body politic and corporate and under the same name. The boundaries of said city, and the respective wards thereof, shall, until altered as otherwise provided by law, be the same as at the time of the adoption of this charter.

ARTICLE II
CORPORATE POWERS, RIGHTS AND LIABILITIES

Section 2.2.

It shall succeed to all the property rights and liabilities and shall acquire all benefits, and shall assume and pay all bonds, legal obligations, and indebtedness of said city of Anadarko, and by that name sue and be sued, contract and be contracted with, plead and be impleaded, intervene, prosecute and defend, in all courts and in all matters and proceedings; and shall have power to acquire property, real or personal, by purchase or otherwise, within or outside the city limits, necessary for the public good, and to own, hold, sell, lease, convey or otherwise dispose of any real or personal property, within or outside of the city limits; may have and use a common seal and alter the same at pleasure.

Section 2.3.

Said city may receive bequests, gifts and donations of all kinds of property in fee simple, or in

trust, for public, charitable or other purposes of such gifts, bequests and donations.

Section 2.4.

It shall have the power, within or without its territorial limits, to construct, condemn and purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, telephone systems, power plants, hospitals, airports, transportation systems, heating plants, cemeteries, parks, playgrounds, community buildings, convention halls, sewers, and all other public utilities or works local in use, and to do every other thing required (in whole or in part) for the use of said city and the inhabitants thereof.

Section 2.5.

It shall have power to purchase, in whole or in part, any existing plant, land, franchise, or public utility and to enforce such purchase by proceedings at law and to issue bonds in any amount upon a vote of a majority of the tax-paying electors at any special or general election, necessary to carry out any of said powers or purposes, and to exercise the right of eminent domain in condemnation proceedings.

Section 2.6.

The city shall have all of the powers conferred upon cities of the first class by the constitution of the state of Oklahoma, and by the laws of the state not rendered inoperative by the adoption of this charter, and shall have all such legislative, executive, judicial and proprietary power necessarily incident to or proper in the conduct of its business and affairs, and such as will promote the interests and secure the rights of its inhabitants and promote the general welfare, as fully as if specifically enumerated herein. The enumeration of any particular powers shall in no wise limit the plenary powers above provided for said city. No law relating to cities of the first class hereafter enacted by the state of Oklahoma, shall operate as a repeal, diminution or limitation of the powers conferred upon the city by this charter. The city especially reserves and shall have all governmental, proprietary and police powers incident or necessary and appurtenant to municipal corporations, either expressed herein, inherent or that may be now or hereafter granted by the constitution and laws of Oklahoma.

Section 2.7.

The city of Anadarko shall succeed to own, possess and control all of the books, records, documents, and all other property, real, personal or mixed, together with all choices in action and claims belonging to and possessed by the said city of Anadarko, prior to and at the time of adoption of this charter. It shall be subject to and liable for all legal debts, obligations, judgments, warrants and bonds, for which said city is bound at the time this charter shall become effective.

Section 2.8.

All valid existing ordinances of this city not inconsistent with this charter or inapplicable under the altered form of municipal government provided by it, shall be and continue in full force until altered, amended or repealed by the legislative authority of the city, or until they expire by their own limitations; and no existing rights, actions, suits, proceedings or contracts shall be affected

by the change in the form of government of the city, but shall continue as though no change had taken place, and all debts, penalties and forfeitures which have accrued or which may hereafter accrue, by virtue of anything heretofore done or omitted to be done, shall inure to the benefit of the city and may be sued for and recovered by said city as though no change in form of government had taken place. Nothing herein, however, shall legalize or validate any illegal or invalid indebtedness of the city heretofore contracted or incurred, or impair any defense against the payment of the same; nor shall the adoption of the charter in any wise interfere with any proceedings heretofore instituted relative to the levy and collection of taxes, special assessments or levies of any nature or with any proceedings to enforce the payments of the same, and all valid and legal contracts and obligations heretofore contracted or incurred, or impair any defense against the payment of the same; nor shall the adoption of the charter in any wise interfere with any proceedings heretofore instituted relative to the levy and collection of taxes, special assessments or levies of any nature or with any proceedings to enforce the payments of the same, and all valid and legal contracts and obligations heretofore entered into by the city shall remain in full force and effect and be completed and performed under ordinances existing at the time of the adoption of this charter.

ARTICLE III
POLICE AND OTHER POWERS

Section 3.1.

There is hereby reserved unto the city of Anadarko power to enact and provide ordinances to protect life, health, peace and property; to declare, prevent, abate and remove nuisances, and to restrain and abate nuisances in court of equity, preserve and enforce good order and good government; the general welfare and security of the city and inhabitants thereof; to promote the public health, public peace, public morals, public safety, trade and commerce, and general welfare of the inhabitants of the said city.

Section 3.2.

The city council shall have the power to provide penalties for the violation of any ordinances, including fines and imprisonment, or both, including costs, and to commit until such fines and costs are paid. Any person committed for nonpayment of fine and costs, or either, while in custody, may be compelled to work on the streets, alleys or public grounds at such rate per day as the council may prescribe until such fine and costs are satisfied.

Section 3.3.

The city council shall have authority at their discretion to provide civil service rules for all or any part of city employees.

ARTICLE IV
CORPORATE POWER, HOW VESTED AND EXECUTED

Section 4.1.

(This section was replaced by section 4.1 below on April 16, 1963.)

The elective officers of the city of Anadarko shall consist of seven (7) councilmen, one each from their respective wards, and two (2) at large, herein designated as city council. Of these two (2) at large, the one receiving the largest vote shall ipso facto become the mayor, the other shall ipso facto become the vice-mayor, to act in the absence of the mayor. Each councilman shall subscribe to the oath of office as provided by the constitution of Oklahoma, and each of whom shall execute bond as may be required by ordinances of said city.

Section 4.1.

(This section adopted April 16, 1963.)

The elective officers of the city of Anadarko shall consist of seven (7) councilmen, one each from their respective ward and two (2) at-large, herein designated as city council. Of these two (2) at-large, one shall be elected Mayor and the other elected vice-mayor, to act in the absence of the mayor. Each councilman shall subscribe to the oath of office as provided by the constitution of Oklahoma, and each of whom shall execute bond as may be required by ordinance of said city.

Section 4.2.

The city council of the city of Anadarko shall be vested with all legislative powers conferred by the constitution and laws of the state of Oklahoma on mayors and councils of cities of the first class, and by this charter.

Section 4.3.

In the absence of the mayor, and vice-mayor, the city council shall designate one of their number to act as mayor, who in such case, shall have all the powers of mayor. The mayor shall preside at all meetings of the city council, and in his official capacity shall sign all ordinances, resolutions, orders and proceedings authorized by the city council, and all warrants, bonds, bills, documents and proceedings authorized by the council, and he shall have power to administer oaths, and shall perform such other duties consistent with this office as may be imposed by the city council. He shall be recognized as the official head of the city of Anadarko for all ceremonial purposes; by the courts, for the purpose of serving civil process; and by the governor for military purposes. In time of public danger or emergency he may, with the consent of a majority of the city council, take command of the police and maintain order and enforce the laws. **(The following sentence was added on April 16, 1963.)** The mayor or acting mayor, as the case may be, shall appoint all members of any board or committee with the approval of the majority of the city council, unless otherwise provided in this charter.

Section 4.4.

(This section was replaced by section 4.4 below on July 27, 1994.)

The city council shall hold a regular meeting at least once each month, the time therefor to be prescribed by resolution, for the transaction of business, and shall hold such other regular or special meetings as the city council may by resolution enact: Provided, that the mayor, when in his judgment the business of the city may require a special meeting, may call such special meeting of the city council, at any time, by giving written notice to all members of the city

council that are not absent from the city, at least four (4) hours before the time of the meeting; and provided further, that the mayor shall call a special meeting when a majority of the members of the city council shall sign and present to him a written request, stating the time and object of the meeting. All meetings of the city council and its proceedings must be held at the council chamber in the city hall, and must be open to the general public.

Section 4.4.

(This section adopted July 27, 1994.)

The city council shall hold a regular meeting at least once each month, for the time therefor to be prescribed by resolution, for the transaction of business, and shall hold such other regular, special or emergency meetings that may be called. The mayor, when in his judgment, the business of the city may require a special or emergency meeting, may call such special or emergency meeting of the city council at any time, and shall call such a special or emergency meeting when a majority of the members of the city council shall sign and present to the mayor a written request, stating the time and object of the meeting. Notice of all meetings to the public and to all members of the city council shall be given in the manner provided by the Oklahoma open meetings act, (25 OS 1991, sections. 301 through 314, as amended). All meetings of the city council and its proceedings must be held at the council chambers in the city hall, and must be open to the general public; provided, however, that the city council may hold executive sessions at any such meeting for the purposes and upon the notices prescribed by the Oklahoma open meetings act.

Section 4.5.

No ordinance, resolution or motion of the city council shall become effective unless it receives a majority of the votes of the whole number of the city council, and no ordinance shall become effective until thirty days after its passage and publication, except ordinances for appropriation of money for the payment of the current expenses of the city government. Provided, that an emergency measure shall become effective on publication when passed by the affirmative vote of five (5) members of the city council.

Section 4.6.

The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the city council.

Section 4.7.

The members of the city council and the mayor shall receive no compensation for their services, or any other service performed, except as herein provided for the mayor while he is acting city manager.

Section 4.8.

The salaries and wages of all employees of the city not otherwise provided for by this charter shall be fixed and regulated by the city council, on the basis of the responsibilities and qualifications required of them. Premiums on all surety company bonds of the city employees

and officers, including the mayor and councilmen, shall be paid by the city.

ARTICLE V
EXECUTIVE AND ADMINISTRATIVE POWERS

Section 5.1.

The city council shall by a majority vote, appoint a city manager, who shall be chosen solely upon a basis of his executive and administrative qualifications, and who shall receive a salary to be fixed by the city council. His tenure of office shall be at the pleasure of a majority of the city council.

Section 5.2.

Under the direction of the city council, the city manager shall be the administrative head of the municipal government. He shall devote his entire time to the affairs of the city.

Section 5.3.

Before entering upon his duties, he shall take the official oath and shall give such surety company bond as the city council may require and approve.

Section 5.4.

The city manager shall have the special powers and duties herein enumerated and shall be directly responsible to the city council for the proper administration thereof, to-wit:

(a) To see that all laws and ordinances of the city are enforced.

(b) To appoint and remove at pleasure, subject to civil service ordinances if any be enacted, and except where otherwise by this charter provided, all heads, subordinates and employees of all departments, such appointments and removals to be made on the basis of merit and fitness alone. (All such officers and employees to be qualified electors of the city of Anadarko, except in the event of special technical services, nonresidents may be employed with the consent and approval of the city council. **This sentence was removed from the charter on January 6, 1971.**)

(c) To exercise actual management, control, and supervision over all departments of the city government and to exercise all other administrative functions, except as otherwise in this charter provided.

(d) To supervise and manage all public works of the city and the repair and maintenance thereof; to manage and control the public utilities of the city and have general charge of the cleaning, lighting and improvement of the streets, sidewalks, bridges and public grounds within and without the city, except as otherwise herein provided.

(e) To attend all meetings of the city council and to recommend for adoption, such measures as he may deem necessary or expedient.

(f) To prepare and submit to the city council an annual budget as by this charter and as is by law required.

(g) To do and perform such other duties as may be prescribed by the city council.

(h) In the event of absence, disability of or vacancy in the office of city manager, the mayor shall perform the duties of city manager, until the city council with due diligence can appoint a manager, in which event the city council may prescribe such compensation for the mayor so acting as they deem just.

Section 5.5.

(This section amended June 30, 2020)

The City administration under the manager shall be arranged into a police department, a fire department, a street department, a water and waste water department and light department and other such departments as the council may prescribe by ordinance. The number of employees in each department to be recommended by the manager and approved by the city council.

Section 5.6.

Neither the mayor nor any other member of the city council shall have the right to recommend any appointment to be made by the manager, and any officer violating this section shall forfeit his office. The city manager or the city council shall not appoint any person related to him or them by affinity or consanguinity within the third degree to any position as employee of said city.

Section 5.7.

The city manager shall appoint a city clerk of the city of Anadarko, who shall hold office at the pleasure of the city manager, and who shall have all the powers and duties now prescribed by law or ordinance, except as is in this charter provided. The city clerk shall sign all warrants and keep all proceedings of the city council, collect all city moneys collected by him from whatever source, and take receipt therefor. He shall have the custody of, and be responsible for all books, papers, maps and records belonging to the city and not otherwise provided for, and shall perform all other duties that may be prescribed by ordinance. Before entering upon his duties he shall give such surety company bond as the city council may require and approve.

Section 5.8.

The city clerk shall prepare immediately after the close of every month's business and keep on file for the information of the city council and the general public, complete operating reports that show by classifications, the gross earnings, the operating expenses and the net profit or the net expense of each department separately and a combined operating report of all departments collectively, and a balance sheet showing all assets and liabilities of the city; such separate and combined operating reports, and the balance sheet must include a reasonable charge to cover depreciation of all physical property shown on the balance sheet and a charge to cover interest accrued on the investment shown on the balance sheet; such records and reports to begin and be kept and made not later than July 1, after election of first officers herein provided for.

Section 5.9.

The city council shall provide for and require an annual audit of the accounts of the city by some certified public accountant.

Section 5.10.

The city council shall appoint a city treasurer, who shall hold office at the pleasure of the city council and who shall have all the powers and duties now prescribed by law or ordinance except as in this charter provided. He shall have the custody of all moneys belonging to said city, which moneys shall be paid out only on the order of the city council. The salary of the city treasurer shall be fixed by the city council.

Section 5.11.

Before entering upon his duties, the city treasurer shall take the official oath and give such surety company bond as the city council may require and approve.

Section 5.12.

Before any city funds shall be placed in any depository, such depository shall furnish to the city sufficient security to be approved by the city council, in an amount equal to the probable maximum balance that may be on deposit in such depository.

ARTICLE VI
FRANCHISES

Section 6.1.

(This section amended June 30, 2020)

No franchise or right to occupy or use the streets, bridges, property or public places in said city of Anadarko shall be granted, renewed or extended except in the manner provided by ordinances and conformity to the constitution and laws of Oklahoma, and every grant of franchise of street, railway, gas or water works, electric light or telegraph or telephone system or other public service utilities within said city, must be authorized by a majority of the electors, voting thereon at a general election or special election called for that purpose provided by law.

Section 6.2.

The city shall have power to acquire by purchase, condemnation or otherwise within or without the city, such lands or property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose, and to sell, convey, encumber and dispose of the same for the common benefit; but no sale of any public utility of any value in excess of one thousand dollars ($1,000.00) shall be made until it shall have been authorized by a vote of sixty percent (60%) of the qualified taxpaying electors of the city voting at an election held for such purpose; provided, that any public utility or real property owned by said city of a value of less than one thousand dollars ($1,000.00) may be sold, leased or otherwise disposed of upon and in pursuance of the provisions of ordinance passed by the affirmative vote of three-fourths (3/4) of the members of the city council and provided further that the value of such property shall first be determined by a board of three (3) qualified appraisers appointed by the mayor and approved by the city council.

ARTICLE VII
REVENUE

Section 7.1.

All laws of the state of Oklahoma relating to revenue for the fiscal management of cities are hereby made applicable to the city of Anadarko.

Section 7.2.

Sections nine (9), ten (10), twenty six (26) and twenty seven (27) of article ten of the constitution of Oklahoma, and the general laws of the state of Oklahoma vitalizing said provisions of the constitution, are hereby made applicable to the city of Anadarko.

ARTICLE VIII
MUNICIPAL COURT

Section 8.1.

The city council shall appoint in writing a city employee, city official, other than police officer, or other person to serve as municipal or police judge during the pleasure of the city council, and such employee, city official, or other person when acting in the capacity or performing the duties of such judge, shall be vested with full power and authority conferred on the police judge and police court by the laws of the state of Oklahoma, and the charter and ordinances of the city of Anadarko.

Section 8.2.

The municipal court of the city of Anadarko shall have exclusive original jurisdiction of all criminal proceedings for the violation of the provisions of the ordinances of the city.

Section 8.3.

The municipal court of the city of Anadarko shall have the same jurisdiction now conferred upon police courts and the judges thereof, by the constitution and laws of Oklahoma.

Section 8.4.

There shall be no trial by jury and no change of venue from said court. A defendant in said court shall in all cases have the right to an appeal from the municipal court hereby created to the county court of Caddo County, Oklahoma, in the manner provided by the laws of the state of Oklahoma.

Section 8.5.

The judge or acting judge of said municipal court, is authorized and empowered to administer oaths, to punish for contempt, and to enforce all judgments, mandates and orders of the court, and to punish by fines and imprisonment in the city jail for the violation of all ordinances of the city; to reprimand, parole and remit the punishment of juvenile offenders and to provide for their separate trial and separate detention.

Section 8.6.

All fines, penalties and forfeitures collected by said municipal court shall be the property of the city and shall be daily deposited with the city clerk for the use of said city, and receipt shall be issued therefor.

ARTICLE IX
MUNICIPAL COUNSELLOR

Section 9.1.

The office of municipal counsellor is hereby created.

Section 9.2.

The municipal counsellor shall be appointed by the city council and shall have such qualifications, powers and duties as are prescribed by law for city attorneys in cities of the first class. It shall be his duty to advise the city council and each member thereof, and the city manager, upon all law questions and he shall give opinions in writing when requested, and shall represent the city as counsel in all litigation in all courts, for or against the city; and shall perform such other legal service in behalf of the city, its officers and employees, as may be required by the city council or city manager.

ARTICLE X
ELECTIONS

Section 10.1.

(This section amended June 30, 2020)

The election of all officers under this charter shall be nonpartisan and held in accordance to the procedures prescribed by the City Council through ordinances or the council may choose to follow the procedures under state law for municipal elections.

(This section amended June 30, 2020)

Section 10.2.

On the first Tuesday in April, 1965, and on the first Tuesday in April in each odd-numbered year thereafter, there shall be held an election for the election of one councilman from each ward of the city, and for the election of two (2) councilmen from the city at large with the said councilman at large to be designated, filed for and elected as mayor and vice-mayor. Any qualified elector may become a candidate for councilman from the ward in which he is a resident by filing a declaration of candidacy during the filing period provided for by state statute or city ordinance. Any qualified elector residing in the city of Anadarko may become a candidate for mayor and vice-mayor by filing a declaration of candidacy during the filing period provided for by state statues or city ordinance.

In any election held hereunder, a candidate for office of councilman from a ward of which he is a resident who receives a plurality of the votes cast in such election for such office shall be deemed elected. In any election held hereunder for the election of mayor, the candidate who receives a plurality of the votes cast in such election for such office shall be deemed elected. In any such election held hereunder for the election of vice-mayor, the candidate who receives a plurality of the votes cast in such election for such office shall be deemed elected

Section 10.3.

The terms of the mayor and councilmen from wards one and two (2) elected in April of 1991 shall be for a term of four (4) years, and the term of the vice-mayor and councilman from wards

three (3), four (4) and five (5) shall be for two (2) years. Every odd year thereafter, the successors of those whose terms are expiring shall be for overlapping terms of four (4) years.

Section 10.4.

A qualified elector shall possess the same qualifications as required by the laws of the state of Oklahoma.

Section 10.5.

All registration laws of the state of Oklahoma are made applicable to all elections held under this charter and only persons registered as provided by law will be entitled to vote.

Section 10.6.

After the first election of officers held hereunder, the voting precincts of each ward shall conform to the division of such wards into voting precincts as designated by the county election board unless the county election board fails to designate voting precincts and shall give notice of such designation thereof by publication of notice for ten (10) days prior to such election. The city clerk shall prepare all ballots and election supplies and shall appoint and designate the election officers conducting all elections held hereunder, consisting of at least one judge and two (2) clerks for each voting precinct, and shall provide the election officers with all ballots and supplies. Such election officials shall make return of such election to the county election board who shall canvass such returns and issue certificates of election; provided, however, any candidate in such election may be present at such canvass, either personally or by representative.

Section 10.7.

Except as otherwise provided herein, all election laws of the state of Oklahoma, including crimes and penalties and contests are hereby made applicable to elections held in said city.

Section 10.8.

Special Elections: All special elections held in said city shall be upon call of the mayor and in accordance with the terms and provisions of the constitution and laws of the state of Oklahoma.

Section 10.9.

A vacancy shall exist when an elective officer fails to qualify within ten (10) days after the beginning of his term of office, dies, resigns, or in case of the mayor or vice-mayor, removes from the city, or in case of a councilman, except councilmen at large, removes from the ward from which he was elected, is convicted of a felony, or is otherwise legally disqualified. All vacancies in elective offices shall be filled for the unexpired term by appointment by the city council, except that in the event of a vacancy in the office of mayor the vice-mayor shall become the mayor of said city and shall serve throughout the unexpired term thereof.

Section 10.10.

The city council shall have power to pass all necessary ordinances to fully vitalize all provisions of this charter relating to elections.

Section 10.11.

Female electors as defined in the constitution of the state of Oklahoma are hereby

declared eligible to hold any office, elective or appointive, created under the terms of this charter, and the masculine use of a word includes the feminine as well.

Section 10.12.

Article eighteen (18) of the constitution of the state of Oklahoma, under the title, municipal corporations, and every section thereof, including the initiative and referendum, and all other provisions of sections of said article eighteen (18), are hereby adopted and made in full force and effect for the government of the city of Anadarko.

ARTICLE XI
CITY BOARDS

Section 11.1.

(This section amended June 30, 2020)

The City Council shall prescribe by ordinance for the establishment for the library, cemetery, parks, airport boards and any other board or commission it deems necessary to carry out the responsibilities to govern and manage the city.

ARTICLE XII
SPECIAL IMPROVEMENTS

Section 12.1.

The city of Anadarko shall have the power to construct or cause to be constructed, special improvement consisting of curbing, curbing and guttering, grading, paving or surfacing of streets and alleys, including surface drainage of such streets and disposition of same by storm sewers, storm sewer systems constructed separately from paving, sanitary sewer systems and ornamental street lights.

Section 12.2.

Proceedings looking to the installation of any special improvements hereinabove listed in section 15.1, and proceedings looking to the payment of said improvements by the people of Anadarko, shall be instituted, conducted, and maintained as by general laws of the state of Oklahoma provided relating to cities of the first class in Oklahoma.

ARTICLE XIII
AMENDMENTS TO CHARTER

Section 13.1.

This charter may be amended by proposal therefor submitted by the city council to the qualified electors of the city, or by petition as provided by law, at a general or

special election, and when ratified by a majority of the qualified electors voting thereon, and approved by the governor, as herein provided for the approval of the charter, such amendment shall take effect and be in force.

ARTICLE XIV
RECALL OF ELECTIVE OFFICERS

Section 14.1.

The holder of any elective office either by election or appointment to fill a vacancy, may be removed at any time after six (6) months from the date of his accession to said office, by the electors qualified to vote for a successor to such incumbent, in the following manner:

Section 14.2.

An affidavit in triplicate shall be made by a person or persons representing at least ten per centum (10%) of the qualified electors as shown by the returns of the last general election, who are qualified to vote for a successor to such officer, which persons shall be named in the
affidavit and same filed with the city clerk, proposing such recall and setting forth in a statement of not more than two hundred (200) words the grounds therefor. One of such affidavits shall be sent by the city clerk by registered mail to the residence address of the officer sought to be recalled, and said officer shall have five (5) days after the mailing of such affidavit to formulate and deliver to the city clerk a statement of not more than two hundred
(200) words setting forth the reasons justifying such officer's course. The reasons for and against the recall of said officer shall be printed in the heading of the petition filed; provided, that if no reasons against the recall are submitted by said officer the petition shall be valid if otherwise conforming to the provisions hereof.

Section 14.3.

When the five (5) days have expired from the date of the mailing said affidavit to the officer whose recall is sought, the persons desiring said recall shall file with the city clerk a petition for the recall of such officer containing in the heading thereof the reasons for the recall as stated in the affidavit and the reasons against the recall if any may have been filed. Said petition shall have attached thereto blanks with lines sufficient for signatures and addresses of signers of not less than fifty per centum (50%) of the electors qualified to vote for a successor to such officer.

Section 14.4.

The city clerk shall then cause to be published in some newspaper of general circulation in the city of Anadarko a notice to the voters, stating the name of the officer whose recall is sought and notifying persons desiring to sign said petition, that they may present themselves at the office of the city clerk at the city hall, within thirty (30) days from the publication of said notice and sign said petition. One publication of said notice shall be sufficient. During said thirty (30) days, Sundays and legal holidays excepted, the city clerk shall remain continuously in his office, between the hours of one thirty o'clock (1:30) P.M. and five o'clock (5:00) P.M. for the purpose of receiving signatures to said petition. Failure on the part of the city

clerk to keep his office open during the hours herein specified, unless unavoidably prevented by sickness, shall be adjudged a misdemeanor and upon conviction thereof he shall be punished by a fine of not less than ten dollars ($10.00) and not more than fifty dollars ($50.00), and each day said clerk violates the provisions hereof shall constitute a separate and distinct offense.

Section 14.5.

When said petition has been signed by thirty five per centum (35%) of the electors qualified to vote for a successor to such officer, as shown by the returns of the last general election, said petition shall be deemed sufficient to authorize the calling of an election for the purpose of electing a successor to such officer, and it shall be the duty of the city council or the city clerk, as hereinafter provided, to call such election. Said petition shall be open at all times to the inspection of any elector of the city and when requested to do so by any qualified elector the city clerk shall total the number of signatures to the petition and shall compare same with the registration lists containing the names of the electors of the city and at any time within thirty
(30) days from the date of the first publication of the notice to voters, when there shall be a number of the electors of said city qualified to vote for a successor to such officer, as shown by the returns of the last general election, and in any event not later than five (5) days after the expiration of said thirty (30) days, the city clerk shall certify the sufficiency or insufficiency of the petition to the city council, and he shall further certify that all signatures to the petition are
genuine and were affixed to said petition in his office and in his presence and that each signer thereof either read said petition or had someone read to him before signing same, whereupon the city council, if said petition is sufficient as provided herein shall, within ten (10) days from the date of the clerk's certificate, call the election petitioned for; and said election shall be held not less than twenty (20) nor more than thirty (30) days from the date of said call. If the recall of one or two (2), of the councilmen is sought, the remaining councilmen shall call the election. If the recall of three (3) or more councilman is sought, the city clerk shall call the election. Said election shall be called and conducted and the results declared in all respects as in other city elections. The successor of any officer so recalled and removed shall hold office during the unexpired term of his predecessor.

Section 14.6.

If sufficient signatures are not affixed to said petition within thirty (30) days of the first publication of the notice to voters, said petition shall remain on file with the city clerk and said recall shall be denied; provided, that the failure to obtain sufficient signatures shall be no bar to the institution of other proceedings in conformity with this article.

Section 14.7.

Any person sought to be removed may be a candidate to succeed himself, and if he so requests in writing, the proper officer or officers shall place his name on the official ballot. In any such recall election, the candidate receiving the highest number of votes shall be declared elected. If at such election some person other than the incumbent receives the highest number of votes, the said incumbent shall be deemed to have been removed and shall vacate the office upon the qualification of his successor, which shall be within ten (10) days from the declaration of the

result. If the incumbent receives the highest number of votes he shall continue in office.

Section 14.8.

Any person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to no office under the city government within one year after such removal by recall or resignation.

ARTICLE XV
GENERAL PROVISIONS

Section 15.1.

The city council shall require good and sufficient bonds for all contractors, with sufficient surety who shall be residents of the state of Oklahoma, except nonresident surety and bonding companies, domesticated and authorized to transact business in Oklahoma.

Section 15.2.

No contract shall be entered into by the city council until an appropriation has been made therefor, nor in excess of the amount appropriated and all contracts shall be made upon

specifications. No contract shall be binding upon the city unless it has been signed by the mayor and countersigned by the city clerk, and the expenses thereof charged to the proper fund, liable for the payment of the same, and whenever the contract charged to any fund equals the appropriations made therefor, no further contract shall be signed by the mayor or clerk, the payment of which would come from such funds.

Section 15.3.

(This section amended June 30, 2020)

All contracts of whatever character pertaining to public improvements, or maintenance of the public property that exceeds the statutory limits prescribed by state law shall be based upon specifications to be prepared and submitted to and approved by the city council, and after approval by city council advertisements for the proposed work or matter embraced in said contract shall be published in a newspaper of general circulation in said city, and all bids submitted shall be sealed, and shall be opened by a city official appointed by the mayor and city council in a meeting that is publicly posted and open to the bidders and general public at large . The bids shall be open to public inspection for at least forty eight (48) hours before any award of said work shall be made to any competitive bidder. The City Council by ordinance shall have the power to make the purchasing limits stricter than state law but shall not exceed them.

Section 15.4.

All legal process against the city shall be served upon the mayor or the acting mayor in his absence.

Section 15.5.

The property, real or personal, belonging to said city, shall not be liable to be sold or appropriated under any writ or execution or cost bill, for forced sale, nor shall the funds belonging to said city in the hands of any person be liable to garnishment for any debt it may own or funds it shall have due from any person, nor shall said city be required to answer any writ or garnishment on any account whatsoever.

Section 15.6.

No officer or employee of said city shall give or promise to give to any other person, any portion of his compensation or any money or valuable thing or promise of employment to any person, in consideration of having been or being nominated, appointed, voted for or elected to any office or employment, and if such promise of gift be made, the person making or accepting such gifts or promise shall forfeit his office of employment, and be debarred and disqualified from being elected, appointed, or employed in the service of said city.

Section 15.7.

Any officer of said city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly from any person or corporation dealing with the city, or any subordinate or employee or from any candidate or applicant for any position as employee or subordinate under him shall forfeit his office and be forever debarred and disqualified from holding any position in the service of the city.

Section 15.8.

(This section amended June 30, 2020)

Neither the mayor nor any member of the city council shall accept any compensation other than what is allowed by law from a person, company or corporation holding or seeking to hold any franchise of the city. No city official who has administrative or decision making responsibilities on franchise made within said city shall accept any compensation or wages from a person, company or corporation holding or seeking to hold any franchise of the city. No city official shall accept a gift, gratuity or other items that are more than nominal in value. In the event that a member of the City Council or Mayor are employed by a person, company, or corporation holding or seeking to hold a franchise of the said city, they shall make the conflict known in an open meeting of the governing body and recuse themselves from the action on the franchises being considered. Any violation of this section shall render vacant, ipso facto, the position held by the person so violating it, and said person shall be punished as for bribery

Section 15.9.

No member of the city council or any other officer of the city shall be directly or indirectly, financially interested in any work, business or contracts, the expense, price or consideration of which is paid from the treasury or by any assessment levied by ordinance or resolution of the city council; nor surety of any person having any contract work or business with said city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city. Contracts in violation of this provision shall be void.

Section 15.10.

Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, or by this charter, shall be liable to said city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Section 15.11.

All writs, subpoenas, or other process issuing out of the municipal court shall run in the name of the city of Anadarko, and shall be executed and served by the chief of police or his deputies or policemen of said city; provided, that the city shall never be liable for the cost of any proceeding in the police court, and provided further that such process shall not be served outside of the city of Anadarko.

Section 15.12.

The city of Anadarko shall have and exercise general powers over its streets, alleys and public property and may prescribe all rules and ordinances deemed expedient for the preservation, protection, maintenance and use thereof.

Section 15.13.

The enumeration of general and particular powers herein shall never be held or construed to be a circumscription of or limitation upon any powers whenever or wherever elsewhere provided, fixed, given, granted, invested, or implied under either the constitution or laws of Oklahoma, it being the intention by the proposition and adoption of the charter to reserve and confer upon the inhabitants of the city of Anadarko the entire right, full power and unrestricted privileges of self-government, such right, power and privilege, however, to be held and exercised conformably with and not violative of the constitution and laws of the state of Oklahoma.

Section 15.14.

No freeholder who participated in the preparation of this charter shall be eligible to hold any elective or appointive office or position of said city for a period of one year after the adoption of such charter.

ARTICLE XVI
EFFECTIVE DATE OF CHARTER

Section 16.1.

It is hereby provided that the foregoing charter and the municipal government thereby created shall remain in abeyance after its adoption and approval until councilmen herein provided for are elected, except that the provisions of this charter relating to the election of councilmen, shall go into effect for this purpose immediately upon approval by the governor, as provided by state constitution.

Section 16.2.

Within ten (10) days after the governor approves this charter, the mayor of this city shall call a general municipal election to be held in all of the precincts of the city on the fourth Tuesday after the approval by the governor, to elect members of the city council as provided in this charter.

Section 16.3.

The councilmen elected as provided herein shall hold their first meeting and be inducted into office at twelve o'clock (12:00) noon on the first Monday after their election; and they shall serve until twelve o'clock (12:00) noon on the first Monday in May, 1949, or until their successors have been elected and taken office.

Section 16.4.

This charter shall go into full effect, and the government provided by it shall be inaugurated at the time prescribed herein for the first meeting of the councilmen.

ARTICLE XVII
APPEAL BOARD FOR CITY EMPLOYEES

(Article XX was added to the city charter on April 16, 1963.)

Section 17.1.

There is hereby created an appeal board for city employees who have been suspended or discharged by the city manager. Said board shall consist of five (5) members who are not city employees or members of the city council, who shall be recommended by the mayor and approved by at least five (5) members of the city council.

Section 17.2.

When any employee is suspended without pay for any purpose or any length of time or discharged for any purpose by the city manager, the city manager shall give the employee an appeal form which shall be provided for that purpose. The employee may then file said form with the mayor or acting mayor within ten (10) days setting

out why he thinks said discharge or suspension is unfair or unjust. The mayor or acting mayor shall then deliver said form to the chairman of the appeal board. The board shall then proceed to hear said complaint, make such investigation as it deems necessary and make its findings and recommendations of said board to the city manager. The city manager shall have an opportunity to defend his actions before the city council. The city council shall then make a decision by majority vote for the best interest of the city of Anadarko.

The undersigned duly elected freeholders, respectfully submit the above and foregoing charter for the city of Anadarko, Oklahoma, this the 19th day of June, 1947.

/s/ Charles S. Pollock /s/ John L. Stalder Freeholders, Ward One

/s/ Perry F. Brown /s/ W. N. Bradley Freeholders, Ward Two

/s/ B. W. Hammert /s/ C. Ross Hume Freeholders, Ward Three

/s/ Alpha D. Tallent /s/ Norman Talkington Freeholders, Ward Four

/s/ John D. Pugh /s/ R. L. Henderson Freeholders, Ward Five

Filed - June 19, 1947.

RAY OLIVER

Mayor of the City of Anadarko, Oklahoma.

Examined and approved by me this 20th day of September, 1947.

/s/ Roy J. Turner

Roy J. Turner, Governor of the State of Oklahoma. C E R T I F I C A T E

STATE OF

OKLAHOMA,

SS:

COUNTY OF CADDO

I, Ray Oliver, the duly elected, qualified and acting Mayor of the City of Anadarko, Oklahoma, do hereby certify:

That I am the chief executive officer of the City of Anadarko, Caddo County, Oklahoma.

That the annexed copy of the Charter of the City of Anadarko, Caddo County, Oklahoma, consisting of typewritten sheets numbered from 1 to 20, both inclusive, is a true, correct and exact copy of the original thereof filed with me of June 19, 1947, by the duly elected, qualified and acting Board of Freeholders, elected as provided by law for the purpose of preparing and proposing a Charter for the City of Anadarko, Oklahoma.

I further certify that thereafter and on June 26, July 3, and July 10, 1947, said proposed Charter was duly published in the Anadarko Tribune, a legal newspaper, as shown by the proof of publication thereof, which is attached hereto as a part hereof and marked Exhibit "A".

On July 7, 1947, Ordinance No. 482 was duly passed and approved by the Mayor and Councilmen of the City of Anadarko, Oklahoma, and said Ordinance was thereafter and on July 10, 1947, duly published in the Anadarko Daily News, a legal newspaper published at Anadarko, Oklahoma. A printed copy of said Ordinance, together with proof of publication thereof, is hereby attached, marked Exhibit "B" and made a part hereof.

That thereafter and on July 21, 1947, an election proclamation was issued by the undersigned as Mayor of the City of Anadarko, Oklahoma, in pursuance of the provisions of said Ordinance No. 482, as aforesaid, whereby August 5, 1947, was fixed as the time for a special election in the City of Anadarko, Oklahoma, for the purpose of submitting the said proposed Charter to the registered, qualified electors of the City of Anadarko, Oklahoma, for ratification. A copy of said election proclamation, together with proof of publication thereof, is hereto attached, marked Exhibit "C" and made a part hereof.

That on August 5, 1947, the aforesaid proposed Charter for the City of Anadarko, Oklahoma, was ratified by a majority of the duly registered, qualified electors of the City of Anadarko, Oklahoma, as shown by the certified copy of the minutes of the meeting of the County Election Board of Caddo County, Oklahoma, showing the canvass of the returns of said special election, which is attached hereto, marked Exhibit "D" and made a part hereof.

This certificate is made in conformity with the statutes in such cases made and provided incident to submitting the said Charter to the Hon. Roy J. Turner, Governor of the State of Oklahoma, for approval.

IN WITNESS WHEREOF, I have hereunto set by hand and affixed the seal of the City of Anadarko, Oklahoma, on this 9th day of August, 1947.

/s/
Ray

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ver

Mayor of the City of Anadarko,

Oklahoma (SEAL)

PROOF OF

PUBLICATION

STATE OF

OKLAHOMA,

SS:

COUNTY OF CADDO

Wallace Kidd, of lawful age, being duly sworn, upon oath deposes and says that he is the associate editor and publisher of the Anadarko Tribune, a weekly newspaper printed in the English language, in the City of Anadarko, Caddo County, Oklahoma, having a bona fide paid general circulation therein, and with entrance into the United States mail as second class mail matter in Caddo County, and published in said county where delivered to the United States mail, and that the proposed charter, a copy of which is hereto attached, was published in said newspaper on June 26, July 3, and July 10, 1947, for three issues, and that said newspaper has been continuously and uninterruptedly published in said county during the period of more than One Hundred and Four (104) weeks consecutively, prior to the first publication of said proposed charter, as required by Senate Bill No. 47, passed by the Nineteenth Legislature, effective April 13, 1943, and thereafter, and complies with all of the prescriptions and requirements of the laws of Oklahoma. (The proposed charter above referred to is a true and printed copy. Said proposed charter was published in all editions of said newspaper and not in a supplement thereof.)

/s/ Wallace Kidd

Subscribed and sworn to before me by Wallace Kidd, associate editor and publisher of the ANADARKO TRIBUNE, this 7th day of August, 1947.

/s/ Wanda Evans Notary

Public My commission

expires July 29, 1948.

EXHIBIT "A"

STATE OF

OKLAHOMA,

SS:

CADDO COUNTY

I, Sam Wall, County Clerk within and for the said County and State, do hereby certify that the Proof of Publication of this Charter was attached to instrument, the date of which Proof of Publication was July 3, 1947.

/s/ Sam Wall

County Clerk

Caddo County, Oklahoma

(SEAL)

APPENDIX B – FIGURES FROM CODE

APPENDIX C - NON-CODIFIED ORDINANCES AND RESOLUTIONS