HENRYETTA, OKLAHOMA

CODE OF ORDINANCES
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TABLE OF CONTENTS – PARTS

PART 1 - GENERAL PROVISIONS 17
PART 2 - ADMINISTRATION AND GOVERNMENT 21
PART 3 - ALCOHOLIC BEVERAGES 31
PART 4 - ANIMALS 37
PART 5 - BUILDING REGULATIONS AND CODES 43
PART 6 - COURT 55
PART 7 - FINANCE AND TAXATION 61
PART 8 - HEALTH AND SANITATION 83
PART 9 - LICENSING AND BUSINESS REGULATIONS 93
PART 10 - OFFENSES AND CRIME 105
PART 11 - PARKS, RECREATION AND CULTURAL AFFAIRS 117
PART 12 - PLANNING, ZONING AND DEVELOPMENT 123
PART 13 - PUBLIC SAFETY 133
PART 14. STREETS AND PUBLIC WORKS 141
PART 15. TRAFFIC AND VEHICLES 145
PART 16. TRANSPORTATION 173
PART 17. UTILITIES 175
APPENDIX 1. SUPPLEMENTAL ORDINANCES AND RESOLUTIONS 187
APPENDIX 2. HENRYETTA MUNICIPAL AUTHORITY 189
APPENDIX 3. HENRYETTA HOSPITAL AUTHORITY 191

TABLE OF CONTENTS

PART 1 - GENERAL PROVISIONS 17
CHAPTER 1. - USE AND CONSTRUCTION OF THE CODE 17
SECTION 1-101. Designation and citation of code. 17
SECTION 1-102. Rules of construction; definitions. 17
SECTION 1-103. Catchlines of sections; citations 17
SECTION 1-104. Effect of repeal of ordinances. 18
SECTION 1-105. Severability of parts of Code. 18
SECTION 1-106. Amendments; effect of new ordinances. 18
SECTION 1-107. Altering Code. 18
SECTION 1-108. General penalty. 18
SECTION 1-109. Fines recoverable by civil action. 18
SECTION 1-110. Ordinances in effect in outlying territory of city. 18
CHAPTER 2. - CORPORATE AND WARD LIMITS 18
SECTION 1-201. Map of city designated as official map. 18
SECTION 1-202. Ward number and boundaries. 18
PART 2 - ADMINISTRATION AND GOVERNMENT 21
CHAPTER 1. – GOVERNMENT ORGANIZATION 21
SECTION 2-101. Council-Manager form of government. 21
CHAPTER 2. - CITY COUNCIL 21
SECTION 2-201. Elections and terms. 21
SECTION 2-202. Time of regular meetings. 21
SECTION 2-203. Meetings. 21
SECTION 2-204. Qualifications of Council Members. 21
SECTION 2-205. Election of Mayor and Vice-Mayor; duties. 21
SECTION 2-206. Powers vested in Council; designated powers. 21
SECTION 2-207. Compensation. 21
SECTION 2-208. Rules of procedure. 21
SECTION 2-209. Legislative calendar. 22
CHAPTER 3. - CITY MANAGER 22
SECTION 2-301. Appointment. 22
SECTION 2-302. Designation of acting City Manager. 22
SECTION 2-303. Council may suspend or remove. 23
SECTION 2-304. Duties. 23
CHAPTER 4. – FINANCE DEPARTMENT 23
SECTION 2-401. City Clerk. 23
SECTION 2-402. Duties of City Clerk. 23
SECTION 2-403. Office of City Clerk and City Treasurer may be held by same person. 23
SECTION 2-404. City Treasurer. 23
SECTION 2-405. Duties of City Treasurer. 23
CHAPTER 5. – OTHER DEPARTMENTS AND PERSONNEL 23
SECTION 2-501. City Attorney. 23
SECTION 2-502. City-county health department; director. 23
SECTION 2-503. Council to regulate number and classes and compensation of officers and employees. 24
SECTION 2-504. Certain personnel to be bonded. 24
CHAPTER 6. – SOCIAL SECURITY 24
SECTION 2-601. City Attorney. 24
SECTION 2-602. Execution of agreement with state agency. 24
SECTION 2-603. Withholdings. 24
SECTION 2-604. Contributions. 24
SECTION 2-605. Records and reports. 24
SECTION 2-606. Exclusions. 24
CHAPTER 7. – RETIREMENT AND PENSIONS 24
ARTICLE A. – POLICE PENSION SYSTEM 24
SECTION 2-701. Police pension Board of Trustees. 24
SECTION 2-702. Police department Board of Review. 24
ARTICLE B. – FIREFIGHTER'S PENSION FUND 25
SECTION 2-710. Fire department Board of Review. 25
ARTICLE C. – EMPLOYEE RETIREMENT SYSTEM 25
SECTION 2-720. Employee retirement system created. 25
SECTION 2-721. Fund. 25
SECTION 2-722. Appropriations. 25
SECTION 2-723. Execution. 25
CHAPTER 8. – DRUG TESTING. 25
SECTION 2-801. Policy and intent. 25
SECTION 2-802. Statutory authority. 25
SECTION 2-803. Applicability. 26
SECTION 2-804. Drug testing prior to assignment. 26
SECTION 2-805. Reasonable suspicion. 26
SECTION 2-806. Post-accident testing. 26
SECTION 2-807. Random and scheduled periodic testing. 26
SECTION 2-808. Post-rehabilitation testing. 27
SECTION 2-809. Substances for which tests may be given. 27
SECTION 2-810. Drug or alcohol testing methods and documentation. 27
SECTION 2-811. Costs. 28
SECTION 2-812. Refusal to undergo testing; tampering with sample. 28
SECTION 2-8013. Confidentiality. 28
SECTION 2-814. Disciplinary action. 28
SECTION 2-815. Testing procedure. 28
SECTION 2-816. Challenging test results. 29
SECTION 2-817. Policy posting procedures. 29

SECTION 2-818. Employee Assistance Program (EAP).....29
SECTION 2-819. Penalties and remedies.....29
SECTION 2-820. Prohibitions.....29
CHAPTER 9. – NEPOTISM.....29
SECTION 2-901. Definitions.....29
SECTION 2-902. Restrictions.....29
SECTION 2-903. Emergency exceptions.....30
CHAPTER 10. – HIRING.....30
SECTION 2-1001. Public advertisement of open positions required.....30
CHAPTER 11. – HIRING.....30
SECTION 2-1101. Use of City and private vehicles.30
PART 3 - ALCOHOLIC BEVERAGES.....31
CHAPTER 1. - GENERAL PROVISIONS.....31
SECTION 3-101. Purpose of chapter.....31
SECTION 3-102. Definitions; terms and phrases. ...31
SECTION 3-103. Amount of tax.....31
SECTION 3-104. Payment required; penalty.....31
SECTION 3-105. Annual report.....31
SECTION 3-106. Application for certificate; investigations.....31
SECTION 3-107. Issuance of certificate of zoning and certificate of compliance; conditional certificates.....31
SECTION 3-108. Civil penalty.....32
SECTION 3-109. No refund.....32
SECTION 3-110. Sign at store.....32
SECTION 3-111. Advertising.....32
SECTION 3-112. Separate premises.....32
SECTION 3-113. Condition of sale.....32
SECTION 3-114. Consumption and open container prohibited in certain locations.....32
SECTION 3-115. Compliance with chapter and state laws required.....32
SECTION 3-116. Compliance with zoning regulations required.....32
SECTION 3-117. Prohibited location.....32
SECTION 3-118. Prohibited sales.....33
SECTION 3-119. Transporting beverages.....33
SECTION 3-120. Prohibited employment of minors; presence of minors in licensed stores.....33
SECTION 3-121. Dates and hours of prohibited sales and deliveries.....33
SECTION 3-122. Credit sales prohibited.....33
SECTION 3-123. Sale promotions prohibited.....33
SECTION 3-124. Intoxicated persons prohibited in restaurants and places of recreation.....33
SECTION 3-125. Violations and penalties.....33
CHAPTER 2. - NONINTOXICATING BEVERAGES.....33
SECTION 3-201. Definitions.....33
SECTION 3-202. Hours of sale.....33
SECTION 3-203. License fees.....34
SECTION 3-204. License requirements.....34
SECTION 3-205. Sale to minors prohibited.....34
SECTION 3-206. Possession by minors.....34
SECTION 3-207. Restrictions on employment of persons under 21.....34
SECTION 3-208. Minors not to frequent bars, beer halls or taverns.....34
SECTION 3-209. Drinking in public.....34
SECTION 3-210. Unlawful transportation of non-intoxicating beverages available for consumption.....34
SECTION 3-211. Prohibited activities at places where non-intoxicating beverages available for consumption.....35
SECTION 3-212. Prohibited location.....35
SECTION 3-213. Violations and penalties.....35
SECTION 3-214. Solicitation of drinks.....35
CHAPTER 3 – PRIVATE CLUBS.....35
PART 4 - ANIMALS.....37
CHAPTER 1. - ANIMAL REGULATIONS.....37
ARTICLE A. - GENERAL PROVISIONS.....37
SECTION 4-101. Definitions.....37
SECTION 4-102. Certificate of registration for certain dogs required; fee.....37
SECTION 4-102.1. Animals not to be at large.....38
SECTION 4-103. Turning animals at large unlawful.38
SECTION 4-104. Pasturing in public areas illegal...38
SECTION 4-105. Disturbing the peace; certain animals declared nuisances.....38
SECTION 4-106. Keeping of swine.....38
SECTION 4-107. Animal enclosures; receptacles for manure.....38
SECTION 4-108. Manure.....38
SECTION 4-109. Stables to be kept clean.....38
SECTION 4-110. Health officer to inspect.....38
SECTION 4-111. Poisonous snakes and wild and dangerous animals.....38
SECTION 4-112. Abandonment of animals.....39
SECTION 4-113. Hunting within the city limits of Henryetta and on property owned by the City of Henryetta is prohibited; Exception.....39
ARTICLE B. - ANIMAL LICENSING REQUIREMENTS 39
SECTION 4-120. Vaccination required; animals to wear tags.....39
SECTION 4-121. Dogs muzzled and cats confined during epidemics.....39
SECTION 4-122. Vicious dog may be killed.....39
SECTION 4-123. Exemptions.....39
SECTION 4-124. Rabies control and procedures. ..39
ARTICLE C. – DOG LICENSING AND TAGS.....40
SECTION 4-130. Licensing and registration; exceptions.....40
SECTION 4-131. Issuance and display of license tags; lost tags.....40
SECTION 4-132. Illegal tags.....40
ARTICLE D. - ANIMAL SHELTER.....40
SECTION 4-140. Animal shelter established; supervision.....40
SECTION 4-141. Authority to impound animals; right of entry.....40
SECTION 4-142. Registration of impounded animals; redemption; disposition.....40
SECTION 4-143. Breaking pound; interference with law enforcement officers.....41
SECTION 4-144. Establishment of fees for impounded animals; payment required prior to release.....41
SECTION 4-145. Reclamation of impounded animals.....41
SECTION 4-146. Sale or destruction of impounded animals.....41
SECTION 4-147. Owner may claim excess money. 41
SECTION 4-148. Delivery of unclaimed animals on demand.....41
ARTICLE E. CRUELTY TO ANIMALS.....41
SECTION 4-150. Inhumane treatment or neglect prohibited.....41
SECTION 4-151. Poisoning animals.....41
SECTION 4-152. Encouraging animals to fight.....42
ARTICLE F. - BIRD SANCTUARY.....42
SECTION 4-160. Bird Sanctuary designated.....42
SECTION 4-161. Hunting and trapping.....42
ARTICLE G. – ZONING ORDINANCE TO PREVAIL....42
SECTION 4-165. Conflict with Zoning Ordinance. ..42
ARTICLE H. – PENALTIES.....42
SECTION 4-170. Violations and penalties.....42
PART 5 - BUILDING REGULATIONS AND CODES.....43
CHAPTER 1. BUILDING CODE AND PERMITS.....43
SECTION 5-101. Adoption of building code.....43

SECTION 5-102. Building official; duties; inspections and enforcement. 43
SECTION 5-103. Other city officials; code responsibilities. 43
SECTION 5-104. Permit required; expiration of permit. 43
SECTION 5-105. Application for permits. 43
SECTION 5-106. When permit secured. 43
SECTION 5-107. Building permit fees. 43
SECTION 5-108. Fire limits defined. 43
SECTION 5-109. Violations and penalties. 43
CHAPTER 2. PLUMBING CODE 43
SECTION 5-201. Plumbing code adopted. 43
SECTION 5-202. Plumbing official. 43
SECTION 5-203. Permit required; establishment of fee. 43
SECTION 5-204. Payment of permit fee; permit required prior to connection. 43
SECTION 5-205. Plumbers' registration and state license required; fees. 44
SECTION 5-206. Plumbing contractor's bond; insurance. 44
CHAPTER3. ELECTRICAL CODE 44
ARTICLE A. – ELECTRICAL CODE AND REGULATIONS 44
SECTION 5-301. Definitions. 44
SECTION 5-302. Electrical code adopted. 44
SECTION 5-303. Underwriter's Laboratories, Inc. standards. 44
SECTION 5-304. Office of electrical inspector created. 45
SECTION 5-305. Permit required for electrical installation; application; inspections; fee. 45
SECTION 5-306. Electrical inspector to inspect all electrical installations. 45
SECTION 5-307. Installation not to be concealed until approved. 45
SECTION 5-308. Work roughed in. 45
SECTION 5-309. Inspection of new work roughed in. 45
SECTION 5-310. Premises not to be connected until installation is approved. 45
SECTION 5-311. Temporary certificate. 45
SECTION 5-312. Final certificate; new wiring as an addition to old existing wiring or work. 45
SECTION 5-313. Notice of rejection. 45
SECTION 5-314. Alteration after inspection. 45
SECTION 5-315. Service entrance. 46
SECTION 5-316. Bracketing of wires. 46
SECTION 5-317. Branch circuit conductors. 46
SECTION 5-318. Receptacle and light fixture loading. 46
SECTION 5-319. Fixed appliances. 46
SECTION 5-320. Grounded system required. 46
SECTION 5-321. Metal raceways required. 46
SECTION 5-322. Wall switches required. 46
SECTION 5-323. Locknuts and bushings required. 46
SECTION 5-324. Plug fuses. 46
SECTION 5-325. Meter cabinet panel board locations. 46
SECTION 5-326. Conduits. 46
SECTION 5-327. Swimming pool wiring. 46
SECTION 5-328. Exit lights. 47
SECTION 5-329. Installation of electric metering equipment. 47
SECTION 5-330. Interference with wiring. 47
SECTION 5-331. Inspector may enter buildings. 47
SECTION 5-332. Responsibility for damages. 47
ARTICLE B. – REGISTRATION AND BONDS 47
SECTION 5-340. Registration of electricians. 47
SECTION 5-341. Bond for electrical contractors. 47
SECTION 5-342. Exceptions from registration and bond requirements. 47
SECTION 5-343. Revocation of registration. 48
SECTION 5-344. Journeymen to be employees of contractors. 48
CHAPTER 4. – GAS PIPING 48
SECTION 5-401. Gas Code adopted. 48
SECTION 5-402. Inspection; fee. 48
SECTION 5-403. License required; fee. 48
SECTION 5-404. Bond. 48
SECTION 5-405. Registration of gas appliance fitters. 48
SECTION 5-406. Plumbing inspector may enter building. 48
CHAPTER 5. – LIQUIFIED PETROLEUM GAS 48
SECTION 5-501. Compliance required. 48
SECTION 5-502. Inspection; fee. 48
CHAPTER 6. – MOVING BUILDINGS 49
SECTION 5-601. License required; fee. 49
SECTION 5-602. Bond required. 49
SECTION 5-603. Permit required. 49
SECTION 5-604. Application for permit. 49
SECTION 5-605. Inspection. 49
SECTION 5-606. Action on application; review; approval or denial. 49
SECTION 5-607. Permit fee. 49
SECTION 5-608. Height regulation. 49
SECTION 5-609. Moving over asphalt paving; use of pneumatic tires. 49
SECTION 5-610. Limits on size of building. 49
SECTION 5-611. Public safety requirements. 50
SECTION 5-612. Conduct of moving; safety precautions. 50
SECTION 5-613. Poles and wires. 50
SECTION 5-614. Trees and fixtures. 50
SECTION 5-615. Obstruction of railway tracks. 50
SECTION 5-616. Exceptions for contractors' sheds and offices. 50
SECTION 5-617. Special moving permit. 50
SECTION 5-618. Moving buildings outside city limits. 51
SECTION 5-619. Violations and penalties. 51
CHAPTER 7. – HOUSING CODE 51
SECTION 5-701. Adoption of housing code; conflicts with city ordinances. 51
SECTION 5-702. Prominent display of address. 51
CHAPTER 8. – MECHANICAL CODE 51
SECTION 5-801. Adoption of mechanical code; conflicts with city ordinances. 51
SECTION 5-802. Registration required. 51
SECTION 5-803. Permit fee. 51
SECTION 5-804. Inactive contractors. 51
SECTION 5-805. Inspection fees. 51
SECTION 5-806. Rules and regulations. 52
CHAPTER 9. – OIL AND GAS 52
SECTION 5-901. Drilling or digging for, and production of, oil and gas prohibited. 52
CHAPTER 10. – CIVIL DEFENSE SHELTERS IN PUBLIC BUILDINGS 52
SECTION 5-1001. Fallout shelters to be provided in public buildings; duty of officers. 52
SECTION 5-1002. Policy. 52
CHAPTER 11. – PENALTY AND JUDICIAL RELIEF 52
SECTION 5-1101. Violations and penalties. 52
SECTION 5-1102. Relief in the Courts. 52
CHAPTER 12. – VISUAL OBSTRUCTIONS CAUSED BY SIGNS 52
SECTION 5-1201. Purpose and intent. 52
SECTION 5-1202. Applicability. 52

SECTION 5-1203. Existing signs. 52
SECTION 5-1204. Permit to erect, alter or relocate sign.....53
SECTION 5-1205. Expiration of permit.....53
SECTION 5-1206. Interfering with or obstructing traffic; visual obstruction. 53
SECTION 5-1207. Interference with traffic signals or signs.....53
SECTION 5-1208. Placing signs on public or private property. 53
SECTION 5-1209. Clear vision at intersections.....53
CHAPTER 13. – GRANT-FUNDED INFRASTRUCTURE IMPROVEMENTS.....53
SECTION 5-1301. Mandatory provision of employment and beneficiary information. 53
SECTION 5-1302. Time period for provision of employment and beneficiary information. 53
PART 6 - COURT 55
CHAPTER 1. - MUNICIPAL COURT.....55
SECTION 6-101. Organization of municipal court. ..55
SECTION 6-102. Definitions. 55
SECTION 6-103. Jurisdiction of court.....55
SECTION 6-104. Judge; qualifications.....55
SECTION 6-105. Term of Judge. 55
SECTION 6-106. Alternate Judge. 55
SECTION 6-107. Acting Judge. 55
SECTION 6-108. Appointment of Judge and alternate Judge.....55
SECTION 6-109. Salary and payments to Judge. ...55
SECTION 6-110. Removal of Judge. 55
SECTION 6-111. Vacancy in office of Judge.....56
SECTION 6-112. Disqualification of Judge.....56
SECTION 6-113. Chief of police. 56
SECTION 6-114. Clerk of the court; duties.....56
SECTION 6-115. Prosecuting attorney; duties; conflict of interest.....56
SECTION 6-116. Bond of court clerk. 56
SECTION 6-117. Rules of Court. 56
SECTION 6-118. Enforcement of rules.. 56
SECTION 6-119. Written complaints to prosecute ordinance violations. 56
SECTION 6-120. Traffic ordinance violations' procedures for issuing citation; custody, arrest.....56
SECTION 6-121. Creation of traffic violations bureau. 57
SECTION 6-122. Summons for arrest. 57
SECTION 6-123. Form of arrest warrant. 57
SECTION 6-124. Procedures for bail or bond. 57
SECTION 6-125. Deposit of driver's license as bail for traffic violations. 57
SECTION 6-126. Arraignment and pleadings by defendant.....58
SECTION 6-127. Trials and judgements. 58
SECTION 6-128. Witness fees.....58
SECTION 6-129. Suspension of sentence. 58
SECTION 6-130. Imprisonment; prisoner work programs. 58
SECTION 6-131. Schedule of Costs, Assessments and Fees. 59
SECTION 6-132. Deduction from fines.....59
PART 7 - FINANCE AND TAXATION 61
CHAPTER 1. - FINANCE AND BUDGET ADMINISTRATION 61
ARTICLE A. – FINANCIAL REGULATIONS AND POLICIES 61
SECTION 7-101. Depositories designated; funds to be deposited. 61
SECTION 7-101.1. Definitions. 61
SECTION 7-102. Payroll disbursements. 61
SECTION 7-103. Competitive bidding. 61
SECTION 7-104. Purchases of goods, services and capital.....61
SECTION 7-105. Debt service.....62
SECTION 7-106. Interfund transfers.....62
SECTION 7-107. Petty cash.....62
SECTION 7-108. Financial reporting. 62
SECTION 7-109. Sale of surplus or obsolete equipment; competitive bidding. 62
SECTION 7-110. Sales of real property; procedure.63
SECTION 7-111. Applicability to public trusts. 63
ARTICLE B. – MUNICIPAL FISCAL RESPONSIBILITY 63
SECTION 7-112. Short Title. 63
SECTION 7-113. Types of budgets. 63
SECTION 7-114. Budgetary legal requirements. 64
SECTION 7-115. Budgetary responsibilities. 64
SECTION 7-116. Budgetary basis of accounting. ...64
SECTION 7-117. Legal level of budgetary control. .64
SECTION 7-118. Budget amendment responsibilities. 64
SECTION 7-119. Desired levels of budgetary fund balance reserves. 65
SECTION 7-120. Budget balancing policy. 65
SECTION 7-121. Criteria for use of fund balance reserves. 65
SECTION 7-122. Annual report. 66
SECTION 7-123. Annual budget messages.....66
SECTION 7-124. Annual evaluation. 66
SECTION 7-125. Revenue or initiatives not included in approved budget. 66
SECTION 7-126. Budget calendar.....66
CHAPTER 2. - SALES TAX.....66
ARTICLE A. – SALES TAX PRIOR TO 2004.....66
SECTION 7-201. Title.....66
SECTION 7-202. Definitions.....66
SECTION 7-203. Tax collector defined.....67
SECTION 7-204. Classification of taxpayers. 67
SECTION 7-205. Subsisting state permits.....67
SECTION 7-206. Effective date.....67
SECTION 7-207. Purpose of revenues.....67
SECTION 7-208. Tax rate; sales subject to tax.....67
SECTION 7-209. Exemption for sales subject to other tax. 68
SECTION 7-210. Exemptions for governmental and nonprofit entities. 68
SECTION 7-211. General exemptions.....69
SECTION 7-212. Exemptions for agriculture. 70
SECTIONS 7-213. Exemptions for manufacturers. . 71
SECTION 7-214. Exemptions for corporations and partnerships. 72
SECTION 7-215. Manner and timing for payment of tax. 72
SECTION 7-216. Payment of tax to tax collector; brackets. 72
SECTION 7-217. Tax constitutes debt.....72
SECTION 7-218. Vendor's duty to collect tax; penalties.....72
SECTION 7-219. Returns and remittances; discounts. 72
SECTION 7-220. Interest and penalties; delinquency. 72
SECTION 7-221. Waiver of interest and penalties. . 73
SECTION 7-222. Erroneous payments; claim for refund. 73
SECTION 7-223. Fraudulent returns; penalty. 73
SECTION 7-224. Records confidential. 73
SECTION 7-225. Amendments.....73
SECTION 7-226. Provisions cumulative. 73
ARTICLE B. – 2004 SALES TAX.....73
SECTION 7-227. Citations and codification. 73
SECTION 7-228. Tax imposed. 73

SECTION 7-229. Purpose of revenues. 73
SECTION 7-230. Effective date and termination date. 73
SECTION 7-231. Subsisting state permits. 73
SECTION 7-232. Payment of tax. 74
SECTION 7-233. Tax in addition to taxes currently levied; administrative procedures. 74
SECTION 7-234. Amendments. 74
SECTION 7-235. Provision cumulative. 74
CHAPTER 3. - TELEPHONE EXCHANGE FEE 74
SECTION 7-301. Fee levied on telephone exchanges. 74
SECTION 7-302. Fee to be in lieu of other fees and taxes. 74
CHAPTER 4. - UTILITY TAX 74
SECTION 7-401. Gross receipts fee levied in lieu of franchise. 74
SECTION 7-402. Payment due; purpose of reenue. 74
SECTION 7-403. Refusal to pay tax. 74
SECTION 7-404. Tax constitutes prior lien. 74
CHAPTER 5. – 911 TELEPHONE FEE 74
SECTION 7-501. Fee levied. 74
SECTION 7-502. Collection. 74
SECTION 7-503. Purpose. 74
SECTION 7-504. Administration of 911 telephone service. 75
SECTION 7-505. Administration fee. 75
SECTION 7-506. When effective. 75
CHAPTER 6. – USE TAX 75
SECTION 7-601. Title. 75
SECTION 7-602. Definitions. 75
SECTION 7-603. Excise tax on storage, use or other consumption of tangible. 75
SECTION 7-604. Purpose of revenues. 75
SECTION 7-605. Exemptions. 75
SECTION 7-606. Manner and timing for payment of tax. 76
SECTION 7-607. Tax constitutes debt. 76
SECTION 7-608. Collection of tax by retailer or vendor. 76
SECTION 7-609. Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state; permits. 76
SECTION 7-610. Revoking permits. 76
SECTION 7-611. Remunerative deductions allowed vendors r retailers of other states. 76
SECTION 7-612. Interest and penalties; delinquency. 76
SECTION 7-613. Waiver of interest and penalties. ..76
SECTION 7-614. Erroneous payments; claim for refund. 76
SECTION 7-615. Fraudulent returns; penalty. 77
SECTION 7-616. Records confidential. 77
SECTION 7-617. Classification of taxpayers. 77
SECTION 7-618. Subsisting state permits. 77
SECTION 7-619. Provisions cumulative. 77
CHAPTER 7. – HOTEL TAX 77
SECTION 7-701. Title. 77
SECTION 7-702. Definitions. 77
SECTION 7-703. Tax rate. 78
SECTION 7-704. Exemptions. 78
SECTION 7-705. Tax to be separately designated on bills. 78
SECTION 7-706. Duties of operator. 78
SECTION 7-707. Bond required. 79
SECTION 7-708. Assessment and determination of tax. 79
SECTION 7-709. Refunds. 79
SECTION 7-710. Notices. 79
SECTION 7-711. Remedies exclusive. 79
SECTION 7-712. General powers of City Manager. 79
SECTION 7-713. Certificates of registration. 80
SECTION 7-714. Use of funds. 80
SECTION 7-715. Records confidential. 80
SECTION 7-716. Criminal penalties. 80
SECTION 7-717. Civil remedies. 80
SECTION 7-718. Amendments. 80
SECTION 7-719. Provisions cumulative. 81
SECTION 7-720. Severability. 81
SECTION 7-721. Effective date; no termination date. 81
PART 8 - HEALTH AND SANITATION 83
CHAPTER 1. - WEEDS AND TRASH 83
SECTION 8-101. Accumulation of trash or weed unlawful. 83
SECTION 8-102. Definitions. 83
SECTION 8-103. Reports of accumulation of grass, weeds or trash on property. 83
SECTION 8-104. Receipt of report, hearing and notice. 83
SECTION 8-105. Work done by employees or contract. 84
SECTION 8-106. Determination and assessments of costs. 84
SECTION 8-107. Lien on property; civil remedy. 84
SECTION 8-108. Service of notice. 84
SECTION 8-109. Unlawful to deposit rubbish. 84
SECTION 8-110. Removal of dead animals. 84
SECTION 8-111. Unlawful to litter. 84
SECTION 8-112. Unlawful to litter from automobiles. 84
SECTION 8-113. Litter not to accumulate on property. 84
SECTION 8-114. Unauthorized person not to remove garbage or rubbish. 85
SECTION 8-115. Abandoned ice boxes and refrigerators. 85
SECTION 8-116. Care of poly carts. 85
SECTION 8-117. Disposal of rubbish. 85
SECTION 8-118. Violations and penalties. 85
CHAPTER 2. - FOOD REGULATIONS 85
SECTION 8-201. Food service regulations adopted; violations and penalties. 85
SECTION 8-202. Permit for establishments required. 85
SECTION 8-202.1. Permit required by employees; application. 85
SECTION 8-202.2. Revocation or suspension of permit; reinstatement. 86
SECTION 8-202.3. Use of permit and inspection fees. 86
SECTION 8-203. Adoption of standards for milk and milk products. 86
SECTION 8-204. Grades of milk which may be sold. 86
SECTION 8-205. Enforcement of milk regulations. . 86
SECTION 8-206. Permit requirements for milk and milk products. 86
CHAPTER 3. – JUNKED, WRECKED MOTOR VEHICLES 86
SECTION 8-301. Nuisance. 86
SECTION 8-302. Definitions. 86
SECTION 8-303. Parking and Storing Junk Vehicles Declared a Nuisance; Exceptions; Fencing. 87
SECTION 8-304. Violations and penalties. 87
CHAPTER 4. - NUISANCE 87
SECTION 8-401. Nuisance defined; public nuisances; private nuisances. 87
SECTION 8-402. Persons responsible. 87
SECTION 8-403. Time does not legalize. 87

SECTION 8-404. Remedies against public nuisances. 87
SECTION 8-405. Remedies against private nuisances. 87
SECTION 8-406. City has power to define and summarily abate nuisances. 88
SECTION 8-407. Certain public nuisances in city defined. 88
SECTION 8-408. Code enforcement officer. 88
SECTION 8-409. Summary abatement of nuisances. 89
SECTION 8-410. Abatement by suit in district court. 89
SECTION 8-411. Abatement by city. 89
SECTION 8-412. Determination of cost; statement of cost to be sent; failure to pay. 89
SECTION 8-413. Failure to pay costs; costs to be certified to county treasurer. 89
SECTION 8-414. Nuisance unlawful. 89
SECTION 8-415. Health nuisances; abatement. 90
SECTION 8-416. Procedure cumulative. 90
SECTION 8-417. Location of slaughterhouses and cemeteries. 90
SECTION 8-418. Violations and penalties. 90
CHAPTER 5. – EMERGENCY MEDICAL SERVICES 90
SECTION 8-501. Emergency medical service established. 90
SECTION 8-502. Service from counties. 90
SECTION 8-503. Emergency medical services charge. 90
SECTION 8-504. Charges added to water bill. 90
SECTION 8-505. Funds remitted to county. 91
SECTION 8-506. Water service provider to track number of family living units. 91
SECTION 8-507. Violations and penalties. 91
CHAPTER 6. – JUNKYARD AND SCRAP METAL PROCESSING FACILITY CONTROL 91
SECTION 8-601. Declarations and findings. 91
SECTION 8-602. Definitions. 91
SECTION 8-603. Prohibition on operation of junkyards or facilities. 91
SECTION 8-604. Removal of license tags and penalty. 91
SECTION 8-605. Screening required. 91
SECTION 8-606. Violations and penalties. 91
SECTION 8-607. Violations constitute public nuisance; abatement. 92
SECTION 8-608. Rules, regulations and policies. 92
SECTION 8-609. Limitation upon parking certain vehicles; penalties. 92
PART 9 - LICENSING AND BUSINESS REGULATIONS 93
CHAPTER 1. - OCCUPATIONAL LICENSE FEES 93
SECTION 9-101. License tax levied on certain occupations; garage and yard sales. 93
SECTION 9-102. Exemption from fees for ex-service persons. 93
SECTION 9-103. Payment of license tax; issuance of license; expiration date. 93
SECTION 9-104.Separate licenses required. 93
SECTION 9-105. License to be displayed. 93
SECTION 9-106. Revocation of license. 94
SECTION 9-107.Transfer of license prohibited. 94
SECTION 9-108.Duplicate license. 94
SECTION 9-109. Fee for fortune telling prohibited. 94
SECTION 9-110.Short weights and measures prohibited. 94
SECTION 9-111.Rest room facilities required for carnivals; exceptions. 94
SECTION 9-112. Skating rinks. 94
SECTION 9-113. Consent required for sale of personal property on or in vacant property. 94
SECTION 9-114. Violations and penalties. 94
CHAPTER 2. – POOL HALLS AND FAMILY RECREATION CENTERS 94
SECTION 9-201. View from street not to be obstructed. 94
SECTION 9-202. Hours of operation. 94
SECTION 9-203. Gambling, betting and disorderly conduct unlawful. 94
SECTION 9-204. Separate premises. 95
SECTION 9-205. Supervision and maintenance of family recreation centers. 95
SECTION 9-206. Violations and penalties. 95
CHAPTER 3. – PAWNBROKERS, JUNK DEALERS, SALVAGE YARDS AND SECOND-HAND DEALERS 95
SECTION 9-301. License required for pawnbrokers. 95
SECTION 9-302. Selling pledge before default. 95
SECTION 9-303. pawnbrokers to keep register; register subject to inspection; hours and days of operation. 95
SECTION 9-304. General regulations. 95
SECTION 9-305. Violations and penalties. 95
CHAPTER 4. – PUBLIC DANCES 95
SECTION 9-401. Repealed. 95
SECTION 9-402. Repealed. 95
SECTION 9-403. Repealed. 95
SECTION 9-404. Repealed. 95
SECTION 9-405. Repealed. 95
SECTION 9-406. Repealed. 95
SECTION 9-407. Repealed. 95
SECTION 9-408. Repealed. 96
SECTION 9-409. Prohibiting sale of certain beverages. 96
SECTION 9-410. Repealed. 96
SECTION 9-411. Powers and duties of police. 96
SECTION 9-412. Repealed. 96
SECTION 9-413. Repealed. 96
SECTION 9-414. Repealed. 96
CHAPTER 5. – PATROL AND GUARD SERVICES 96
SECTION 9-501. Definitions. 96
SECTION 9-502. Exempt persons. 96
SECTION 9-503. License required. 96
SECTION 9-504. Qualifications. 96
SECTION 9-505. Application for license; fee. 97
SECTION 9-506. Investigation. 97
SECTION 9-507. Action on application. 97
SECTION 9-508. Training requirement as condition of license. 97
SECTION 9-509. Payment of license fees. 97
SECTION 9-510. Form of license certificate and identification cards. 98
SECTION 9-511. Term and transferability. 98
SECTION 9-512. Renewal of licenses. 98
SECTION 9-513. Display of license certificate and identification cards. 98
SECTION 9-514. Impersonating officers/. 98
SECTION 9-515. Duplicate license certificates or identification cards. 98
SECTION 9-516. Registered security officer; commissions. 98
SECTION 9-517. Change of business location; notice of employment or termination of employees. 98
SECTION 9-518. Confidential information; false reports. 98
SECTION 9-519. Reciprocity. 98
SECTION 9-520. Suspension or revocation of licenses. 99
SECTION 9-521. Appeals. 99

SECTION 9-522. Violations and penalties. 99
CHAPTER 6. – REST HOMES AND NURSING HOMES 99
SECTION 9-601. License required. 99
SECTION 9-602. Rest home defined. 99
SECTION 9-603. Application for license; fee; issuance. 99
SECTION 9-604. Violations and penalties. 99
CHAPTER 7. – FARMERS MARKET 100
SECTION 9-701. Location. 100
SECTION 9-702. Sale of produce in City limits. 100
SECTION 9-703. Violations and penalties. 100
SECTION 9-704. Retailers of general merchandise. 100
CHAPTER 8. – PEDDLERS AND SOLICITORS 100
SECTION 9-801. Definitions. 100
SECTION 9-802. Use of public right-of-way prohibited; exception. 101
SECTION 9-803. Business hours; purpose. 101
SECTION 9-804. Posted “No Solicitors,” “No Trespassers” and “No Trespassing” signs prohibit entry upon private property. 101
SECTION 9-805. Salespersons, solicitors, peddlers and order takers prohibited from entering private residence without consent. 101
SECTION 9-806. Exceptions. 101
SECTION 9-807. License or badge. 101
SECTION 9-808. Bond. 101
SECTION 9-809. License. 102
SECTION 9-809.1. License required. 102
SECTION 9-809.2. Application. 102
SECTION 9-809.3. Fees. 102
SECTION 9-809.4. Review. 102
SECTION 9-809.5. Issuance; grounds for denial. 103
SECTION 9-809.6. Notice. 103
SECTION 9-809.7. Revocation. 103
SECTION 9-809.8. City Manager review; appeal. 103
SECTION 9-809.9. Surrender upon expiration or revocation. 103
SECTION 9-809.10. Renewal. 103
SECTION 9-809.11. (Reserved). 103
SECTION 9-810. Outdoor sellers. 103
SECTION 9-810.1. License required; procedure; revocation; appeal; renewal. 103
SECTION 9-810.2. Use of public right-of-way prohibited; exception. 103
SECTION 9-810.3. Permitted to engage in business only at fixed outdoor location specified on license. 104
SECTION 9-810.4. Compliance with site plan required; amended site plans; fee. 104
SECTION 9-811. Violations and penalties. 104
PART 10 - OFFENSES AND CRIME 105
CHAPTER 1. - OFFENSES IN GENERAL 105
SECTION 10-101. Attempts to commit an offense. 105
SECTION 10-102. Aiding in an offense. 105
CHAPTER 2. - OFFENSES AGAINST PROPERTY 105
SECTION 10-201. Petit larceny prohibited. 105
SECTION 10-202. Injuring automobiles and other vehicles. 105
SECTION 10-203. Destroying or injuring buildings and other property. 105
SECTION 10-204. Placing signs on property of another. 105
SECTION 10-205. Throwing or shooting at persons or property. 105
SECTION 10-206. Tampering with or damaging public utilities. 105
SECTION 10-207. Throwing advertising on street prohibited. 105
SECTION 10-208. Throwing injurious substances. 105
SECTION 10-209. Injury to plants and trees. 105
SECTION 10-210. Public streets and trees. 105
SECTION 10-211. Trespass prohibited. 106
SECTION 10-212. Parking on property of another. 106
SECTION 10-213. Interference with fire hydrants. 106
CHAPTER 3. - OFFENSES AGAINST THE PUBLIC 106
SECTION 10-301. Disturbing the peace. 106
SECTION 10-302. Insulting signs, literature or language. 106
SECTION 10-303. Fireworks. 106
SECTION 10-304. Storing or keeping explosives. 107
SECTION 10-305. Carrying concealed weapons; discharging firearms. 107
SECTION 10-306. Reckless conduct. 107
SECTION 10-307. Loud noise or music; amplified sound. 107
SECTION 10-308. Unlawful fighting; assemblies. 107
SECTION 10-309. Vagrancy defined for specific acts. 107
SECTION 10-310. Abuse of 911 systems. 107
SECTION 10-311. Loitering. 107
CHAPTER 4. - OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS 108
SECTION 10-401. Public intoxication prohibited. 108
SECTION 10-402. Intoxicating liquors. 108
SECTION 10-402.1. Gathering where minors are consuming alcoholic beverages. 108
SECTION 10-403. Unlawful Possession of Controlled Dangerous Substance, Marijuana. 109
SECTION 10-404. Prostitution. 110
SECTION 10-405. Disorderly house defined. 110
SECTION 10-406. Maintaining or leasing a disorderly house. 110
SECTION 10-407. Residents of and visitors to a disorderly house. 110
SECTION 10-408. Nudity; improper dress; indecent exposure. 110
SECTION 10-408.1. Performance or display of certain acts prohibited in licensed establishments. 110
SECTION 10-409. Curfew for minors. 110
SECTION 10-409.1. Special Halloween curfew regulations. 111
SECTION 10-410. Sleeping on streets, depots and private property. 112
SECTION 10-411. Begging. 112
SECTION 10-412. Gambling prohibited. 112
SECTION 10-413. Being about place where gambling is going on. 112
SECTION 10-414. Harmful deception. 112
SECTION 10-415. False or bogus checks. 112
SECTION 10-416. Access to tobacco and tobacco products by minors. 112
SECTION 10-417. Smoking in public places and workplaces. 114
CHAPTER 5. - OFFENSES AGAINST PERSONS 115
SECTION 10-501. Assault and battery prohibited. 115
SECTION 10-502. Harassment through threats and intimidating. 115
CHAPTER 6. - OFFENSES AGAINST PUBLIC PROPERTY 115
SECTION 10-601. Resisting an officer. 115
SECTION 10-602. Refusing or failing to assist an officer. 116
SECTION 10-603. Assault or battery upon police or other law officer. 116
SECTION 10-604. Rescuing prisoners. 116
SECTION 10-605. Escape of prisoners. 116
SECTION 10-606. Impersonating an officer or employee. 116
SECTION 10-607. False alarms. 116

SECTION 10-608. False representation to an officer. 116
SECTION 10-609. Removal of barricades..... 116
SECTION 10-610. Resisting public officials. 116
SECTION 10-611. Eluding police officers..... 116
CHAPTER 7. - PENALTIES 116
SECTION 10-701. Violations and penalties..... 116
PART 11 - PARKS, RECREATION AND CULTURAL AFFAIRS 117
CHAPTER 1. – PARKS, RECREATION AND HUNTING 117
SECTION 11-101. Park Board created; appointment; terms; compensation..... 117
SECTION 11-102. Organization; meetings..... 117
SECTION 11-103. Powers and duties..... 117
SECTION 11-104. Waterskiing. 117
SECTION 11-105. Swimming and bathing. 117
SECTION 11-106. Permit required for hunting and boating..... 117
SECTION 11-107. Hunting and boating permit requirements..... 117
SECTION 11-108. Lease required for boat docks on City property. 117
SECTION 11-109. Compliance with boat dock regulations; rental fee. 117
SECTION 11-110. Boat dock leases to be in writing; term; approval..... 118
SECTION 11-111. Manager to establish dock rules and regulations..... 118
SECTION 11-112. Fishing regulations on Lake Henryetta and Wolf Creek..... 118
SECTION 11-112.1. Fishing regulations on Nichols Lake..... 118
SECTION 11-113. Alcoholic, nonalcoholic beverages and drugs prohibited on Lake Hernyetta property... 119
SECTION 11-114. Camping regulations and fees; closing hours..... 119
SECTION 11-115. Alcoholic beverages prohibited in Nichols Park Lake..... 119
SECTION 11-116. Boat safety regulations for Henryetta Lake. 120
SECTION 11-117. Violations and penalties..... 120
CHAPTER 2. – LIBRARY..... 120
SECTION 11-201. Library Department; Library Board; Librarian..... 120
CHAPTER 3. – CEMETERIES..... 120
SECTION 11-301. Cemetery Department; superintendent..... 120
SECTION 11-302. Conveyance of lots; limitations of lot ownership and use; abandoned lots..... 120
SECTION 11-303. Cemetery Care Fund..... 121
SECTION 11-304. Trusts for special care. 121
SECTION 11-305. Trustee of perpetual care fund; appointment; duties..... 121
SECTION 11-306. Acts prohibited within cemetery. 121
SECTION 11-307. Ordinances of City extended to cemeteries..... 121
SECTION 11-308. Sexton's duties..... 121
SECTION 11-309. Sexton to see that charges have been paid..... 121
SECTION 11-310. Sexton to supervise opening of all graves..... 121
SECTION 11-311. Fees..... 121
SECTION 11-312. Permit required for opening graves; restrictions on weekend funerals..... 121
SECTION 11-313. Military plot requirements..... 121
SECTION 11-314. Violations and penalties..... 122
PART 12 - PLANNING, ZONING AND DEVELOPMENT . 123
CHAPTER 1. – BOARDS AND COMMISSIONS 123
ARTICLE A. - PLANNING COMMISSION..... 123
SECTION 12-101. City Planning Commission created; membership. 123
SECTION 12-102. Organization; meetings; officers and employees..... 123
SECTION 12-103. Powers and duties. 123
SECTION 12-104. City Planning Commission to have power of a zoning commission. 123
SECTION 12-105. Notice of procedures for proposed zoning changes..... 123
SECTION 12-106 Through SECTION 12-109. (Reserved). 123
ARTICLE B. – BOARD OF ADJUSTMENT..... 123
SECTION 12-110. Board of adjustment..... 123
SECTION 12-111. Organization; meetings. 123
SECTION 12-112. Powers..... 123
SECTION 12-113. Appeals to board..... 124
SECTION 12-114. Appeals from board..... 124
CHAPTER 2. - ZONING REGULATIONS 124
SECTION 12-201. Zoning regulations. 124
CHAPTER 3. – SUBDIVISION REGULATIONS 124
SECTION 12-301. Subdivision regulations adopted. 124
CHAPTER 4. – FLOOD DAMAGE PREVENTION..... 124
ARTICLE A. – STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS..... 124
SECTION 12-401. Statutory authorization. 124
SECTION 12-402. Findings of fact. 124
SECTION 12-403. Statement of purpose..... 124
SECTION 12-404. Methods of reducing flood losses. 125
ARTICLE B. – TERMINOLOGY..... 125
SECTION 12-405. Definitions..... 125
ARTICLE C. – GENERAL PROVISIONS..... 127
SECTION 12-406. Lands to which this chapter applies. 127
SECTION 12-407. Basis for establishing areas of special flood hazard. 127
SECTION 12-408. Establishment of development permit..... 127
SECTION 12-409. Compliance..... 127
SECTION 12-410. Abrogation and greater restrictions. 128
SECTION 12-411. Interpretation..... 128
SECTION 12-412. Warning and disclaimer of liability. 128
ARTICLE D. – ADMINISTRATION 128
SECTION 12-413. Designation of floodplain Administrator..... 128
SECTION 12-414. Duties and responsibilities of Floodplain Administrator..... 128
SECTION 12-415. Permit procedures..... 128
SECTION 12-416. Variances..... 129
ARTICLE E. – PROVISIONS FOR FLOOD HAZARD REDUCTION..... 130
SECTION 12-417. General standards. 130
SECTION 12-418. Specific standards..... 130
SECTION 12-419. Standards for subdivisions. 131
SECTION 12-420. (Reserved)..... 131
SECTION 12-421. Floodways. 131
ARTICLE F. – VIOLATIONS AND PENALTIES; FEE SCHEDULE; SEVERABILITY..... 131
SECTION 12-422. Penalties for noncompliance. .. 131
SECTION 12-423. Floodplain management fee schedule..... 131
SECTION 12-424. Severability. 132
PART 13 - PUBLIC SAFETY..... 133
CHAPTER 1. - FIRE PREVENTION 133
SECTION 13-101. Adoption of fire prevention code. 133

SECTION 13-102. Fire Department to enforce code. 133
SECTION 13-103. Limits for storage and manufacture of flammable liquids, gases and explosives. 133
SECTION 13-104. Modification of code provisions. 133
SECTION 13-105. New materials processes or occupancies which may require permits. 133
SECTION 13-106. Appeals. 133
SECTION 13-107. Burning trash, wood or other combustible material. 133
SECTION 13-108. Transportation of nitroglycerine in or near city. 134
SECTION 13-109. Violations and penalties. 134
SECTION 13-110. Hazardous materials cleanup; recovery of costs. 134
CHAPTER 2. - FIRE DEPARTMENT AND SERVICE. 134
ARTICLE A. - FIRE DEPARTMENT 134
SECTION 13-201. Fire Department; Chief of the department. 134
SECTION 13-202. Duties of Fire Chief. 134
SECTION 13-203. Duties of Assistant Chief. 135
SECTION 13-204. Use of fire equipment; inventory of property. 135
SECTION 13-205 Through SECTION 13-209. (Reserved). 135
ARTICLE B. – VOLUNTEER DEPARTMENT 135
SECTION 13-210. Requirements of company officers. 135
SECTION 13-211. Secretary-treasurer. 135
SECTION 13-212. New members of volunteer department. 135
SECTION 13-213. Rules and regulations. 135
SECTION 13-214 Through SECTION 13-219. (Reserved). 136
ARTICLE C. – CALLS OUTSIDE LIMITS 136
SECTION 13-220. Contracts authorized outside City limits. 136
SECTION 13-221. Contract terms; fees for service. 136
SECTION 13-222. Authority to answer calls. 136
SECTION 13-223. Firefighters serving in regular line of duty 136
SECTION 13-224. Department considered agent of state. 136
CHAPTER 3. - POLICE DEPARTMENT AND SERVICES 136
SECTION 13-301. Police Department created; Chief. 136
SECTION 13-302. Duties of department. 136
SECTION 13-303. Police officers. 136
SECTION 13-304. Emergency duties in other cities. 136
CHAPTER 4. CIVIL DEFENSE 137
SECTION 13-401. Purpose of civil defense organization. 137
SECTION 13-402. Office of civil defense created; director. 137
SECTION 13-403. Director of civil defense; powers and duties. 137
SECTION 13-404. Members of organization to serve without compensation; City not liable for injuries to members. 137
SECTION 13-405. Emergency powers and duties of director and members of organization. 137
CHAPTER 5. - UNCLAIMED PROPERTY 137
SECTION 13-501. Complete record required. 137
SECTION 13-502. Disposition of unclaimed property. 137
SECTION 13-503. Property found by a private person. 138
SECTION 13-504. Recovery by owner. 138
CHAPTER 6. - FIREWORKS 138
ARTICLE A. – SALE OF FIREWORKS 138
SECTION 13-601. Definitions. 138
SECTION 13-602. State permits and licenses. 138
SECTION 13-603. Site. 138
SECTION 13-604. Permit. 138
SECTION 13-605. Fees. 138
SECTION 13-606. Time. 138
SECTION 13-607. Littering and removal. 138
SECTION 13-608. Violations and penalties. 138
SECTION 13-609 Through SECTION 13-620. (Reserved). 138
ARTICLE B. – USE OF FIREWORKS 138
SECTION 13-621. Definition. 138
SECTION 13-622. Adult supervision required. 138
SECTION 13-623. Site requirements. 138
SECTION 13-624. Permit required. 138
SECTION 13-625. Fee. 139
SECTION 13-626. Hours of sale. 139
SECTION 13-627. Removal of debris. 139
SECTION 13-628 Through SECTION 13-649. (Reserved). 139
SECTION 13-650. Violations and penalties. 139
PART 14. STREETS AND PUBLIC WORKS 141
Chapter 1. – TREES; SHRUBBERY; PARKING 141
SECTION 14-101. Injury to trees, shrubbery and parking; powers of municipal authorities. 141
SECTION 14-102. Restrictions on encroachments and obstructions in streets. 141
SECTION 14-103. Abutting trees and shrubs to be trimmed and/or grass and weeds to be mowed; one-half adjacent alleys to be maintained. 141
SECTION 14-104. Unlawful to injure trees and shrubbery. 141
Chapter 2. – USE AND OBSTRUCTION 141
SECTION 14-201. Business use of streets prohibited. 141
SECTION 14-202. Unlawful to obstruct unduly sidewalks and streets. 141
SECTION 14-203. Unlawful to deposit trash upon streets or sidewalks. 141
SECTION 14-204. Unlawful to play on sidewalks and in streets. 141
SECTION 14-205. Water and mud from vehicle not to drain onto street. 142
SECTION 14-206. Drainage of water and other liquids from filling stations and other businesses. 142
SECTION 14-207. Sidewalks to be kept in good condition. 142
SECTION 14-208. Unlawful to obstruct. 142
Chapter 3. – STREET AND PAVING 142
SECTION 14-301. Permit required; fees. 142
SECTION 14-302. Barricades, lights and walkways. 142
SECTION 14-303. Backfilling. 142
SECTION 14-304. Debris to be moved from area. 142
SECTION 14-305. City clerk to be notified on completion. 142
SECTION 14-306. All roads except for gravel and dirt road must be bored. 142
SECTION 14-307. Violations and penalties. 142
Chapter 4. – CLOSING OF PUBLIC WAYS OR EASEMENTS 143
SECTION 14-401. Authority to close public ways. 143
SECTION 14-402. Procedure. 143
SECTION 14-403. Rights retained; reopening. 143
SECTION 14-404. Closing not to affect utilities. 143

Chapter 5. – PENALTIES.....143
SECTION 14-501. Violations and penalties.....143
PART 15. TRAFFIC AND VEHICLES 145
Chapter 1. – GENERAL PROVISIONS 145
SECTION 15-101. Citation of chapter. 145
SECTION 15-102. Traffic code controlling. 145
SECTION 15-103. Definitions. 145
SECTION 15-104. Adoption of state traffic code. ..147
Chapter 2. – ENFORCEMENT AND GENERAL PROVISIONS 147
SECTION 15-201. Enforcement of traffic laws. 147
SECTION 15-202. Direction of traffic by hand or voice. 147
SECTION 15-203. Direction of traffic by unauthorized persons.....147
SECTION 15-204. Obedience to police and fire officials. 147
SECTION 15-205. Emergency, temporary and experimental regulations.....147
SECTION 15-206. Compliance by those using pushcarts, riding animals or driving animal-drawn vehicles.....147
SECTION 15-207. Use of coasters, roller skates and similar devices restricted; play streets.....147
SECTION 15-208. Public officers and employees to obey traffic regulations.....147
SECTION 15-209. Exceptions for persons working on streets.....147
SECTION 15-210. Maintenance and construction zones.....147
SECTION 15-211. Exemptions for authorized emergency vehicles. 148
SECTION 15-212. Operation of vehicles on approach of authorized emergency vehicles.....148
SECTION 15-212.1. Passing stationary emergency vehicles.....148
SECTION 15-213. Following emergency vehicles prohibited.....148
SECTION 15-214. Crossing fire hose. 149
SECTION 15-215. Possession of valid driver's license required; compliance with restrictions placed on license. 149
SECTION 15-216. Operation of vehicle on invalid license prohibited.....149
SECTION 15-217. Unlawful to operate vehicle without state vehicle license.....149
SECTION 15-218. Permitting unauthorized person to drive prohibited. 149
SECTION 15-219. Duty to stop at accident; leaving scene of accident.....149
SECTION 15-220. Issuance of citation tags. 149
SECTION 15-221. Procedure for police officers. ...149
SECTION 15-222. Disposition and records of traffic citations and complaints.....150
SECTION 15-223. When copy of citation deemed a lawful complaint. 150
SECTION 15-224. Failure to obey citation. 150
SECTION 15-225. Failure to comply with traffic citations attached to parked vehicle. 150
SECTION 15-226. Presumption in reference to illegal parking.....150
SECTION 15-227. Illegal cancellation of traffic citations. 150
SECTION 15-228. Court records; abstract to be sent to state department of public safety.....150
SECTION 15-229. Insurance or certificate required. 151
SECTION 15-230. Operators and front seat passengers required to wear safety belts. 151
SECTION 15-231. Child passenger restraints. 152
SECTION 15-232. Unlawful Operation of Motor Vehicle While Texting. 152
Chapter 3. – VEHICLE EQUIPMENT; INSPECTION .. 153
SECTION 15-301. Certain vehicle prohibited; vehicles injurious to streets. 153
SECTION 15-302. Obstructive and dangerous vehicles. 153
SECTION 15-303. Proper use of equipment. 153
SECTION 15-304. Mufflers, cut outs, vehicles and cycles. 153
SECTION 15-305. Width, height, length, weight and load. 153
SECTION 15-306. Inspection of vehicles. 153
Chapter 4. – SPEED REGULATION..... 153
SECTION 15-401. Speed limits generally; exceptions. 153
SECTION 15-402. School zones. 153
SECTION 15-403. Speed never to exceed that which is reasonable or prudent for existing conditions; specific limits..... 153
SECTION 15-404. Minimum speed requirements; exception..... 153
SECTION 15-405. Obedience to maximum and minimum speed limits. 154
Chapter 5. – SPEED REGULATION..... 154
SECTION 15-501. Changing lanes. 154
SECTION 15-502. Driving on right side of roadway required; exceptions. 154
SECTION 15-503. When overtaking on the right is permitted. 154
SECTION 15-504. Overtaking a vehicle on the left. 154
SECTION 15-505. Limitations on overtaking on the left; exceptions. 154
SECTION 15-506. Passing vehicles proceeding in opposite directions. 155
SECTION 15-507. One-way roadways and rotary traffic islands. 155
SECTION 15-508. Following too closely. 155
SECTION 15-509. No-passing zones. 155
SECTION 15-510. Driving through funeral or other procession prohibited; exceptions. 155
SECTION 15-511. Drivers in a procession..... 155
SECTION 15-512. Funeral processions to be identified..... 155
SECTION 15-513. Overtaking and passing in school zones. 155
SECTION 15-514. Overtaking and passing school bus. 155
SECTION 15-515. School bus requirements; lights; signs; painting. 156
SECTION 15-516. Driving of vehicles on sidewalk prohibited. 156
SECTION 15-517. Limitations on backing vehicle. 156
SECTION 15-518. Limitation on use of motorcycles, bicycles and motor scooters. 156
SECTION 15-519. Required motorcycle equipment; headgear. 156
SECTION 15-520. Clinging to vehicles prohibited. 157
SECTION 15-521. Entering and leaving controlled-access highway. 157
SECTION 15-522. Reckless driving; penalty. 157
SECTION 15-523. Careless or negligent driving, stopping or parking. 157
SECTION 15-524. Full time and attention required. 157
SECTION 15-525. Operation of vehicles in a careful and prudent manner. 157
SECTION 15-526. Driving while under the influence of drugs; penalty..... 157

SECTION 15-527. Driving while under the influence of alcohol; penalty. 157
SECTION 15-528. Speed contest prohibited. 157
SECTION 15-529. Permits required for parades and processions. 158
SECTION 15-530. Driving through safety zone. 158
SECTION 15-531. Starting parked vehicle. 158
SECTION 15-532. Opening and closing vehicle doors. 158
SECTION 15-533. Obstructions to river's view or driving mechanism. 158
SECTION 15-534. Boarding or alighting from vehicles. 158
SECTION 15-535. Unlawful riding. 158
SECTION 15-536. Railroad trains not to block streets. 158
SECTION 15-537. Service drives. 158
SECTION 15-538. Truck driving and route restrictions. 158
SECTION 15-539. Loads on vehicles. 158
SECTION 15-540. Vehicle approaching or entering intersection. 158
SECTION 15-541. Vehicle turning left at intersection. 159
SECTION 15-542. Vehicle approaching a yield right-of-way sign. 159
SECTION 15-543. Vehicle entering through highway. 159
SECTION 15-544. Vehicles facing stop, slow, warning or caution signal. 159
SECTION 15-545. Through streets. 159
SECTION 15-546. Intersections where stop or yield required. 159
SECTION 15-547. Stop or yield sign construction and placement. 159
SECTION 15-548. Vehicle entering stop intersection. 159
SECTION 15-549. Vehicle entering yield intersection. 159
SECTION 15-550. Vehicle entering highway from private road or driveway. 160
SECTION 15-551. Vehicle entering traffic from parking. 160
SECTION 15-552. Emerging from alley, driveway or building. 160
SECTION 15-553. Stop when traffic obstructed. 160
SECTION 15-554. Obedience to signal. 160
SECTION 15-555. Certain vehicles to stop at all railroad grade crossings. 160
Chapter 6. – TRAFFIC CONTROL DEVICES. 160
SECTION 15-601. Authority to install traffic control devices. 160
SECTION 15-602. Uniform requirements. 160
SECTION 15-603. Obedience to official traffic control devices. 161
SECTION 15-604. When official traffic control devices required for enforcement purposes. 161
SECTION 15-605. Traffic control signal legend. 161
SECTION 15-606. Pedestrians; signal indicators; regulations. 161
SECTION 15-607. Flashing signals. 161
SECTION 15-608. Pedestrian-activated school crossing signals. 162
SECTION 15-609. Unauthorized traffic control devices prohibited. 162
SECTION 15-610. Defacement of traffic control devices. 162
SECTION 15-611. Authority to establish play streets. 162
SECTION 15-612. Restrictions on use of play streets. 162
SECTION 15-613. Designation of crosswalks and safety zones. 163
SECTION 15-614. Traffic lanes. 163
Chapter 7. – STOPPING, STANDING AND PARKING GENERALLY. 163
SECTION 15-701. Illegal parking declared public nuisance. 163
SECTION 15-702. Application of standing or parking regulations. 163
SECTION 15-703. Establishment of parking time limits; signs; regulations. 163
SECTION 15-704. Parking more than 48 hours. 163
SECTION 15-705. Brakes to be set while parked; motor no to be left running. 163
SECTION 15-706. Signs or markings indicating angle parking. 163
SECTION 15-707. Obedience to angle-parking signs or markings. 163
SECTION 15-708. Parking in spaces marked off. 163
SECTION 15-709. Permits for loading or unloading at an angle to the curb. 164
SECTION 15-710. Stopping, standing or parking in hazardous or congested places. 164
SECTION 15-711. Stopping, standing or parking prohibited in specified places. 164
SECTION 15-712. Blocking of intersection or crosswalk prohibited. 164
SECTION 15-713. Standing or parking on one-way roadway. 164
SECTION 15-714. Standing or parking on left side of one-way streets. 164
SECTION 15-715. Parking adjacent to schools. 164
SECTION 15-716. Parking prohibited at intersections. 164
SECTION 15-717. Parked vehicles not to extend too far into street. 165
SECTION 15-718. Parking prohibited on narrow streets. 165
SECTION 15-719. Parking in alleys; blocking driveways. 165
SECTION 15-720. Entry on private property; trespass; evidence; burden of proof. 165
SECTION 15-721. Truck parking restricted in certain areas. 165
SECTION 15-722. Double parking. 165
SECTION 15-723. Parking for certain purposes prohibited. 165
SECTION 15-724. Method of parking, standing or parking close to curb. 165
SECTION 15-725. Negligent parking. 165
SECTION 15-726. Right-of-way to parallel parking space. 166
SECTION 15-727. Enforcement of handicapped parking regulations; penalty. 166
Chapter 8. – LOADING. 166
SECTION 15-801. Definitions. 166
SECTION 15-802. Designation of curb loading zones; city to be reimbursed. 166
SECTION 15-803. Loading zones to be used only for designated purpose. 166
SECTION 15-804. Stopping, standing or parking in passenger curb loading zone. 166
SECTION 15-805. Stopping, standing or parking in commercial curb loading zone. 166
SECTION 15-806. Designation of public carrier stops and stands. 167
SECTION 15-807. Use of bus and taxicab stands restricted. 167

SECTION 15-808. Stopping, standing and parking of buses and taxis. 167
Chapter 9. – TURNING MOVEMENTS 167
SECTION 15-901. Turning markers or indicators. 167
SECTION 15-902. Designation of restricted turns. 167
SECTION 15-903. Obedience to no-turn signs. 167
SECTION 15-904. U-Turns. 167
SECTION 15-905. Position and method of turning. 167
SECTION 15-906. Turning movements and required signals. 168
SECTION 15-907. Means of giving turn signals. 168
SECTION 15-908. Method of giving hand and arm signals. 168
SECTION 15-909. Turns into or from alleys. 168
Chapter 10. – PEDESTRIANS 168
SECTION 15-1001. Pedestrian subject to traffic control signals. 168
SECTION 15-1002. Pedestrians' right-of-way at crosswalks. 168
SECTION 15-1003. Pedestrians to use right half of crosswalk. 169
SECTION 15-1004. Crossing at right angles. 169
SECTION 15-1005. When pedestrians shall yield. 169
SECTION 15-1006. Pedestrians walking along roadways. 169
SECTION 15-1007. Pedestrians prohibited from soliciting rides, business or donations from vehicle occupants. 169
SECTION 15-1008. Drivers to exercise due care. 169
SECTION 15-1009. Use of crosswalk required. 169
SECTION 15-1010. Obedience of pedestrians to railroad signals 169
Chapter 11. – BICYCLES 169
SECTION 15-1101. Application of bicycle regulations. 169
SECTION 15-1102. Application of traffic laws to bicycles. 169
SECTION 15-1103. Obedience to traffic control devices. 169
SECTION 15-1104. Riding on bicycles 169
SECTION 15-1105. Riding on roadways and bicycle paths. 170
SECTION 15-1106. Speed of bicycle. 170
SECTION 15-1107. Emerging from alley or driveway. 170
SECTION 15-1108. Carrying articles. 170
SECTION 15-1109. Parking. 170
SECTION 15-1110. Riding on sidewalks. 170
SECTION 15-1111. Lamps and equipment on bicycles. 170
Chapter 12. – (RESERVED) 170
Chapter 13. – IMPOUNDMENT OF VEHICLES 170
SECTION 15-1301. Purpose and effect of impoundment provisions. 170
SECTION 15-1302. Place of impoundment. 170
SECTION 15-1303. Duration of impoundment. 170
SECTION 15-1304. Police granted authority to impound vehicles. 170
SECTION 15-1305. Disabled vehicles. 171
SECTION 15-1306. Vehicles on bridges or tunnels. 171
SECTION 15-1307. Arrest and detention of driver of vehicle. 171
SECTION 15-1308. Vehicle constitutes traffic hazard. 171
SECTION 15-1309. Illegal trespass by vehicle. 171
SECTION 15-1310. Vehicles parked overtime. 171
SECTION 15-1311. Vehicles blocking fire exits or hydrants. 171
SECTION 15-1312. Vehicles parked in intersection. 171
SECTION 15-1313. Stolen vehicles; recovery by police. 171
SECTION 15-1314. Vehicles with outstanding traffic citations. 171
Chapter 14. – PENALTIES 171
SECTION 15-1401. Obedience to traffic code. 171
SECTION 15-1402. Violations and penalties. 172
PART 16. TRANSPORTATION 173
Chapter 1. – RAILROADS 173
SECTION 16-101. Railroads to improve streets and alleys. 173
SECTION 16-102. Sidewalks to be constructed by railroads. 173
SECTION 16-103. Climbing on moving trains. 173
SECTION 16-104. Speed of trains. 173
Chapter 2. – TAXICABS 173
SECTION 16-201. License required for taxicab operators. 173
SECTION 16-202. Violations and penalties. 173
Chapter 3. – AIRPORT DEPARTMENT 173
SECTION 16-301. Airport department created. 173
SECTION 16-302. Duties. 173
SECTION 16-303. Airport board created; appointment; terms; compensation. 173
PART 17. UTILITIES 175
Chapter 1. – WATER AND SANITARY SEWER SYSTEMS 175
SECTION 17-101. Henryetta municipal authority. 175
SECTION 17-102. Adjustments to water bills. 175
Chapter 2. – REFUSE COLLECTION AND DISPOSAL 175
SECTION 17-201. Definitions. 175
SECTION 17-202. City to be divided into districts; transfer station; use of garbage containers required. 175
SECTION 17-203. Use of collection services mandatory; fees; payment. 175
SECTION 17-204. Suitable weatherproof receptacles required. 175
SECTION 17-205. Authorization to collect; frequency of service. 176
SECTION 17-206. Placement of refuse for pickup; loose refuse; tree limbs; investigation of services. 176
SECTION 17-207. Authorization required to transport garbage or refuse. 176
SECTION 17-208. Improper disposal of hazardous material prohibited. 176
SECTION 17-209. Designation of refuse collection point; alternatives to curbside collection. 176
SECTION 17-210. Violations and penalties. 176
Chapter 3. – WATER SERVICE AND PAYMENT 176
SECTION 17-301. Collection of water service; termination for nonpayment. 176
Chapter 4. – SANITARY SEWER SYSTEMS 177
SECTION 17-401. Policy and objectives. 177
SECTION 17-402. Administration. 177
SECTION 17-403. Definitions and word usage. 177
SECTION 17-404. Prohibited discharges. 180
SECTION 17-405. Reports of potential problems. 181
SECTION 17-406. Access for sampling. 181
SECTION 17-407. Volume and sampling of industrial waste. 182
SECTION 17-408. Enforcement authorities of city manager. 183
SECTION 17-409. Violations and penalties. 184
SECTION 17-410. Affirmative defenses to violations. 184
SECTION 17-411. Right of revision. 185

SECTION 17-412. Liability for loss and damage. ..185
SECTION 17-413. New sewers and connections. .185
SECTION 17-414. Grease, oil and sand interceptors required. 186
SECTION 17-415. Maintenance of grease, oil and sand interceptors. 186
SECTION 17-416. Special agreements.....186
SECTION 17-417. Connections restricted. 186
SECTION 17-418. User charge system. 186
APPENDIX 1. SUPPLEMENTAL ORDINANCES AND RESOLUTIONS 187
APPENDIX 2. HENRYETTA MUNICIPAL AUTHORITY ...189
APPENDIX 3. HENRYETTA HOSPITAL AUTHORITY.....191

PART 1 - GENERAL PROVISIONS

CHAPTER 1. - USE AND CONSTRUCTION OF THE CODE

SECTION 1-101. Designation and citation of code.

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

SECTION 1-102. Rules of construction; definitions.

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

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

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

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

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

5. Tense. Words used in the past or present tense include the future as well as the past and present.

B. As used in this code, the following terms shall have the meanings indicated:

1. CITY or THIS CITY - Shall be construed as if the words "of Henryetta, Oklahoma," followed them.

2. COMPUTATION OF TIME - Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time, but the day on which the proceeding is to be had shall not be counted.

3. COUNCIL or CITY COUNCIL -The city council of Henryetta.

4. COUNTY or THIS COUNTY - The County of Okmulgee, Oklahoma.

5. JOINT AUTHORITY - All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

6. 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.

7. MANAGER or CITY MANAGER-The city manager of the city.

8. MAYOR-The mayor of the city.

9. MONTH - A calendar month.

10. OATH - Includes 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."

11. OTHER OFFICIALS OR OFFICERS, ETC. - Whenever reference is made to officers, agencies or departments by title only, i.e., "clerk," "city clerk," "city attorney," "fire chief," "chief of police," etc., they shall mean the officers, agencies or departments of the city.

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

13. PRECEDING; FOLLOWING- Next before and next after, respectively. PROPERTY- Includes real and personal property.

14. SIGNATURE or SUBSCRIPTION - Includes a mark when a person cannot write.

15. STATE or THIS STATE - Construed to mean the State of Oklahoma.

16. STATUTORY REFERENCES - References to statutes of the State of Oklahoma as they now are or as they may be amended to be.

17. STREET - Construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the city which are dedicated and open to public use.

18. WEEK - Seven days.

19. YEAR - A calendar year.

SECTION 1-103. Catchlines of sections; citations.

A. The citations included at the end of sections are intended to indicate the contents of the section and amended dates, respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or reenacted.

SECTION 1-104. Effect of repeal of ordinances.

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

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

SECTION 1-105. Severability of parts of Code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase. Clause, sentence, paragraph or section of this code or of any ordinance in the code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code of Ordinances.

SECTION 1-106. Amendments; effect of new ordinances.

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

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

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

"Section _____ Be it ordained by the City Council of the City of Henryetta, Oklahoma, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Henryetta, Oklahoma, and the sections of this ordinance may be renumbered to accomplish this intention."

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

SECTION 1-107. Altering Code.

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

SECTION 1-108. General penalty.

A. Effective immediately, except as otherwise provided by state law, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine not exceeding $500. Each day or any portion of a day during which any violati n of this code or of any ordinance shall continue shall constitute a separate offense.

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

SECTION 1-109. Fines recoverable by civil action.

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

SECTION 1-110. Ordinances in effect in outlying territory of city.

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

CHAPTER 2. - CORPORATE AND WARD LIMITS

SECTION 1-201. Map of city designated as official map.

The map of the city showing its territorial limits is hereby designated as the official map of the city, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the city, including all annexations made to the city through and including the date of November 1, 1985.

SECTION 1-202. Ward number and boundaries.

The city shall be divided into four wards which wards and the boundaries thereto are specifically described as follows:

A. Ward One consists of all that part of the city lying north and east of the following lines: The west boundary of the ward shall commence at the center of the intersection of Fifth Street at Cummings; thence North along the center of Fifth Street to the north city limits of the city; the south boundary thereof shall commence at the center of the intersection of Fifth Street at Cummings; thence east along the center of Cummings Street to the center of the right-of-way of the St. Louis and San Francisco Railroad;

thence southwesterly along the center of the railroad right-of-way to its intersection with the center of Trudgeon Street; thence east along the center of Trudgeon Street to the east city limits of the city;

B. Ward Two shall consist of all that part of the city lying north and west of the following lines: The east boundary of the ward shall commence at the center of the intersection of Fifth Street at Division; thence north along the center of Fifth Street to the north city limits of the city; the south line shall commence at the center of the intersection of Fifth Street with Division; thence west along the center of Division Street to the west city limits of the city;

C. Ward Three shall consist of all that part of the city lying south and west of the following lines: The east line of the ward shall commence at the center of Fourth Street at the intersection with Division Street; thence south along the center of Fourth Street to the south city limits of the city; the north boundary thereof shall commence at the center of Fourth Street at the intersection with Division Street; thence west along the center of Division Street to the west city limits of the city; and

D. Ward Four shall consist of all that part of the city lying south and east of the following lines: The west line shall begin at the center of the intersection of Fifth Street with Cummings Street; thence south along the center line of Fifth Street to the center of Division Street; thence east along the center of Division Street to the center of Fourth Street; thence south along the center of Fourth Street to the south city limits; the north boundary thereof shall commence at the center of the intersection at Fifth Street and Cummings Street; thence east along the center of Cummings Street to the center of the right-of-way of the St. Louis and San Francisco Railroad; thence southwesterly along the center of the railroad right-of-way to the center of Trudgeon Street; thence east along the center of Trudgeon Street to the east city limits of the city.

PART 2 - ADMINISTRATION AND GOVERNMENT

CHAPTER 1. – GOVERNMENT ORGANIZATION

SECTION 2-101. Council-Manager form of government.

The City is governed by the statutory Council-Manager form of government. The powers of the City are vested in the City Council.

CHAPTER 2. - CITY COUNCIL

SECTION 2-201. Elections and terms.

A. In a statutory Council-Manager City, the terms of the elected officers shall be staggered so that, at any one general municipal election, the following officers are to be elected for four-year terms:

   1. Council members from Wards One and Two.

B. At the next general municipal election, the following officers are to be elected for four-year terms:

   1. Council members from Wards Three and Four; and

   2. The Council member at large.

SECTION 2-202. Time of regular meetings.

The Council of the City of Henryetta shall hold a regular meeting on the 3rd Tuesday of every month starting at 6:30 p.m., beginning February, 2000. If such a meeting day falls on a holiday, as designated by the City Council, the regular meeting shall be held on the next day.

SECTION 2-203. Meetings.

Every meeting of the Council shall be held in the Council chamber in the City hall unless, in case of an emergency, the Mayor or the Council members calling a special meeting designate another place in the City for the holding of the special meeting. The Mayor or any three Council members may call a special meeting. Any adjourned meeting may be held at any other place designated by the Council.

SECTION 2-204. Qualifications of Council Members.

Council members shall be residents and registered voters of the City. Council members from wards shall be actual residents of their respective wards at the time of their candidacy and election, but removal of a Council member from one ward to another within the City after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected.

SECTION 2-205. Election of Mayor and Vice-Mayor; duties.

A. The Council shall elect from among its members a Mayor and a Vice-Mayor. The Mayor and Vice-Mayor shall be elected in each odd-numbered year at the first Council meeting held after Council terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.

B. The Mayor shall preside at meetings of the Council and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign all conveyances and other written obligations of the City as the Council may require. The Vice-Mayor shall act as Mayor during the absence, disability or suspension of the Mayor.

SECTION 2-206. Powers vested in Council; designated powers.

All powers of the City, including the determination of matters of policy, shall be vested in the Council. Without limitation of the foregoing, the Council may:

A. Appoint and remove the City Manager as provided by law.

B. Enact municipal legislation subject to limitations as may now or hereafter be imposed by the Oklahoma Constitution and law.

C. Raise revenue, make appropriations, regulate salaries and wages and all other fiscal affairs of the City, subject to such limitations as may now or hereafter be imposed by the Oklahoma Constitution and law.

D. Appoint or elect and remove its own subordinates, members of commissions and boards and other quasi-legislative or quasi-judicial officers as provided by law, or prescribe the method of appointing or electing and removing them.

E. Create, change and abolish offices, departments and agencies other than those established by law, and assign additional functions and duties to offices, departments and agencies established by this chapter.

F. Grant pardons for violations of municipal ordinances, including the remission of fines and costs, upon the recommendation of the municipal judge.

SECTION 2-207. Compensation.

The Mayor or members of the City Council may not receive any compensation as such for any services rendered the City other than actual expenses.

SECTION 2-208. Rules of procedure.

A. The Council may determine its own rules and may compel the attendance of absent members in the manner and under penalties as the Council may prescribe.

B. The order of business for each meeting of the Council shall be as follows:

   1. Call to order.

   2. Determination of a quorum.

   3. Reading and approval of the minutes.

   4. Purchase order for approval.

   5. Old business.

   6. New business.

7. Business from the floor.

8. Adjournment.

C. The following rules of procedure shall apply to any regular or special meeting of the Council unless two members agree to waive the rule or rules:

1. At the request of the Mayor or any Council member, all motions shall be reduced to writing.

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

3. No motion shall be debated or put to a vote until it be seconded and stated by the Mayor. It is then and not until then in possession of the Council and cannot be withdrawn but by leave of the Council.

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

i. When repeated without intervening business or discussion;

ii. When made as an interruption of a member while speaking;

iii. When the previous question has been ordered; or

iv. While a vote is being taken.

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

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

i. To adjourn;

ii. To lay on the table;

iii. For the previous question;

iv. To postpone to a day certain;

v. To commit;

vi. To amend; or

vii. To postpone indefinitely,

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

6. When a proper motion is made, but information 1s wanted, the motion is to postpone to a day certain.

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

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

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

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

11. Robert's Rules of Order shall govern matters not included or covered in this code or in rules adopted by the City Council.

12. These rules may be temporarily suspended by unanimous consent of all the members; but shall not be repealed, altered or amended, except by concurrence of two-thirds vote of all the Council members elected, or may be temporarily suspended by 2/3 of all members elected or appointed to the Council.

SECTION 2-209. Legislative calendar.

A. All legislation drafted for consideration and listed on the agenda of any regular City Council meeting or special called Council meeting will state the origin of the legislative sponsorship.

B. All legislation drafted for consideration and listed on the agenda of any regular City Council meeting or special called City Council meeting will be presented in its full intact form five days prior to legislative activity.

CHAPTER 3. - CITY MANAGER

SECTION 2-301. Appointment.

The Council shall appoint a City Manager for an indefinite term by a vote of a majority of all its members. It shall choose him solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the City or state; but, during his tenure of office, he shall reside within the City. No Council member may be appointed City Manager during the term for which he shall have been elected nor within two years after the expiration of his term.

SECTION 2-302. Designation of acting City Manager.

A. To perform his duties during his temporary absence or disability, the City Manager, by letter filed with the City Clerk, may appoint a qualified administrative officer of the City to be acting City Manager. If the City Manager fails to make such designation, if the Council suspends the City Manager or if there is a vacancy in the office of City Manager, the Council may appoint an acting City Manager to serve until the City Manager returns, until

his disability or suspension ceases or until it appoints another City Manager, as the case may be.

B. The City Council, by majority vote, may appoint any other City official, City officer, or City department head to serve concurrently as the acting City Manager; however, said appointee may only receive compensation for one or the other position, but not both positions, as the salary or compensation have been determined. No person currently serving on the City Council or any person who has served on the City Council within the last two years may be appointed as the acting City Manager. [Added 5-16-2006 by Ord. No. 995)

SECTION 2-303. Council may suspend or remove.

The Council may suspend or remove the City Manager or acting City Manager at any time by a vote of a majority of all its members.

SECTION 2-304. Duties.

The City Manager shall be the chief executive officer and head of the administrative branch of the City government. He shall execute the laws and administer the government of the City and shall be responsible therefor to the Council. He shall:

A. Appoint, and when necessary for the good of the service, remove, demote, lay off or suspend all heads of administrative departments and other administrative officers and employees of the City except as otherwise provided by law. The Manager or the Council by ordinance may authorize the head of a department, office or agency to appoint and remove the subordinates in such department, office or agency.

B. Supervise and control all administrative departments, offices and agencies.

C. Prepare a budget annually and submit it to the Council and be responsible for the administration of the budget after it goes into effect; and recommend to the Council any changes in the budget which he deems desirable.

D. Submit to the Council a report after the end of the fiscal year on the finances and administrative activities of the City for the preceding year.

E. Keep the Council advised of the financial condition and future needs of the City, and make recommendations as he deems desirable.

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

CHAPTER 4. – FINANCE DEPARTMENT

SECTION 2-401. City Clerk.

The City Clerk shall be an officer of the City, appointed by the City Manager for an indefinite term, and removable by the Manager. The City Clerk shall have supervision and control of the finance department. There shall be such employees in the finance department as the Council may authorize.

SECTION 2-402. Duties of City Clerk.

The City Clerk shall collect or receive revenue and other money for the City and shall deposit the same daily as required by law. The Clerk shall attend all Council meetings and shall keep the journal of the proceedings of the Council. He shall enroll in a book kept for the purpose all ordinances and resolutions passed by the Council. He shall keep the seal of the City and attest the signature of the Mayor or Vice-Mayor. He shall maintain a general accounting system for the City. He shall perform such other duties as may be required by law or ordinance for the City Clerk.

SECTION 2-403. Office of City Clerk and City Treasurer may be held by same person.

The same person may hold the office of City Clerk and office of City Treasurer at the same time. The Council may appoint as City Treasurer the same person who the Manager has appointed as City Clerk and vice versa.

SECTION 2-404. City Treasurer.

There shall be a Treasurer for the City, appointed by the City Council for an indefinite term. The Treasurer is an officer of the City.

SECTION 2-405. Duties of City Treasurer.

The Treasurer shall deposit daily all funds coming into his hands in such depositories as the Council may designate; and shall disburse such funds in the manner provided by applicable law or ordinance. He shall have such other powers, duties and functions as may be prescribed by applicable law or by ordinance.

CHAPTER 5. – OTHER DEPARTMENTS AND PERSONNEL

SECTION 2-501. City Attorney.

The City Attorney is appointed by the City Manager for an indefinite term and is removable by the Manager. The City Attorney is an officer of the City. The City Attorney is the chief legal adviser of the Council and all other officers, departments and agencies of the City government in matters relating to their official powers and duties. He represents the City in proceedings in the courts and performs all services incident to his position which may be required by law or ordinances. He may attend regular meetings of the Council and prepare ordinances for the Council. He may receive a regular salary as set by the Council and, in addition thereto, receive reasonable fees for representing the City in lawsuits or controversies to which the City is a party, whether tried, settled or otherwise. He may provide other special services as requested by the Council or Manager. When duly authorized by the Council or Manager, he shall receive a reasonable fee for such special services.

SECTION 2-502. City-county health department; director.

The cooperative health department of the county and its director shall have the powers of a City health department and City health officer, respectively, for the City. References to "health department" and "health officer" or "director of the health department" in this code and in other ordinances of the City mean the cooperative health department and its director, unless the context clearly indicates another meaning.

SECTION 2-503. Council to regulate number and classes and compensation of officers and employees.

The Council, by motion, resolution or ordinance, may regulate the number of classes of officers 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.

SECTION 2-504. Certain personnel to be bonded.

A. Before entering upon their official duties, the following personnel of the City government shall provide bonds for the faithful performance of their official duties, payable to the City, with a surety company authorized to operate within the state, in such amounts as set or approved by the Council:

1. City Clerk.
2. City Treasurer.
3. Deputy Clerks.
4. Court Clerk.
5. Police officers.

B. The Council, by motion or resolution, may require other officers and employees in such positions as it may designate to be bonded.

C. The City shall pay the premiums on the bonds.

CHAPTER 6. – SOCIAL SECURITY

SECTION 2-601. City Attorney.

It is hereby declared to be the policy and purpose of the City to extend, at the earliest date, to the eligible employees and officials of the City the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and § 121 et seq. of Title 51 of the Oklahoma Statutes. In pursuance of this policy, the officers and employees of the City shall take such action as may be required by applicable state or federal laws or regulations.

SECTION 2-602. Execution of agreement with state agency.

The Mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of § 2-60 I of this code.

SECTION 2-603. Withholdings.

Withholdings from salaries or wages of employees and officials for the purposes provided in
§ 2-601 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations and shall be paid over to the state or federal agency designated by the laws and regulations.

SECTION 2-604. Contributions.

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

SECTION 2-605. Records and reports.

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

SECTION 2-606. Exclusions.

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

A. Any authority to make any agreement with respect to any position, employee or official covered or authorized to be covered as of the initial effective date of this chapter by any other ordinance creating any retirement system for any employee or official of the City; or

B. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.

CHAPTER 7. – RETIREMENT AND PENSIONS

ARTICLE A. – POLICE PENSION SYSTEM

SECTION 2-701. Police pension Board of Trustees.

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, City Treasurer and three 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."

SECTION 2-702. Police department Board of Review.

A. A Board of Review is established to hear appeals concerning the discharge of any member of the Police Department who is affiliated with the Police Pension and retirement system. The Board of Review shall consist of the Mayor, two retired or active police officers, one attorney and one physician.

B. Whenever persons meeting the above qualifications are unavailable for appointment, the Mayor shall appoint City officials or Council members to fill the posts, provided that neither the chief of police nor any person having direct appointive authority for police personnel shall be eligible for appointment to the board.

C. No member of the Police Department who is affiliated with the Police Pension and retirement system may be discharged except for cause. Any such qualified member who is discharged may appeal to the Board of Review. Appeals from the decision of the Board of Review may be made as provided in 11 Oklahoma Statutes § 50-101 et seq.

SECTION 2-703 Through Section 2-709. (Reserved).

ARTICLE B. – FIREFIGHTER'S PENSION FUND

SECTION 2-710. Fire department Board of Review.

A. A Board of Review is established to hear appeals concerning the discharge of any member of the Fire Department who is affiliated with the Oklahoma firefighters pension and retirement system. The Board of Review shall consist of the Mayor, two retired or active firefighters, one attorney and one physician.

B. Whenever persons meeting the above qualifications are unavailable for appointment, the Mayor shall appoint City officials or Council members to fill the posts, provided that neither the fire chief nor any person having direct appointive authority for firefighting personnel shall be eligible for appointment to the board.

C. No member of the Fire Department who is affiliated with the Oklahoma firefighters pension and retirement system may be discharged except for cause. Any such qualified member who is discharged may appeal to the Board of Review. Appeals from the decision of the Board of Review may be made as provided by law.

SECTION 2-711 Through Section 2-719. (Reserved).

ARTICLE C. – EMPLOYEE RETIREMENT SYSTEM

SECTION 2-720. Employee retirement system created.

Pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized, created, established, and approved and adopted, effective as of January 1, 2011, the amended and restated plan designated "Employee Retirement System of the City of Henryetta, Oklahoma, Defined Benefit Plan," (hereinafter called "system"), an executed counterpart of which is marked "Exhibit A" (Joinder Agreement) and "Exhibit B" (amended and restated plan) and attached hereto as part hereof.2

SECTION 2-721. Fund.

A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the system. All contributions to such fund shall be paid over to and received in trust for such purpose by the City. Such fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

SECTION 2-722. Appropriations.

The City of Henryetta, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the system, and to appropriate and pay the same. In addition, the City of Henryetta, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the system and the fund in accordance with the provisions of the defined benefit plan. Any appropriation so made to maintain the system and fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

SECTION 2-723. Execution.

A. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the system instrument, and to do all other acts and things necessary, advisable, and proper to put said system and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as "Exhibit A" and "Exhibit B", which has been duly executed as aforesaid simultaneously with the passage of this article and made a part hereof, is hereby ratified and confirmed in all respects.

B. This committee is hereby authorized and directed to proceed immediately on behalf of the City of Henryetta, 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.

CHAPTER 8. – DRUG TESTING

SECTION 2-801. Policy and intent.

A. It is the policy of the City of Henryetta that the use of illegal drugs and the abuse of legal drugs while in the workplace constitute a violation of the law and may also represent a threat to personal and public safety and property. Abuse of such substances can grossly diminish the productivity and reliability of employees, thereby violating the public trust. Such behavior shall not be tolerated, and the City of Henryetta will administer a program to educate employees regarding the hazards of substance abuse and to eliminate such abuse. The City's program shall include efforts to rehabilitate employees suffering from substance abuse problems.

B. The elected officials, management, collective bargaining units and employees of the City of Henryetta have a joint interest in workplace safety, the elimination of substance abuse and the improvement of related job performance safety and efficiency.

SECTION 2-802. Statutory authority.

This policy shall be in accordance with and administered pursuant to OKLA. STAT. tit. 40, 551, et seq.: The Oklahoma Standards for Workplace Drug and Alcohol Testing Act, 49 U.S.C. §§ 2717 and 1434 of the Federal Statutes and the Department of Transportation (DOT) rules and regulations found at 40 CFR Part 121 and 40 CFR Parts 382, 391 and 392 and any amendments thereto. Drug or alcohol testing required by and conducted pursuant to federal law or

regulation shall be exempt from the provisions of the Standards for Workplace Drug and Alcohol Testing Act and the rules promulgated pursuant thereto.

SECTION 2-803. Applicability.

A. This policy shall apply to all regular full-time, part-time and temporary employees of the City of Henryetta. It shall not apply to independent contractor employees provided by temporary agencies.

B. The provisions of this policy which apply specifically to employees who are under the Department of Transportation commercial motor vehicle driver regulations are 4irected at those employees who are required to hold an Oklahoma commercial driver's license type A, B or C due to the requirements of their position and job duties.

SECTION 2-804. Drug testing prior to assignment.

All external applicants for City positions within classified regular or classified part-time employment or sworn Fire Department positions shall undergo drug and/or alcohol testing prior to assignment.

A. Job applicants shall be tested only after a conditional offer of employment is made.

B. Refusal to undergo a test, or a confirmed positive test, shall be the basis for withdrawing a conditional offer of employment.

SECTION 2-805. Reasonable suspicion.

A. Drug or alcohol testing may be conducted on any City of Henryetta employee when there exists a reasonable suspicion of substance abuse in the workplace. Reasonable suspicion may be based upon, among other things:

1. Observable and articulable phenomena, such as physical symptoms or manifestations of being under the influence of drugs or alcohol while at work or on duty (appearance, behavior, speech, body odors, etc.), or the direct observation of such use while at work or on duty;

2. Reports of drug or alcohol use from reliable and credible sources which are independently corroborated;

3. Evidence that an individual has tampered with a drug or alcohol test during his employment with the current employer; or

4. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on the employer's premises or operating the employer's vehicle, machinery or equipment.

B. No testing under "reasonable suspicion" shall be initiated unless the circumstances are properly reviewed and agreed upon by at least two representatives of City management (which shall be considered to include supervisory level personnel).

C. A written record of the observations leading to a drug or alcohol test shall be created and signed by the supervisor(s) who made such observations within 24 hours of the observed behavior.

D. The City Manager's office shall be the records and reporting function for all drug- or alcohol-related information. Supervisors shall report to the City Manager any instances of testing which occur outside of the City-designated test sites; or cases involving an employee's refusal to submit to testing. Supervisors shall also provide the associated written report signed by the supervisor to the City Manager in either instance.

SECTION 2-806. Post-accident testing.

A. Post-accident drug or alcohol testing may be conducted on City employees only where there has been damage to City property, an actual (work-related) injury to an employee, or third party, and there exists reasonable suspicion (as defined in § 2-806) that the accident, injury or damage was a direct result of the employee's use of drugs or alcohol (except as noted in Subsections B and C).

B. Employees subject to DOT commercial motor vehicle driver regulations (see § 2-804B) who suffer a vehicle accident during operation of a commercial motor vehicle shall be tested for alcohol and controlled substances as soon as possible after an accident if:

1. The accident involved the loss of human life; and/or

2. If the driver receives a citation under state or local law arising from the accident.

C. If such testing cannot be administered within two hours of an accident as noted in Subsection B(1) and (2) above, the supervisor shall prepare and maintain a written record of the reasons. After eight hours, such efforts to administer testing shall cease, and the written record shall be forwarded to the City Manager and will be made available by the City Manager to the Federal Highway Administration (FHWA) upon request.

SECTION 2-807. Random and scheduled periodic testing.

Certain classifications of employees, as delineated in Subsection D, may be required to undergo drug or alcohol tests on a random selection basis or on a scheduled periodic basis.

A. "Random selection basis" is defined as a mechanism for selecting employees that results in an equal probability that any employee from a group will be selected.

B. The City may not waive the selection of any employee who has been selected under the above mechanism.

C. "Scheduled periodic basis" shall mean testing conducted as a routine part of a routinely scheduled fitness for duty examination for all members of an employment classification group.

D. Random and scheduled periodic testing shall be limited to those employees who:

1. Are police or peace officers.

2. Have drug interdiction responsibilities.

3. Are authorized to carry firearms.

4. Are engaged in activities which directly affect the safety of others. These employees shall be defined to include but not be limited to the following classifications or groups of employees: sworn police personnel; sworn firefighter personnel; heavy equipment operators; employees in classifications requiring a commercial driver's license (CDL) A, B or C class license; employees who possess a City driver's license; classifications or employee groups responsible for handling drugs, explosives or firearms.

5. Work in direct contact with inmates in the custody of the Department of Corrections.

6. Work in direct contact with juvenile delinquents or children who are in need of supervision in the custody of the Department of Human Services.

E. The above provisions of§ 2-808 are subject to the terms and conditions of current union contracts with the policemen and firefighters, which currently do not provide for such testing. Before this section can be effective as to policemen and firefighters, their contracts must be modified to recognize this section.

F. Minimal test rates for commercial motor vehicle drivers.

1. Upon initiation of this policy, those employees subject to drug and alcohol testing as a commercial motor vehicle driver under DOT regulations (see§ 2-804B) shall be tested at the following minimal test rates per those regulations:

i. The initial minimum yearly percentage rate for random alcohol testing shall be 25% of all drivers.

ii. The initial minimum yearly percentage rate for random controlled substances testing shall be 50% of the average number of drivers.

2. These yearly percentage standards shall be subject to change by and shall be based upon the current DOT regulations.

G. Other City employees shall be tested at a frequency rate determined by the City and as determined appropriate in view of program administrative considerations, state law or other legal requirements.

H. Every employee who is selected for random drug or alcohol testing shall proceed to the test site immediately upon notification, unless the employee is performing a safety-sensitive position at the time of notification which will not reasonably allow his/her replacement. In such cases, the supervisor shall ensure the employee proceeds to the testing site as soon as reasonably possible.

SECTION 2-808. Post-rehabilitation testing.

A. The City may require an employee to undergo drug or alcohol tests without prior notice for a period of two years after the employee's return to work following a confirmed positive test, or following participation in a drug or alcohol dependency program under a City benefit plan or attended at the request of the City of Henryetta.

B. Post-rehabilitation testing shall be conducted in addition to any other testing the employee is subject to under this policy.

SECTION 2-809. Substances for which tests may be given.

A. Substances for which tests may be given (includes the related metabolites) are as follows:

1. Ethyl alcohol or ethanol (beer, liquor, etc.).

2. Cannabinoids or marijuana (pot, weed, grass).

3. Cocaine (including crack).

4. Amphetamines (including speed).

5. Opiates (including morphine, codeine, dilaudid, percodan).

6. Phencyclidine (including angel dust, PCP).

B. Threshold reporting levels shall be those established and maintained by the Federal Department of Transportation and as utilized by the National Institute for Drug Abuse (NIDA). Any positive levels below those established reporting levels shall not be reported to the City Manager by the testing laboratory.

SECTION 2-810. Drug or alcohol testing methods and documentation.

Collection, storage, transportation and testing procedures shall be conducted in accordance with rules established by the Oklahoma State Board of Health and applicable federal statutes and regulations, including the following:

A. Testing facilities shall meet the qualifications and standards of and be licensed by the State Department of Health.

B. Samples shall be collected only by those persons deemed qualified by the State Board of Health, and appropriate labeling of samples shall occur so as to reasonably preclude the probability of erroneous identification of test results.

C. Body component samples that are appropriate for drug and alcohol testing shall be collected with due regard to the privacy of the individual being tested. In no case shall the City's representative directly observe collection of a urine sample.

D. A written record of the chain of custody of the sample shall be maintained until the sample is no longer required.

E. An applicant or employee shall be given the opportunity to provide notification of any information which he/she considers relevant to the test, including currently or recently used drugs or other relevant information.

F. Reporting levels utilized for identification of positive substance abuse results shall be those levels established by the Federal Department of Transportation.

G. An employee who is found to have a positive drug test may designate an appropriate testing facility to which the split sample shall be sent for repeat testing. Such testing facility must also meet the standards of this section.

SECTION 2-811. Costs.

The City is responsible for all costs associated with drug or alcohol testing.

A. If an employee requests a retest to challenge the findings of a confirmed positive test, the employee is responsible for the cost of the test unless that test reverses the findings of the previous positive test, in which case the City is responsible for the cost.

B. Any test of a current employee must be performed during or immediately after the employee's scheduled work period and is deemed as compensable work time as applicable under the Fair Labor Standards Act.

SECTION 2-812. Refusal to undergo testing; tampering with sample.

Employees refusing to undergo testing according to the terms of this policy shall be subject to disciplinary action up to and including termination. Employees found supplying or attempting to supply an altered sample or a substitute sample, not their own, by whatever means, shall be subject to disciplinary action up to and including termination.

SECTION 2-8013. Confidentiality.

The City shall comply with all provisions of the Workplace Drug and Alcohol Testing Act, including confidentiality, and shall treat all tests and all information related to such tests, including interviews, memoranda, reports and statements, as confidential.

A. All records relating to drug testing shall be kept separate from personnel records.

B. Such records may not be used in any criminal proceeding or civil or administrative action except in actions taken by the City or otherwise involving the subject employee and the City, unless there is a valid court order authorizing the release of such records.

C. Records shall be the property of the City and will be made available to the affected applicant or employee for inspection and copying upon request.

D. Records may not be released to any person other than the applicant or employee without the applicant's or employee's expressed written permission, or if otherwise required by law.

E. Employees within supervisory or management positions shall be responsible for compliance with this policy. They shall also ensure that employees seeking treatment or within rehabilitation processes are treated fairly and appropriately as concerns their job rights and job security. Additionally, supervisors and Managers shall ensure that all reasonable efforts are made to allow for confidential handling of diagnosis and treatment of employees with substance abuse problems.

SECTION 2-814. Disciplinary action.

The City of Henryetta recognizes that substance abuse is treatable and that appropriate responses to these problems include education, treatment and rehabilitation. The City shall not take disciplinary action against an employee who tests positive for drugs or alcohol unless the test is confirmed by a second test performed on the same sample using one of the methods prescribed by the Oklahoma Standards for Workplace Drug and Alcohol Testing Act. However, this shall not preclude the use of paid administrative leave in cases involving reasonable suspicion and/or at the discretion of the supervisor.

A. Normally, a nonprobationary employee with a previously satisfactory work record will be given one (and only one) opportunity to continue employment after an initial occurrence of a positive drug or alcohol test where such testing was required by the City. In such cases, no direct disciplinary action shall normally be effected due to the test results unless the test arose under reasonable suspicion criteria. However, some period of leave without pay may occur prior to the employee being allowed to return to work dependent upon the employee's leave accruals and per Subsection C below. Such an attempt to allow for rehabilitation of an employee is believed to be an appropriate course of action to meet the City's obligation to both our employees and to citizens.

B. If an employee tests positive for drugs or alcohol, said employee may be suspended, demoted or terminated following a pre-action or pre-termination hearing. In addition to the alleged offense, the appropriate course of action shall be determined based on the employee's total work record, including but not limited to any prior drug or alcohol problems.

C. Continued employment, if offered, shall be contingent upon the employee agreeing in writing to undergo random or periodic drug and/or alcohol post-rehabilitation testing for two years and satisfactorily participate in the Employee Assistance Program. Employees who have had a positive drug or alcohol test shall not be allowed to return to work until they can provide a verified negative "return to work" drug or alcohol test (as applicable), with testing costs covered by the employer, and obtained through a City-approved testing facility which meets the requirements of § 2-811 (testing methods) of this policy. (Available vacation, compensatory or sick leave accruals may be utilized by employees in such situations.)

D. Grievances arising from implementation and operation of this drug testing policy will be handled through the City of Henryetta Personnel Policies and Procedures grievance procedure unless superseded by a collective bargaining agreement.

SECTION 2-815. Testing procedure.

When a drug or alcohol test is deemed appropriate under this policy, the employer's exempt supervisor shall transport or arrange for an employee to be transported to the City-designated testing facility for testing. If the testing facility is closed, the employee shall be transported to another City-designated after hours testing facility.

A. Employees must present a picture ID (Oklahoma driver's license or City ID, etc.) or be accompanied by exempt supervisor who can provide identification witness as the

employer representative to the medical testing personnel representative prior to testing and as required by NIDA procedures.

B. The exempt supervisor shall make a reasonable effort to ensure that the employee is safely transported to their place of residence after any drug or alcohol testing is completed under criteria of reasonable suspicion in § 2-806.

SECTION 2-816. Challenging test results.

Employees wishing to receive test results which could be used to challenge the results of the City's test must:

A. Do so at their own expense.

B. Do so in accordance with the Oklahoma Standards for Workplace Drug and Alcohol Act.

C. Have the sample collected within one hour of the City's sample.

SECTION 2-817. Policy posting procedures.

Each department shall post a copy of this policy in a prominent employee access and/or applicant access area. Each employee and each applicant shall be provided a copy of this policy upon receipt of a conditional offer of employment.

SECTION 2-818. Employee Assistance Program (EAP).

A. The City of Henryetta shall maintain either an in-house or contractual Employee Assistance Program. The EAP provided by the City shall, at a minimum, provide drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment or rehabilitation.

B. The City shall establish and utilize an EAP committee which shall review, on a yearly basis, the existing EAP service provisions, employee usage, statistics, etc., and recommend to the City Manager noted improvement opportunities or recognized needs for program changes. Each of the collective bargaining units shall be invited to provide a voting representative to said committee which shall consist of no more than seven voting members.

C. Employees who voluntarily come forward at least 24 hours prior to any notification of required drug or alcohol testing and admit to alcohol or drug problems and initiate EAP rehabilitation through the City's EAP program shall not be considered to have suffered a violation of this policy or be subject to discipline under § 2-815. However, those employees in safety-sensitive positions may be assigned to non-safety-sensitive positions until a verified negative drug or alcohol test can be obtained from an appropriate testing facility per § 2-811. Additionally, the employee may be required to enter a signed agreement for continued required drug or alcohol testing and EAP program compliance as provided under§§ 2-809 and 2-815C if a problem is determined to exist.

SECTION 2-819. Penalties and remedies.

Employees are hereby advised that there are certain criminal sanctions and civil remedies for violations of Oklahoma's Standards for Workplace Drug and Alcohol Testing Act contained in 40 O.S. § 551. The City of Henryetta's implementation of drug testing programs shall not diminish the rights of individual employees under state or federal statutes as they relate to drug testing.

SECTION 2-820. Prohibitions.

A. No employee shall report for duty within four hours after using alcohol or remain on duty while having an alcohol concentration of 0.04 or greater, and no supervisor shall permit any employee to perform any work duties if the supervisor is aware the employee has an alcohol concentration of 0.04 or greater. No employee shall be on duty or operate a City vehicle or perform job duties while in possession of alcohol nor use alcohol during such duty time.

B. No employee shall report for duty, drive a City-owned vehicle or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician and/or when the physician has advised an employee the substance will not adversely affect an employee's ability to drive a vehicle if such duties are required. No supervisor having knowledge that an employee has used a controlled substance shall permit an employee to be on duty or drive/operate any City equipment or vehicle.

C. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until he/she undergoes a post-accident test, whichever occurs first.

CHAPTER 9. – NEPOTISM

SECTION 2-901. Definitions.

The definition of "nepotism" will be as defined in 5 CFR 310 and shall be any combination of the following types:

A. RELATIVE - Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

B. PUBLIC OFFICIAL - An officer, a member of the uniformed services, an employee, and any other individual in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, advancement or contractual relationship with the City.

C. CHAIN OF COMMAND - The line of supervisory personnel that runs from a public official to the head of his agency.

SECTION 2-902. Restrictions.

The restrictions from nepotism are:

A. A public official shall not advocate one of his relatives for appointment, employment, promotion, or advancement to a position in his agency or in an agency over which he exercises jurisdiction or control.

B. A public official shall not advocate one of his relatives for contracts with the City of Henryetta.

C. A public official shall not appoint, employ, promote, or advance to a position in his agency or in an agency over which he exercises Jurisdiction or control:

1. One of his relatives; or

2. The relative of a public official of his agency, or of a public official who exercises jurisdiction or control over his agency, if the public official has advocated the appointment, employment, promotion, or advancement of that relative.

D. For the purpose of this section, a public official who recommends a relative, or refers a relative for consideration by a public official standing lower in the chain of command, for appointment, employment, promotion, or advancement is deemed to have advocated the appointment, employment, promotion, or advancement of the relative.

E. This section does not prohibit the appointment in the competitive service of a preference eligible if his name is within reach for selection from an appropriate certificate of eligible and an alternative selection cannot be made from the certificate without passing over the preference eligible and selecting an individual who is not a preference eligible.

SECTION 2-903. Emergency exceptions.

When necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property, a public official may employ relatives to meet those needs without regard to the restriction under this chapter. Appointments under these conditions are temporary and not to exceed 1 month, but may be extended for a 2nd month if the emergency need still exists.

CHAPTER 10. – HIRING

SECTION 2-1001. Public advertisement of open positions required.

A new or current open employment position with the City of Henryetta or its public trusts may be filled by promotion or transfer by the City Manager or his/her designee having hiring authority. An open position available to be filled by promotion or transfer shall be posted by the City Manager at City Hall in a location for employee notices and at the location where the position shall be primarily located, if off site of the City Hall building, at least IO days prior to filling the position. Any position that is not filled by promotion or transfer shall be advertised in a local newspaper of general circulation for at least 10 days prior to filling the position. Nothing herein shall prevent the City Manager or his/her designee from delegating new duties between employees without notice or prevent posting internal and public notices for the same position during the same ten-day period, or prevent the City Manager from hiring a third-party service to administer City or public trust functions, or for contracts for temporary personnel through third-party services.

CHAPTER 11. – HIRING

SECTION 2-1101. Use of City and private vehicles.

When an employee of the City attends any workshop, conference or other related activity on behalf of the City, they will utilize a City vehicle when one is available. If a City vehicle is unavailable, the individual may utilize their own privately owned vehicle for transportation and they will be allowed reimbursement for transportation costs as outlined by the General Services Administration and the State of Oklahoma.

PART 3 - ALCOHOLIC BEVERAGES

CHAPTER 1. - GENERAL PROVISIONS

SECTION 3-101. Purpose of chapter.

This chapter is enacted as an exercise of the police power of the city to preserve the public peace, safety, health and good order thereof, and to aid the enforcement of the policy of the state as established by the Oklahoma Alcoholic Beverage Control Act, § 501 et seq. of Title 37 of the Oklahoma Statutes, and to establish annual occupation taxes upon all persons engaged in the manufacture, sale or distribution of alcoholic beverages.

SECTION 3-102. Definitions; terms and phrases.

A. For the purpose of this chapter, all of the terms and phrases used in this chapter shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Control Act.

B. As used in this chapter, the following terms shall have the meanings indicated:

1. MINOR - A person who, in accordance with state law, has not yet attained the age at which consumption of alcoholic beverages is permitted.

2. STATE LICENSEE - Any person who holds a license issued under authority of the Oklahoma Alcoholic Beverage Control Act.

SECTION 3-103. Amount of tax.

A. There is hereby levied an annual tax upon the following occupations named, and in the amount respectively set opposite the name of such occupation:

1. Brewer: $1,250.

2. Distiller: $3,125.

3. Wine maker: $625.

4. Oklahoma wine maker: $75.

5. Rectifier: $3,125.

6. Wholesaler: $3,500.

7. Class B wholesaler: $625.

8. Package store: $

9. Mixed beverages (initial): $1,000; (renewal): $900.

10. Caterer (initial): $1,000; (renewal): $900.

11. Special event, per day: $50.

B. The occupation tax for those service organizations which are exempt under Section 501(c)(19) of the Internal Revenue Code for mixed beverage or bottle club license shall be $100 per year.

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

SECTION 3-104. Payment required; penalty.

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

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

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

D. Any person who engages in any of the occupations taxed by this chapter without paying the occupation tax imposed therefor in advance of such operation is· guilty of an offense against the city and, upon conviction thereof, shall be punished as provided in § 1-108 of this code. Each day of such violation shall constitute a separate offense.

SECTION 3-105. Annual report.

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

SECTION 3-106. Application for certificate; investigations.

A. Every applicant for a certificate 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:

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

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

B. Upon receipt of an application for a certificate of compliance, the city manager shall cause an investigation to be made to determine whether the premises proposed for licensed operations comply with the provisions of the zoning ordinance1 and any health, fire, building and other safety codes applicable to it.

C. The city manager shall act on all such applications within 20 days of receipt thereof.

SECTION 3-107. Issuance of certificate of zoning and certificate of compliance; conditional certificates.

A. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning

ordinances, a certificate of zoning shall be issued to the ABLE Commission.

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

C. The above certificates of compliance shall be signed by the mayor or by the city manager.

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

SECTION 3-108. Civil penalty.

All sums due from any person, firm or corporation by reason of occupation taxes imposed by this chapter shall be recoverable at the suit of the city brought against such person in any court of competent jurisdiction. In such suit, in addition to the tax, the city shall be allowed to recover interest at the maximum allowable rate permitted by state law upon all sums due by way of tax, from the date of accrual thereof, any penalty, and all costs of collection, judicial or otherwise, including reasonable attorney's fees. Prosecution for an offense against the city arising out of the failure to pay a tax levied by this chapter, regardless of the outcome or its continued pendency, shall not constitute a defense or a bar in any manner to the collection of any tax and penalties, if any are due, as herein provided.

SECTION 3-109. No refund.

Any state licensee who violates the Oklahoma Alcoholic Beverage Control Act shall be in violation of this chapter, and his occupational privilege hereunder shall be subject to revocation, without refund.

SECTION 3-110. Sign at store.

No person owning, operating or maintaining a retail alcoholic beverage store shall cause or permit it to be designated by more than one sign, which shall contain only the words "Retail Alcoholic Liquor Store," or any combination of such words or any of them, and which shall contain no letter or figures more than four inches in height or more than three inches in width, and in which the lines of words, if more than one, shall not be more than one inch apart.

SECTION 3-111. Advertising.

No person nor any state licensee shall advertise or cause to be advertised, in any manner, the sale of alcoholic beverages within the city limits of the city other than as authorized by the regulations of the State Board of Control.

SECTION 3-112. Separate premises.

No person shall maintain, operate or assist, in any manner, the maintenance or operation of a retail alcoholic beverage store or package store in premises which are not separated from adjoining premises on which any other goods, wares or merchandise are sold or services are rendered by nontransparent walls, broken only, if at all, by a passageway to which the public is not admitted; and no person shall take any alcoholic beverage through any passageway described in this section for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage or beverages.

SECTION 3-113. Condition of sale.

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

1. In retail containers;

2. At ordinary room temperatures;

3. In the original package; and

4. For consumption off the premises.

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

SECTION 3-114. Consumption and open container prohibited in certain locations.

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

SECTION 3-115. Compliance with chapter and state laws required.

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

SECTION 3-116. Compliance with zoning regulations required.

No retail alcoholic beverage store, and no wholesale alcoholic beverage store, warehouse, brewery, distillery, winery or any other place, however described, and for the manufacture or production or bottling of alcoholic beverages of any kind, shall be located, maintained or operated by any person, at any place within the boundaries of the city except at a location at which such an establishment is permitted or authorized by the zoning ordinances of the city. No person shall own, operate, maintain or be interested in any retail alcoholic beverage store which is located at a place within the city limits of the city which is in violation of or forbidden as a location by the city or under the laws of the state.

SECTION 3-117. Prohibited location.

The location of a retail package store, mixed beverage establishment or bottle club is specifically prohibited within 300 feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church, or school, shall be established within 300 feet of any licensed premises after such premises

has been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, mixed beverage establishment or bottle club along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes 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.

SECTION 3-118. Prohibited sales.

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

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

SECTION 3-119. Transporting beverages.

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

A. In an unopened original container with seal unbroken and the original cap or cork not removed from the container; or

B. In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of a vehicle.

SECTION 3-120. Prohibited employment of minors; presence of minors in licensed stores.

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

SECTION 3-121. Dates and hours of prohibited sales and deliveries.

A. No person shall open for business or keep open for business or sell or deliver alcoholic beverages, as defined herein, to any person at a retail alcoholic beverage store in the city on any Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day or Christmas Day, or while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county or city, or any other day except between the hours of 10:00 a.m. and 9:00 p.m.

B. No wholesale dealer in alcoholic beverages, and no officer, agent or employee of such a dealer, shall sell or deliver to any retail alcoholic beverage store within the city any amount of spirits or wines on Saturday of any week, on Sunday of any week, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Veteran's Day, on Thanksgiving Day, on Christmas Day or while the polls are open on the day of any general, primary, runoff primary or special election, whether national, state, county or city.

SECTION 3-122. Credit sales prohibited.

No alcoholic beverages shall be sold within the city on credit.

SECTION 3-123. Sale promotions prohibited.

No owner or proprietor of a retail alcoholic beverage store and no person employed therein shall offer or furnish any prize, premium, gift or similar inducement in connection with or to promote the sale of alcoholic beverages.

SECTION 3-124. Intoxicated persons prohibited in restaurants and places of recreation.

No person operating a cafe, restaurant, club or any place of recreation within this city, and no employee engaged in connection with the operation of such a cafe, restaurant, club or place of recreation, sha11 permit any person to be drunk or intoxicated in the place of business.

SECTION 3-125. Violations and penalties.

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

CHAPTER 2. - NONINTOXICATING BEVERAGES

SECTION 3-201. Definitions.

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

A. MINOR- A person who, according to state law, has not yet attained the age at which consumption of nonintoxicating beverages is permitted under state law.

B. NONINTOXICATING BEVERAGES - All beverages containing more than 0.5% alcohol by volume and less than 3.2% alcohol by weight.

C. PLACE OF BUSINESS - Each separate location or service unit in which or from which nonintoxicating alcoholic beverages are sold, delivered or otherwise furnished.

D. RETAIL DEALER - Includes any person who sells any nonintoxicating alcoholic beverage as defined herein for consumption or use and not for resale.

SECTION 3-202. Hours of sale.

It is unlawful for any owner, firm, person, operator, corporation, proprietor or manager of any beer tavern, beer garden, beer hall, tap room or any other premises or place in which the principal business is that of selling nonintoxicating

beverages for consumption on the premises to barter, sell, dispense or otherwise furnish nonintoxicating beverages for consumption on the premises of his place of business between the hours of 2:00 a.m. Sunday and 12:00 p.m. Sunday and 2:00 a.m. Monday and 7:00 a.m. on Monday unless the retail dealer so offering such nonintoxicating beverage for sale conducts a business in which 75% of the gross revenue of the business, including revenue from sale of nonintoxicating beverages, consists of the sale of prepared food at retail.

SECTION 3-203. License fees..

There is hereby levied on each retail dealer in nonintoxicating beverages within the city selling such beverages for consumption on or off the premises of the dealer's place of business a license fee is set from time to time by resolution. A separate license fee shall be paid for each place of business, as herein defined, operated and conducted by the retail dealer.

SECTION 3-204. License requirements.

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

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

SECTION 3-205. Sale to minors prohibited.

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

SECTION 3-206. Possession by minors.

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

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

SECTION 3-207. Restrictions on employment of persons under 21.

A. It is unlawful for any owner, manager, operator oi employee of a place where nonintoxicating beverages are sold for consumption on the premises to employ a person under 21 years of age to work in such place; or for any person under 21 years of age to work in such place. This subsection shall not apply to any licensed premises where sales of nonintoxicating beverages do not exceed 25% of the gross sales of the licensee.

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

SECTION 3-208. Minors not to frequent bars, beer halls or taverns.

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

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

SECTION 3-209. Drinking in public.

It is unlawful for any person, whether a minor or of age, to drink any nonintoxicating beverage while such person is upon any public street, alley or other public highway, or in any public building or other public place, within the city. This section 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.

SECTION 3-210. Unlawful transportation of non-intoxicating beverages available for consumption.

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

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

B. If it is in an opened container, the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel

truck, or any outside compartment which is not accessible to the driver or to any other person in the vehicle while it is in motion.

SECTION 3-211. Prohibited activities at places where non-intoxicating beverages available for consumption.

It is unlawful for any owner, manager or operator of a place where nonintoxicating beverages are sold for consumption on the premises to:

A. Permit therein gambling, betting, operation of a lottery sale, furnishing or drinking of intoxicating liquor, disorderly conduct, loud or disturbing language, noise or music, profane language or any other violation of the laws of the state or of the ordinances of the city; and

B. Permit therein fighting, boxing, wrestling or other contests of physical strength.

SECTION 3-212. Prohibited location.

It is unlawful for any place licensed to sell nonintoxicating beverages for on-premises consumption to be located within 300 feet from any public school or church property primarily and regularly used for worship services and religious activities. If any public school or church shall be established within 300 feet of any place which sells nonintoxicating beverages for on- premises consumption after such place has been licensed, this shall not be a deterrent to the renewal of such license so long as there has not been a lapse of more than 60 days. The distance indicated in this section shall be measured from the nearest property line of such public school or church to the nearest public entrance door of the premises of any place licensed to sell such nonintoxicating beverages for on-premises consumption along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such public school or church shall be considered as if it were located on the same side of the street. with the school or church. The above restrictions shall not affect premises already licensed as of the initial effective date of this section to sell nonintoxicating beverages for on- premises consumption or premises which may presently or in the future be licensed to sell nonintoxicating beverages for on-premises consumption even though a school or church is subsequently established within 300 feet of such licensed premises.

SECTION 3-213. Violations and penalties.

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

SECTION 3-214. Solicitation of drinks.

No licensee, owner, manager, employee, proprietor or any agent, associate or representative of a licensed establishment shall:

A. Employ or permit any employee to beg, solicit, induce, procure or request a patron to purchase any nonintoxicating or nonalcoholic beverage for himself or herself, or for any other employee or person not a patron.

B. Knowingly serve to any employee any nonintoxicating or nonalcoholic beverage which was purchased by any patron.

C. Permit upon any licensed establishment any employee to loiter on or remain on the premises who begs, solicits, induces, procures or requests a patron to purchase a nonintoxicating or nonalcoholic beverage for any employee.

D. Solicit, induce or request a patron to purchase any nonintoxicating or nonalcoholic beverage for himself or herself or for any person not a patron.

E. Permit any employee to mingle or fraternize with patrons of such licensed establishments; provided, however, that this provision is not applicable to communications between the patrons and the employee when the employee is performing the duties and the furtherance of service of food or drinks.

CHAPTER 3 – PRIVATE CLUBS

RESERVED

PART 4 - ANIMALS

CHAPTER 1. - ANIMAL REGULATIONS

ARTICLE A. - GENERAL PROVISIONS

SECTION 4-101. Definitions.

The fol1owing words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context dearly indicates a different meaning:

A. ANIMAL .- Any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey or other animal or fow1.

B. AT LARGE-

1. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or

2. Not under the control of the owner, a member of his immediate family over 12 years of age or an agent of the owner, by leash, whether on the owner's premises or not.

C. OWNER - Any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

D. POTENTIALLY DANGEROUS DOG - Any dog that when unprovoked inflicts bites on a human either on public or private property.

E. PROPER ENCLOSURE OF A DANGEROUS DOG - While on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure with at least 150 square feet of space for each dog kept therein which is over six 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.

F. SEVERE INJURY - Any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

G. SPAYED FEMALE - A female dog which has been spayed as determined either upon the proof by a certificate of a licensed veterinarian to the effect that he spayed the dog or upon affidavit of the owner made upon a form provided by the City Clerk. For making a false affidavit, the owner shall be subject to punishment as provided in § 1-108 of this Code.

H. VICIOUS AND/OR DANGEROUS ANIMAL - Any animal which, without provocation, has: [Amended 5-25-2010 by Ord. No. 1017]

1. Killed or inflicted serious bodily injury upon any person, requiring hospitalization, medical treatment at a medical facility, or rehabilitative treatment; or

2. Has inflicted severe injury to a human being while on public or private property; or
[Amended 12-20-2012 by Ord. No. 1028]

3. Has previously been found to be potentially dangerous, with notice of such finding being given to the owner in writing by the animal control officer or a court, and the animal thereafter aggressively bites, attacks or endangers the safety of humans or other animals.
[Amended 12-20-2012 by Ord. No. 1028].

4. Evidenced a propensity, tendency or disposition to attack without provocation or cause injury to, or otherwise endanger, the safety of human beings or domestic animals.

SECTION 4-102. Certificate of registration for certain dogs required; fee.

A. Annual certificate of registration for certain animals required. It is unlawful for an owner to have a vicious and/or dangerous animal without an annual certificate of registration issued. This section shall not apply to dogs used by law enforcement officials for police work.

B. The Chief of Police shall issue an annual certificate of registration to the owner of such animal if the owner annually presents to the Chief of Police, the animal control officer or such other duly authorized designee, sufficient evidence of:

1. A proper enclosure to confine a vicious and/or dangerous animal and the posting of the premises with a clearly visible warning sign that there is a dangerous animal on the property. In addition, the owner shall conspicuously display a warning symbol that informs children of the presence of a dangerous animal. The enclosure shall be of sufficient stability, size and height to ensure the safety of the animal and persons and shall be secured in such a manner as to prevent the accidental opening of the enclosure.

2. A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in an amount of not less than $50,000 insuring the owner for any personal injuries inflicted by the vicious and/or dangerous animal. Said policy or bond shall show an effective date of at least one year from the date of the issuance of the certificate of registration.

3. The owner of any animal so issued an annual certificate of registration shall pay the City an annual fee as provided in the City's fee schedule for the issuance of said certificate, which shall be in addition to any other applicable registration fees or required licenses or permits.

4. Any owner, or other person, firm, corporation, organization or department, found to be in violation of the provisions of any part of this § 4-102 shall be guilty of an offense against the City and upon conviction therefor shall be punished by a fine of not more than $500, plus court costs, for each day such violation/offense occurs or continues to occur.

5. The City may immediately seize, confiscate and/or hold for observation or safety any allegedly vicious and/or dangerous animal of an owner not in compliance with this ordinance. An owner shall have not less than IO days after written notification of violation to correct said conditions or request a hearing to determine if the animal is vicious or dangerous. Failure of an owner to correct said conditions or request a hearing after IO days shall result in the destruction of the animal by the City. If, after hearing, the judge determines the animal is not vicious and/or dangerous, the animal shall be returned to the owner upon payment of pound fees. If the animal is determined to be vicious and/or dangerous and the owner has not complied with the provisions of this section, the judge shall order the animal destroyed.

SECTION 4-102.1. Animals not to be at large.

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

SECTION 4-103. Turning animals at large unlawful.

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

SECTION 4-104. Pasturing in public areas illegal.

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

SECTION 4-105. Disturbing the peace; certain animals declared nuisances.

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

SECTION 4-106. Keeping of swine.

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

SECTION 4-107. Animal enclosures; receptacles for manure.

A. Every building or place, wherein any horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur-bearing purposes shall be kept within the city, shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. Every such place or building, if located within 200 feet of any apartment house, hotel, restaurant, boardinghouse, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and flytight receptacle for manure, of such size as to hold all accumulations of manure. Such receptacle sha11 be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure sha11 be allowed to accumulate on such premises except in such receptacle.

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

SECTION 4-108. Manure.

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

SECTION 4-109. Stables to be kept clean.

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

SECTION 4-110. Health officer to inspect.

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

SECTION 4-111. Poisonous snakes and wild and dangerous animals.

A. It is unlawful for any person to keep any wild and dangerous animal within the city limits. However, wild animals, except poisonous snakes, may be kept for exhibition purposes by circuses, zoos and educational institutions.

B. It is unlawful and a violation for any person to keep or harbor within the city limits of the city any poisonous snake or other poisonous reptile, specifically including rattlesnakes, coral snakes, copperhead snakes, cottonmouth water moccasin snakes and Gila monsters, except as provided herein. The city council may issue special permits to individuals or associations to conduct, for a specified time period, activities that may include poisonous snakes.

SECTION 4-112. Abandonment of animals.

No person shall dump or abandon any dog, cat or other animal in the city. The dumping or abandoning of any such animal in the city shall constitute a public offense.

SECTION 4-113. Hunting within the city limits of Henryetta and on property owned by the City of Henryetta is prohibited; Exception.

A. All manner of hunting, meaning the pursuit and or killing of animals and fowl, wild animals or otherwise, for food or sport, within the city limits of Henryetta and on property owned by the City of Henryetta, with the exception of duck hunting by permit only at Jim Hall Lake, is prohibited, without limitation, by use of firearms, bow and arrow, kill traps, pellet guns, or other similar types of weapons.

B. Nothing in this Section shall be construed or intended to prohibit the removal of nuisance household pests, such as insects and rodents, nor to infringe upon any animal control officer or police officer in the discharge of official duties.

C. The violations of this Section shall constitute a misdemeanor.

SECTION 4-114 Through Section 4-119. (Reserved).

ARTICLE B. - ANIMAL LICENSING REQUIREMENTS

SECTION 4-120. Vaccination required; animals to wear tags.

The owner or keeper of any dog or cat of six months of age or older within the city limits shall have the dog or cat vaccinated against rabies by a licensed veterinarian every calendar year. Owners shall affix, or have affixed, to the collar or harness of each vaccinated dog or cat a metal disc with sufficient information thereon that the vaccination certificate covering the animal may be readily traced.

SECTION 4-121. Dogs muzzled and cats confined during epidemics.

A. When the health officer determines and certifies that a dog, cat or other animals in the city or within five miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the council, by resolution, may order all dogs to be muzzled when at large within the city, and if deemed desirable, all cats to be confined, during a period of time to be determined by the council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the date following such publication unless the resolution prescribes a later time.

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

SECTION 4-122. Vicious dog may be killed.

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 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 4-123. Exemptions.

A. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter except where duties are expressly stated.

B. The vaccination requirements of this chapter shall not apply to any dog or cat belonging to a nonresident of the city and kept within the city no longer than 30 days, provided that all such dogs or cats shall at all times while in the city be kept within a building, enclosure or vehicle, or be under restraint by the owner.

SECTION 4-124. Rabies control and procedures.

A. Every animal that bites or scratches a person shall be reported within four hours to the chief of police or the animal control officer and shall thereupon be securely quarantined at the city animal shelter for a period of 10 days and shall not be released from such quarantine except by permission of the health officer of the city and a licensed veterinarian hospital chosen by the owner if the owner agrees to pay for the quarantine in advance. Failure of the owner to quarantine his animal will make him guilty of an offense.

B. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the animal shelter.

C. The owner, upon demand by an employee empowered to enforce this chapter, shall forthwith surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expenses for which shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies.

D. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected animal.

E. When one or both reports give a positive diagnosis of rabies, the health officer of the city may recommend a city-wide quarantine for a period of six months, and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the city without written permission of the health officer of the city or the animal control officer.

F. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian or held under six months'

quarantine by the owner in the same manner as other animals are quarantined.

G. In the event that there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six months.

H. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting or scratching a human, except as herein provided, nor to remove same from the city limits without written permission from the health officer of the city or the animal control officer.

I. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

J. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

K. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense.

L. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as wi11 be helpful in rabies control.

M. It is the duty of every licensed veterinarian to report to the city animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

SECTION 4-125 Through Section 4-129. (Reserved).

ARTICLE C. – DOG LICENSING AND TAGS

SECTION 4-130. Licensing and registration; exceptions.

All dogs kept, harbored or maintained by their owners in the city shall be licensed and registered each year, if over six months of age, on or before the anniversary date of the initial issuance of the dog's license, or within 15 days after the dog is brought into the city. Dog licenses shall be issued by the city clerk, upon submission by the owner of a certificate of vaccination signed by a licensed veterinarian, upon payment of a license tax as set by the council for each male or spayed female and for each unspayed female. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his name and address, and the name, breed, color and sex of each dog owned or kept by him, and such other reasonable information as the city clerk might request. The provisions of this article shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor to guide dogs trained and actually being used by physically impaired persons.

SECTION 4-131. Issuance and display of license tags; lost tags.

Upon payment of the license fee, the clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Every owner shall be required to provide each dog with a collar, to which the license tag must be affixed, and shall see that the collar and tag are consistently worn by the dog. In case a tag is lost or destroyed, a duplicate will be issued by the clerk upon proof of a receipt showing the payment of the license fee for the current year and the payment of a fee as set by the council for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fees because of the death of the dog, or the owner's leaving the city before the expiration of the license period.

SECTION 4-132. Illegal tags.

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog as provided in this artic1e, or take from any dog a tag legally placed upon it, or place such tag upon a dog for which the tag was not specifically issued.

SECTION 4-133 Through SECTION 4-139. (Reserved).

ARTICLE D. - ANIMAL SHELTER

SECTION 4-140. Animal shelter established; supervision.

A city animal shelter is hereby established. It shall be under the immediate control of the animal control officer or of such other person as may be officially designated. The person in charge of the shelter pound shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a shelter maintained by the agency.

SECTION 4-141. Authority to impound animals; right of entry.

The animal control officer, a police officer or such other officer or employee of the city as the city manager may authorize shall take into custody and impound any animal found at large or in violation of any provisions of the ordinances of the city. In taking an animal into custody under authority of this artic1e, the animal control officer or other officer or employee may enter into private property to gain custody of the animal.

SECTION 4-142. Registration of impounded animals; redemption; disposition.

A. The animal control officer, upon receiving any animal, shall make a complete registry, entering the breed, color and sex of such animal and whether or not licensed. If an animal is licensed, the animal control officer shall enter the name and address of the owner and, if known, the number of the license tag. Licensed animals shall be separated from unlicensed animals.

B. It is the duty of the animal control officer to keep all animals impounded for at least 24 hours, except an animal that is tagged and has a current license shall be kept for a period of at least 48 hours. If the animal is not redeemed by the owner within the time heretofore specified, then it may be destroyed or sold. Any animal which appears to be suffering from rabies, mange or other infectious diseases shall not be released, but may be forthwith disposed of as provided in this article. If an animal is licensed and the disease is curable, the owner

desires to have the animal placed under the care of a veterinarian, and kept there until cured, then the animal shall not be destroyed, but shall be released to the veterinarian for treatment. All inquires concerning lost or stolen animals shall be directed to the animal control officer, and after an animal has been destroyed, the animal control officer shall be required to dispose of the animal.

SECTION 4-143. Breaking pound; interference with law enforcement officers.

No unauthorized person shall:

A. Break or attempt to break open the pound or take or let out any animal therefrom.

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

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

SECTION 4-144. Establishment of fees for impounded animals; payment required prior to release.

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

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

SECTION 4-145. Reclamation of impounded animals.

Reclamation of impounded animals may be made as provided in this section. The party desiring to reclaim an animal shall present to the animal control officer or other employee which may be designated by the city manager proof of ownership, if the owner is reclaiming the animal, and proof that any dog or cat is currently vaccinated for rabies or return proof of vaccination within three days after the date the animal is released. The party desiring to reclaim any animal shall pay the applicable pound fee and show evidence to the animal control officer that the fee has been paid. The animal control officer shall thereupon release the reclaimed animal to the party. Any person violating any provision of this section or failing to return proof of vaccination as provided herein shall, upon conviction, be punished as provided in § 1-108 of this code.

SECTION 4-146. Sale or destruction of impounded animals.

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

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

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

SECTION 4-147. Owner may claim excess money.

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 same and a fee as set by the council to reimburse the city for any expense it has had in making the sale, at any time within three months after the sale. If a claim is so made and approved by the council, the city clerk shall pay him such excess, but, if a claim is not so made, the excess shall belong to the city.

SECTION 4-148. Delivery of unclaimed animals on demand.

It is the duty of the animal control officer to deliver from among the available impounded animals on the demand of an institution possessing a license such number of animals as the institution may demand and be reasonably required effectively to carry on its activities. However, such animals shall have been impounded at least 15 days for dogs without a license and at least 30 days for dogs with license and remained unclaimed and unredeemed by their owners or by any other person desiring the animal as a pet and willing to pay applicable license fees and the reasonable expenses incurred in the dog's detention. Any owner of an animal who voluntarily delivers the possession of it to the animal shelter shall have a right to specify that it shall not be used for scientific purposes. If a demand is made on a pound supervisor for a greater number of dogs than he has available for release to the institution, he shall withhold thereafter from execution all unclaimed and unredeemed dogs until the demand has been met.

SECTION 4-149. (Reserved).

ARTICLE E. CRUELTY TO ANIMALS

SECTION 4-150. Inhumane treatment or neglect prohibited.

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

SECTION 4-151. Poisoning animals.

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

SECTION 4-152. Encouraging animals to fight.

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

SECTION 4-153 Through SECTION 4-159. (Reserved).

ARTICLE F. - BIRD SANCTUARY

SECTION 4-160. Bird Sanctuary designated.

The entire area embraced within the corporate limits of the city and the area known as the city section are hereby designated as a bird sanctuary.

SECTION 4-161. Hunting and trapping.

It is unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob nests of birds or wild fowl. However, nothing in this section shall prevent the city council from declaring a nuisance and abating it in those instances where the presence of starlings, wildfowl or other birds congregate in such numbers, or for other reasons menace the health or property of the inhabitants of the city.

SECTION 4-162 Through SECTION 4-164. (Reserved).

ARTICLE G. – ZONING ORDINANCE TO PREVAIL

SECTION 4-165. Conflict with Zoning Ordinance.

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.

SECTION 4-166 Through SECTION 4-169. (Reserved).

ARTICLE H. – PENALTIES

SECTION 4-170. Violations and penalties.

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

PART 5 - BUILDING REGULATIONS AND CODES

CHAPTER 1. BUILDING CODE AND PERMITS

SECTION 5-101. Adoption of building code.

There is hereby adopted by reference the International Building Code, 2003 edition thereof, as revised from time to time, issued by the International Code Council, as the minimum building code for the city. The building code shall be fully applicable and enforceable in controlling the construction and repair of all buildings and other structures in the city, save and except such portions as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provision of current ordinances of the city are in conflict with the provisions of the building code, except as provided in this chapter, the provisions of the building code shall prevail.

SECTION 5-102. Building official; duties; inspections and enforcement.

A. There shall be a department of building inspection, the head of which is the building official. The city manager shall be ex officio building official unless he appoints another to be building official. The building official , otherwise sometimes called the " building inspector," is an officer of the city and has supervision of the building inspection department, including the electrical inspector, the plumbing inspector or any other inspector and assistant inspectors appointed in the department.

B. The building inspection department shall inspect buildings, plumbing, electric al installations and other installations as may be provided by law or ordinance.

C. Whenever reference is made to the duties of the building official or inspector in the building code, it shall mean the city inspector of the city. The city inspector shall be the responsible official for enforcing the provisions of the building code.

SECTION 5-103. Other city officials; code responsibilities.

When reference is made to the duties of certain officials named in any of the codes adopted by this part, the designated official of the city who has duties corresponding to those of the named official in the code shall be deemed to be the responsible official insofar as enforcing the provisions of the code is concerned. The terms 'electrical inspector,"' "plumbing inspector" and "gas inspector·: whenever used in this code, shall each refer to the building official unless a separate inspector has been appointed.

SECTION 5-104. Permit required; expiration of permit.

Before proceeding with the excavation for the erection of or the repair, moving, enlargement or removal of any building or structure within the city, a permit must first be obtained from the code enforcement officer or such other person designated by the city manager to process said permits. Operations allowed under such permit must begin within 30 days and the work permitted thereunder must be completed within 30 days. Failure to commence the project or complete the project in a timely fashion shall make such permit null and void. The time for completion of the project may be extended by the city manager for good cause shown. The responsibility of obtaining such permit shall be shared jointly with the owner of the premises , his agent, and the builder or contractor erecting the improvement , and either or both are subject to the penalty imposed upon failure to obtain such permit.

SECTION 5-105. Application for permits..

All applications for permits s hall be in writing upon an official blank form supplied by the building official.

SECTION 5-106. When permit secured.

All building permits will be purchased before new construction or other work is started.

SECTION 5-107. Building permit fees.

Permit fees shall be based on estimated cost or other formula and shall be as set by the council from time to time by motion or resolution. A copy of the current schedule shall be kept in the city clerk's office.

SECTION 5-108. Fire limits defined.

The fire limits of the city shall encompass the entire limits of the city.

SECTION 5-109. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this chapter or part shall, upon conviction, be punished as provided in § 1-108 of this code.

CHAPTER 2. PLUMBING CODE

SECTION 5-201. Plumbing code adopted.

A certain document, at least one copy of which is on file in the office of the city clerk, being marked and designated as the 1997 edition of the International Plumbing Code, as revised from time to time, the latest edition thereof, and any revisions or amendments thereto, as published by the International Code Council, Inc., is hereby adopted as the plumbing code of the city for the control of buildings and structures as therein provided. Each and an of the regulations, provisions, penalties, conditions and terms of the plumbing code are hereby referred to, adopted and made a part hereof, as if fully set out in this code, with additions, insertions and changes, if any, prescribed in this chapter.

SECTION 5-202. Plumbing official.

The 1997 Edition of the International Plumbing Code is revised to read as fo11ows: "The Plumbing Official shall be appointed by the city manager."

SECTION 5-203. Permit required; establishment of fee.

No plumbing shall be installed, enlarged or altered before first securing a plumbing permit from the plumbing inspector. The fee for the permit shall be as set by the city council by motion or resolution.

SECTION 5-204. Payment of permit fee; permit required prior to connection.

A. The contracting plumber shall pay, at the time application is made for permit, the permit fee. The fee shall be paid before the permit shall be issued.

B. It is unlawful for any person, firm or corporation to make or cause to be made any connections with any main or lateral sewers of the sewer system of this city without first having obtained a permit from the plumbing inspector for the particular job to be installed.

SECTION 5-205. Plumbers' registration and state license required; fees.

A. No person shall practice or engage in the business, trade or occupation of a journeyman plumber, a plumbing contractor or a plumber's apprentice unless he is registered as such with the city clerk and licensed as such with the state department of health. The registration fees to be paid to the city clerk are as set by the council for:

1. Annual registration as a plumbing contractor.

2. Annual registration as a journeyman plumber.

3. Annual registration as a plumber's apprentice.

B. The license shall expire on June 30, 2004, and may be renewed annually upon the birth date of the licensee upon payment of the fee. Commencing July 1, 2004, an extension of each licensee's license until his or her birth date will be issued and the fee prorated according to the schedule attached as Exhibit A.3 A certificate as plumbing contractor shall be valid only when a bond as prescribed in this chapter is in effect. [Amended 7-20-2004 by Ord. No. 973]

SECTION 5-206. Plumbing contractor's bond; insurance.

A. Bond.

1. All persons licensed as plumbing contractors must post a bond in the sum of $1,000, executed by a surety company authorized to transact business in this state. The bond shall be payable to the city and shall be conditioned that the principal win restore with the same material and in the same manner all streets, alleys, sidewalks and other public places in any way disturbed by him, his agents, subcontractors or employees. The bond shall be conditioned further that the principal shall indemnify and save blameless the city from any and all loss, expense, cost, damage, action or liability of any kind whatever, including reasonable attorney's fees which the city may accrue against it or be recovered from the city by reason of:

i. Any loss, damage, injury sustained, suffered or incurred by any person on account of or by reason of the doing of any plumbing, as defined herein, by the principal, his agent, subcontractors or employees, in the use of the streets, alleys and public property of the city; or in making any connections, alterations, repairs, extensions or renovations to any pipe or pipes, or mains or connections belonging to the water or sewer system of the city; or

ii. The neglect, failure or refusal of the principal, his agents, subcontractors or employees to erect, place and maintain proper and adequate safety devices, warning signals, lights and barricades about such work until such time as the city building inspector is notified that the work is fully completed.

2. The bond shall be conditioned further that the principal will comply with the rules, regulations and ordinances relating to the turning on or off of the city water supply. Such bond shall be conditioned further that the principal shall do all plumbing, as defined herein. in strict accordance with the ordinances of the city and the laws of the state, and in a good and workmanlike manner. The bond shall run for one year and shall be renewed at its expiration. No permit shall be issued to any plumbing contractor until the bond provided in this section shall have been filed.

B. A plumbing contractor must also have in force at all times standard public liability insurance coverage for injury, including accidental death of any person at least $5,000, and of more than one person at least $10,000; and property damage insurance of not less than $1,000.

CHAPTER3. ELECTRICAL CODE

ARTICLE A. – ELECTRICAL CODE AND REGULATIONS

SECTION 5-301. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

A. ELECTRICAL EQUIPMENT - Refers to electrical conductors, metallic raceways, fittings , devices, fixtures, appliances, apparatus and any electrical material of any nature, kind or description, to be installed within or on any building or structure for transmitting electrical current for electric light, heat or power.

B. ELECTRICAL WIRING - The installation of electrical equipment, lighting fixtures or installing electrical apparatus of any kind or nature or description to be connected to light, heat or power service.

SECTION 5-302. Electrical code adopted.

All installations of electrical_ equipment shall be in conformity with the provisions of the National Electrical Code as approved by the American Standards Association and updated from time to time. All provisions of the City of Henryetta Code of Ordinances contrary to the National Electrical Code are hereby repealed.

SECTION 5-303. Underwriter's Laboratories, Inc. standards.

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

SECTION 5-304. Office of electrical inspector created.

There shall be an electrical inspector appointed by the city manager, who may be the building official appointed in this code. The electrical inspector shall be a person who has had practical experience in inside electrical construction and who is familiar with the National Electrical Code and the application of the "Code" rulings.

SECTION 5-305. Permit required for electrical installation; application; inspections; fee.

A. It is unlawful for any person to install any electrical wiring, fixtures, equipment or apparatus in or on any building or structure in the corporate limits of this city or make extensions to any existing electrical installations without first securing a permit from the electrical inspector.

B. Applications for electrical permits shall be made to the electrical inspector; and the applicant shall provide such plans, specification s and other data as may be necessary to determine whether the permit shall be issued.

C. It is the duty of the electrical inspector or city clerk to issue all permits, and the electrical inspector to make inspection of all work for which a permit has been issued within 48 hours after having been notified that work is ready for inspection (Sundays and holidays not included).

D. No permit shall be issued until the applicant shall have paid a permit and inspection fee as set by the council by motion or resolution.

SECTION 5-306. Electrical inspector to inspect all electrical installations.

The electrical inspector shall have the power to inspect all electrical equipment installed within the city.

SECTION 5-307. Installation not to be concealed until approved.

It is 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 it is known by the person that the installation has been approved by the electrical inspector; and a tag in the switch cabinet, or attached to the service equipment properly signed and dated, so stating, will be sufficient notice.

SECTION 5-308. Work roughed in.

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.

SECTION 5-309. Inspection of new work roughed in.

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.

SECTION 5-310. Premises not to be connected until installation is approved.

It is unlawful for any public service corporation, individual, light, heat or power company to connect, or cause to be connected, any service or building for the supply of electric current for light, heat or power, until they have been notified by the electrical inspector that electric work has been inspected and approved and is ready for electric service.

SECTION 5-311. Temporary certificate.

When, for good and sufficient cause, it is necessary to have electrical energy available at any installation before a final certificate can be issued, the electrical inspector shall, if the parts to which the current is to be applied are in safe and satisfactory condition, issue a temporary certificate. The issuance of such temporary certificate shall constitute the grant of authority to the electric utility company to provide electrical energy to the installation. When a temporary service is installed satisfactory to the electrical inspector, the electric utility company will not be permitted to make a connection to permanent service until a final inspection certificate has been issued. There shall be a fee for each temporary certificate issued. A temporary certificate shall be in force for a period of 30 days from its issue. If at the end of the 30 days the installation is still incomplete, another temporary certificate shall be taken out for the next 30 days, and each succeeding 30 days thereafter. For each term so requested, there shall be a fee paid to the city upon cancellation of this temporary service.

SECTION 5-312. Final certificate; new wiring as an addition to old existing wiring or work.

On the completion of the work covered by a permit as herein set forth, if such work is performed according to the provisions of this electrical code, the electrical inspector shall issue a certificate of approval and therein certify that the electrical work is in accordance with the electrical code. However, whenever a permit is issued for any new wiring as an addition to old existing wiring or work, which existing work does not comply with this electrical code, but is of at least No. 14 size wire on 15 ampere circuits, then the electrical inspector shall issue a certificate of approval without requiring the replacement of such existing wiring and other electrical fixtures, provided that the new work for which the permit was issued complies with this electrical code, provided that the existing wiring is of sufficient capacity so as not to be dangerous to life and property.

SECTION 5-313. Notice of rejection.

When a job has been rejected by the office of electrical inspection, or electrical work condemned by the electrical inspector, a letter shall be delivered to the owner of the premises on which the inspection work is done, or the electrical contractor doing the electrical work, or both, specifically setting out what is required to place the electrical portion of the premises in condition for approval by the electrical inspector.

SECTION 5-314. Alteration after inspection.

It is unlawful for any person to alter any electrical work after its final inspection , without obtaining a permit, the same as required for original installation, repair or alteration.

SECTION 5-315. Service entrance.

A. Each service entrance shall be located at the point on the building served which is convenient for connection to the electric utility company' s service pole, with due regard for the desirability of avoiding the crossing of adjacent property or running open wire construction over the roof or along the wall of any building. The distance between the service entrances for light and power shall not be greater than four feet.

B. In case there is a controversy as to the location of the service entrance, such controversy shall be decided by the electrical inspector after consultation with the electric utility company. The point of the service entrance and attachment to the electric utility company's service wires on a building shall be a minimum of 10 feet above the ground except in the case of existing structures, in which case the point of attachment shall be a minimum of nine feet above the ground, and clearances must be provided as required by the National Electrical Code.

SECTION 5-316. Bracketing of wires.

There shall be no bracketing of wires to the exterior of buildings. Weatherheads shall be so located that bracketing will not be necessary. "Bracketing" for the purpose of this code is defined to be the running of open wires along or across the exterior of buildings supported by metal or wood brackets. This provision shall not apply to wires belonging to the public utility companies to provide service to existing buildings.

SECTION 5-317. Branch circuit conductors.

A. No branch circuits shall be smaller than No. 12 American wire gauge. This section does not apply to control circuits, signal circuits and packaged equipment connected to a branch circuit.

B. The continued use of existing No. 14 wire, if it is to be of sufficient capacity, on 15 ampere circuits shall be permitted. New wiring on a remodel job, however, shall not be smaller than No. 12 American wire gauge. Circuit conductors shall not be placed in the same raceway with service leads. Nonmetallic surface extensions shall not be permitted.

SECTION 5-318. Receptacle and light fixture loading.

In residences, branch circuit distribution shall be limited to no more than 10 receptacles to a circuit placed not over 12 feet apart, except in kitchens, utility rooms, breakfast rooms and garages, in which there shall be no more than two receptacles to a circuit. There shall be no more than nine light fixtures to a circuit.

SECTION 5-319. Fixed appliances.

The following electrical appliances or devices shall be on special circuits fused independently: electric ranges, electric dryers, electric bathroom heaters, air conditioners and water heaters. Ovens and surface-mounted cooking units may be placed on the same circuit, but this circuit must be fused independently. Attic fans and furnaces may be placed on the same circuit, but this circuit shall also be fused independently. Disposals and dishwashers may be placed on the same circuit, but this circuit must be fused independently.

SECTION 5-320. Grounded system required.

All single-family dwellings shall be wired to have a grounded system of any type recognized by the National Electrical Code, Grounded Romex being permitted.

SECTION 5-321. Metal raceways required.

Wiring for heat, lights or power in all buildings hereinafter erected, except single-family dwellings, and all additions to existing buildings, except single-family dwellings, shall be installed in rigid, heavy-wall, threaded, galvanized steel, sherardized steel, aluminum or brass conduit, electric metallic tubing, flexible metallic conduit or a metal molding system. Where conduits are used, all ends shall be reamed smooth before installation. Mineral insulated metal sheather type MI conductors shall be permitted.

SECTION 5-322. Wall switches required.

All bathroom, kitchen, basement and private garage lighting fixtures must be controlled by wall switches.

SECTION 5-323. Locknuts and bushings required.

All rigid heavy-wall conduits terminating at outlet boxes, junction boxes or cabinets must be secured thereto by placing approved locknuts on the outside and approved locknuts and bushings on the inside of such boxes or cabinets.

SECTION 5-324. Plug fuses.

Plug fuses when used in any branch circuits hereinafter installed shall be of the non- tamperable-type S. The amperage rating shall correspond with the amperage rating of the circuit on which such fuse is used. The electrical inspector shall require the installation of non- tamperable-type over-current devices on existing circuits which are protected with plug fuses whenever the actual connected load on the circuit exceeds the maximum ampere rating of the circuit or whenever there exists evidence of willful overfusing or fuse tampering.

SECTION 5-325. Meter cabinet panel board locations.

Metal cabinets and panel boards must not be installed in toilet rooms or bathrooms. All disconnecting means for service and branch circuits must be in an approved location, readily accessible to occupants.

SECTION 5-326. Conduits.

All steel conduits installed in the ground, in concrete slabs laying on the ground and in ice boxes and refrigeration plants must be rigid, heavy-wall conduits. No conduit for lead-covered wires shall be of a smaller internal diameter than '3/4 of an inch.

SECTION 5-327. Swimming pool wiring.

Where a deck box is used in conjunction with a swimming pool, it shall be sealed at all points against the entrance of moisture. In all public or private swimming pools constructed after January 1, 1963, the voltage supplying underwater lights and circuits associated therewith shall not be in excess of 14 volts.

SECTION 5-328. Exit lights.

Green exit lights are required at all entrances leading to fire stairs and other points of exit available to the public. Such lights must be connected ahead of the main switch on a separate circuit.

SECTION 5-329. Installation of electric metering equipment.

All electric metering equipment, the ownership and responsibility for which rests with the electric utility company furnishing electricity to the meter, shall be placed, wired, installed and equipped in accordance with the rules and regulations of such electric utility company, except where otherwise provided herein.

SECTION 5-330. Interference with wiring.

It is unlawful for any owner, contractor or worker in any manner to interfere with any electrical wiring being installed in or on any building. If, in the course of erection of a building, the wiring is in such position as to interfere with its erection or completion as called for by the plans, notice shall be immediately given to the person installing the wiring, and the needed changes shall be made by such person.

SECTION 5-331. Inspector may enter buildings.

The electrical inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour, for the purpose of making any electrical inspection, reinspection or test of the electrical equipment contained therein or its installation. Any person interfering with the electrical inspector shall be fined as provided for in this chapter.

SECTION 5-332. Responsibility for damages.

The provisions of this chapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the city or any officer or employee of the city be held as assuming such liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

SECTION 5-333 Through SECTION 5-339. (Reserved).

ARTICLE B. – REGISTRATION AND BONDS

SECTION 5-340. Registration of electricians.

A. All persons, firms, partnerships, corporations or individuals engaging in or hereafter engaging in the business of installing electrical fixtures, wiring or apparatus in or on any building within the corporate limits of the city shall first procure from the city clerk a registration certificate. Upon the payment of the fee, such certificate shall entitle the holder to install electrical conductors, fixtures or appliances in or on any buildings within the corporate limits of the city for a period of one year. All current licenses shall expire on June 30, 2004, and may be renewed annually upon the birth date of the licensee upon payment of the fee. Commencing July 1, 2004, an extension of each licensee's license until his or her birth date will be issued and the fee prorated according to the schedule attached as Exhibit A.4 [Amended 7-20-2004 by Ord. No. 973]

   1. Electrical contractor's registration. Applicants for electrical contractor's registration certificate which possess a valid state license may be issued an electrical contractor's certificate for the fee as set by the council and posting bond as required in this chapter.

   2. Journeyman electrician. A journeyman electrician who possesses a valid state license shall pay the fee for registration as set by the council.

   3. Electricians helper. One who is designated as an electrician's helper or apprentice shall also pay the fee for registration as set by the council.

B. There must be a registered electrician on any and all jobs at all times.

C. Any electrical contractor, journey man electrician or helper registered hereunder shall be entitled to be re-registered on each succeeding year hereafter upon payment of this fee and provision of the bond herein provided within 60 days after expiration.

SECTION 5-341. Bond for electrical contractors.

A. Every person receiving a registration certificate as an electrical contractor shall file with the city clerk a bond in the sum of $1,000, executed with a surety company authorized to do business in the state, and conditioned that:

   1. The principal will install all electrical wiring, fixtures, appliances and equipment in accordance with the law and the ordinances and other regulations of the city relating to electrical installations and in a work manlike manner;

   2. The principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or nonstandard material; the principal is liable for the correction and any additional cost arising from the specified causes; and

   3. The city will be fully indemnified and held harmless from any and all costs, expenses or damage resulting from the performance of his work as an electrical contractor.

B. The bond must be approved by the electrical inspector. No certificate shall be issued to any such person until the bond shall have been filed and approved . Any such license issued shall be valid only while the bond is in effect.

SECTION 5-342. Exceptions from registration and bond requirements.

For the installing of bell, telephone or signal systems not using over 12 volts, no registration or bond will be required, but the installation of same must comply with all other requirements of the ordinances of the city.

SECTION 5-343. Revocation of registration.

A. After adequate opportunity for a hearing, the council may revoke the registration of an electrical contractor, an apprentice electrician or a journeyman electrician for any of the following causes :

1. Serious or repeated violations of the laws, ordinances or other regulations relating to electrical installations;

2. Grossly unethical conduct in connection with the electrical trade or business;

3. Poor workmanship or service; or

4. Installing inferior or substandard materials, fixtures or equipment.

B. A request that the registration be revoked may be presented to the council by the electrical inspector or by any aggrieved person.

SECTION 5-344. Journeymen to be employees of contractors.

Journeymen electricians who shall have first qualified under the ordinances of the city and who shall become employed in the construction, repair, remodeling or renovating of any structure or equipment, within the city limits, shall do so only as an employee of an electrical contractor, who shall have first qualified under the ordinances of the city.

CHAPTER 4. – GAS PIPING

SECTION 5-401. Gas Code adopted.

The Southern Standard Gas Code, latest edition thereof, issued by the Southern Building Code Congress International, is hereby adopted and incorporated in this code by reference. The code shall be in full force and effect in the city and shall govern the installation of gas piping and gas appliances in buildings in the city. Any violation of this code shall be deemed a violation of the ordinances of the city.

SECTION 5-402. Inspection; fee.

All installations of gas piping within the city, upon completion, shall be inspected by the plumbing inspector, or by the gas inspector if a gas inspector is appointed, and shall not be used by the occupants until approved by the inspector as complying with applicable city ordinances and codes. The fee for such inspection shall be as set by the council.

SECTION 5-403. License required; fee.

A. It is unlawful for any person, firm or corporation to engage in the business of installing gas piping or gas-vented appliances without first obtaining a license from the city. The license may be obtained by persons holding plumbing contractor licenses issued by the state.

B. Before receiving a license, the applicant shall pay an annual fee as set by the council. The fee shall be paid to the city clerk, and the license shall not be valid unless it has attached to it or written on it a receipt or statement showing that the fee has been paid.

SECTION 5-404. Bond.

A. Every person receiving a license to install gas pipe or appliances shall file with the city clerk of the city a bond in the amount of $1,000 executed with a surety company authorized to do business in the state and conditioned that the principal will install all gas piping or appliances in accordance with the law and the ordinances and other regulations of the city relating to gas piping installations; that the principal shall, without further cost to the person for which the work is done, remedy any defective or faulty work caused by poor workmanship or inferior or substandard materials.

B. If the licensee has posted a current and valid bond as plumbing contractor, and if the plumbing bond is adequately worded to cover both plumbing and gas fitting work, then no additional bond as set forth in this section shall be required.

C. The bond must be approved by the city manager. No license shall be issued to any person until the bond is filed and approved, and any such license issued shall be valid only while the bond is in effect.

SECTION 5-405. Registration of gas appliance fitters.

Installers of gas appliances shall be known as "gas appliance fitters" and shall be registered with the city. The application for registration shall be accompanied by the recommendation of a licensed gas appliance dealer as to the applicant's character and competency with the performance of work involving the possibility of danger to health and life.

SECTION 5-406. Plumbing inspector may enter building.

The plumbing inspector, while in the discharge of his official duty, shall have the authority to enter any building or premises at any reasonable hour for the purpose of making any gas inspection, test or reinspection, and any person interfering with the plumbing inspector shall be guilty of an offense.

CHAPTER 5. – LIQUIFIED PETROLEUM GAS

SECTION 5-501. Compliance required.

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensing or utilization of liquefied petroleum gas, or to transport, handle or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by state law. Pamphlet Number 58 of the National Fire Protection Association, entitled "Liquefied Petroleum Gases, Storage and Handling," also adopted by the Liquefied Petroleum Gas Board, shall have full force and effect within this city; and any violation of these rules and regulations shall be deemed a violation of the ordinances of the city and shall be punished accordingly.

SECTION 5-502. Inspection; fee.

All liquefied petroleum installations within the city, upon completion, shall be inspected by the plumbing inspector, or by the gas inspector if a gas inspector is appointed, and shall not be used by the occupants until approved by the inspector as complying with this chapter and the rules and regulations

adopted thereby. The fee for such inspection shall be as set by the council.

CHAPTER 6. – MOVING BUILDINGS

SECTION 5-601. License required; fee.

Every person who shall engage in the business of moving buildings and structures within the city shall obtain a license therefor from the city clerk, and no such license shall be granted until the party applying therefor shall have given the bond required by this chapter. Any person engaging in the occupation of house moving shall pay a license fee per annum as set by the council.

SECTION 5-602. Bond required.

The bond to be given by a licensed house mover shall be executed to the city in the sum of $2,500 with a surety company authorized to do business in the state as surety thereon, which bond shall be for the benefit of the city. Any private person or corporation shall be entitled to sue thereon, in his or its own name. The bond shall be conditioned, among other things, that if the license shall be granted, the licensee will in all respects comply with the ordinances of the city relating to the moving of buildings or structures and to the use or obstruction of the streets, highways and other public ways and protect the city from all liability which may arise or be occasioned either directly or indirectly from the moving of any building or structure of the licensee, his agents, servants, employees, workers, contractors or subcontractors; and further conditioned that the licensee shall pay the damages which may be caused or occasioned to any person or to any property, either public or private, within the city, by the licensee or his agents, servants, employees, workers, contractors or subcontractors, while engaged in any work in connection with the moving of any building or structure, including any loss or damages which may be sustained because of the stoppage of any business or industry located along the route over which the building or structure shall be moved, caused or occasioned by the operation of moving such building or structure.

SECTION 5-603. Permit required.

No building or structure now or hereafter erected within the corporate limits of the city shall be removed or relocated without a permit for such work issued by the city clerk, upon written application made therefor.

SECTION 5-604. Application for permit.

No application for a permit to move any building or structure on, over, along or across any street or highway shall be granted to any person other than a licensed house mover, who shall file with the city clerk a written application therefor, definitely stating in such application:

A. Type and kind of building to be moved;

B. The original cost and present value of such building;

C. The extreme dimensions of the length, height and width of the building;

D. Its present location and proposed new location by lot, block, subdivision and street numbers;

E. The approximate time such building will be upon the streets, and the contemplated route that will be taken from present to new location; and

F. That the moving of the building does not violate the fire district requirements or any other require me nts of the ordinances of the city.

SECTION 5-605. Inspection.

No building or structure shall be moved to a new location until the building and the new location shall have been inspected by the building inspector and found to be in such condition that the same may be moved with safety in accordance with this chapter, and is fit in structural requirements under this and other ordinances of the city for the use for which it is contemplated at the new location. No fee shall be charged or collected for this inspection.

SECTION 5-606. Action on application; review; approval or denial.

When such application is filed with the city clerk, it shall be his duty to immediately notify the fire chief and the city manager. Upon receiving such notification, the city manager, or his duly appointed representative, shall examine the proposed moving route and make such changes therein as he shall deem necessary, or designate an entire new route, and attach to the application for such permit his certificate of approval of such designated moving route. The building inspector shall then make inspection required relating to his department. If it is found by them that the building or structure can be moved and relocated in accordance with the requirements of this chapter, it shall then be the duty of the city clerk to issue a permit for such work; otherwise such permit shall be refused.

SECTION 5-607. Permit fee.

Before any permit to move any building or structure is granted under the provisions of the chapter, the applicant for such permit shall pay therefor to the city a fee as set by the council by motion or resolution.

SECTION 5-608. Height regulation.

No building or structure of a height of more than 30 feet shall be moved on, over, along or across any street or highway, unless such building or structure shall be cut to such height before the operation of moving same shall be begun.

SECTION 5-609. Moving over asphalt paving; use of pneumatic tires.

During the months of June, July, August and September of any year, no building or structure having an area of more than 1,000 square feet shall be moved on, over, along or across any street or highway paved with asphalt or oil. All buildings shall be moved on pneumatic tires only.

SECTION 5-610. Limits on size of building.

It is unlawful to move on, over or across any street or highway any building or structure having an area of 1,000 square feet or more, unless the city manager approves the application for a permit therefor. The applicant shall have the right to appeal the city manager's decision to the city council by filing the written request for appeal within 10 days after the city manager renders his decision.

SECTION 5-611. Public safety requirements.

A. Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

B. There shall be a minimum of five warning lights placed on each street side of the building; such warning lights shall be attached to the building in such a fashion as to indicate extreme width, height and size.

C. There shall be placed, in addition to the warning lights on the building, flares at regular intervals for a distance of 200 feet up the street on each side of the building.

D. When a street is blockaded at night by a building, the same shall be protected by flares or warning lights at each intersection of the block occupied by the building; or when, in the opinion of the building inspector, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ, at their expense, two flagmen, one at each street intersection beyond the building; such flagmen shall remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red flags shall be used in daytime.

SECTION 5-612. Conduct of moving; safety precautions.

A. The work of moving any building or structure on, over, along or across any street or highway shall begin within five days after the issuance of a permit therefor and, once begun, shall be prosecuted diligently and continuously day and night, Sundays and holidays, so as not to allow the building or structure to come to a standstill until same is relocated on its new site. The city manager, in an emergency, may grant temporary suspension of the work for a period of not longer than 12 hours at any time. No permit shall be granted to leave any building or structure standing at night in any street intersection.

B. When any building or structure is so permitted to remain at a standstill in any street or highway at night, the house mover shall notify the fire chief of the location of the same, and shall post at each end and on each side of such building or structure two or more warning lights in a secure and conspicuous position, and shall place barricades at each end of such building at a distance of 50 feet therefrom with lights thereon as above required on the building.

C. During any moving operation, the house mover shall keep a watchman at all times about the building, whether the same be moving or standing, for the purpose of keeping any posted lights burning at night and warning the traffic with flags in the daytime.

D. When necessary to protect pavement or sidewalks, planks of sufficient size and thickness to prevent injury to such pavement or sidewalks shall be laid for the wheels of the moving trucks to travel on.

E. The city manager shall have power to require the use of other precautionary measures than those specifically mentioned in this chapter when necessary or proper to protect life, limb or property.

SECTION 5-613. Poles and wires.

A. Whenever, for the purpose of facilitating the moving of any building, it is necessary to raise or cut any electric, telephone or telegraph wire or cable, it is the duty of the house mover having charge of the moving of such building to give the person or corporation owning or operating the poles, wire or cables at least 12 hours' notice of the time and place, when and where the removal of such poles or the raising or cutting of such wires or cables will be necessary.

B. In case the poles or wires of the fire or police telephone or alarm systems are to be interfered with, such notice shall be served upon the fire chief.

C. After the service of notice, it is the duty of the person or corporation owning or operating the poles, wires or cables, or the duty of fire chief, as the case may be, to furnish competent workers or linemen to remove such poles or raise or cut such wires or cables. The cost of such service shall be arranged for and paid by the house mover. No house mover shall raise, cut or move any such poles, wires or cable unless the person or authorities owning or having control of the same fail or refuse to do so after notice as aforesaid, and then only competent workers or linemen shall be employed in such work under the supervision of the fire chief or the city manager. The same shall be done in a careful and workmanlike manner. The poles, wires and cables shall be promptly replaced and damages thereto promptly repaired at the expense of such house mover.

SECTION 5-614. Trees and fixtures.

No tree on any street shall be injured or removed, nor the branches of any tree be cut or trimmed, in order to facilitate the moving of any building except with the consent and under the supervision of the city manager.

SECTION 5-615. Obstruction of railway tracks.

If it is necessary to move any building upon or across any railway tracks, the same shall be done in such a manner and at such a time as not to interfere with the operation of cars or trains thereon.

SECTION 5-616. Exceptions for contractors' sheds and offices.

A general contractor may be granted a permit, upon payment of a permit fee, for moving a job material shed or office from one job location to another with his own truck or equipment. However, the building shall not be larger than eight feet wide and 14 feet long, and eight feet high from the floor to the highest point of the roof, or when mounted on a truck shall not be more than 12 feet six inches from the roadway to the highest point of the roof. The contractor shall furnish a bond conditioned the same as the bond described in § 5-602 hereof. No contractor' s temporary office or material shed larger in any dimension than specified above shall be moved, except in compliance with all the requirements of the building code applicable to house moving.

SECTION 5-617. Special moving permit.

No individual. partnership or corporation, other than a licensed building mover, shall be permitted to move a

building in the city unless granted a special moving permit by the city council.

SECTION 5-618. Moving buildings outside city limits.

Existing structures or buildings located within the city limits of the city may be removed from the city limits upon meeting all requirements for such removal.

SECTION 5-619. Violations and penalties.

A. Effective November 1 , 1995, except as otherwise provided by state law, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished as provided in § 1-108 of this code. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense. [Amended 10-10-1995 by Ord. No. 851]

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

CHAPTER 7. – HOUSING CODE

SECTION 5-701. Adoption of housing code; conflicts with city ordinances.

There is hereby adopted by reference the 1998 Edition of the International Property Maintenance Code, as amended from time to time, the latest edition thereof, issued by the International Code Council, Inc., as minimum housing code for the city. The housing code shall be fully applicable and enforceable in governing housing in the city, save and except such portions as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provision of the ordinances of the city are in conflict with the provisions of the housing code, except as provided in this chapter, the provisions of the dwelling code shall prevail.

SECTION 5-702. Prominent display of address.

A. All buildings within the City of Henryetta shall have their addresses prominently displayed in order to be easily located and identified by emergency vehicles. Characters should be at least three inches high.

B. Any person, firm or corporation who violates this ordinance shall, upon conviction, be punished as provided in § 1-108 of this code.

CHAPTER 8. – MECHANICAL CODE

SECTION 5-801. Adoption of mechanical code; conflicts with city ordinances.

There is hereby adopted by reference the 1998 edition of the International Mechanical Code, as amended from time to time, the latest edition thereof, issued by the International Code Council, Inc., as the mechanical code for the city. the 1998 edition of the International Mechanical Code shall be fully applicable and enforceable in governing mechanical work in the city, save and except such portions as are hereinafter deleted, modified or amended, as fully as if set out at length herein. If any provision of the ordinances of the city are in conflict with the provisions of the mechanical code, except as provided in this chapter, the provisions of the mechanical code shall prevail.

SECTION 5-802. Registration required.

A. All persons, firms, partnerships, corporations or individuals engaging in or hereafter engaging in the business of mechanical work in or on any building within the corporate limits of the city shall first procure from the city clerk a registration certificate. Upon the payment of the fee, such certificate shall entitle the holder to do mechanical work as defined in the city's mechanical code and state licensing law in or on any buildings within the corporate limits of the city for a period of one year. All current licenses shall expire onJune 30, 2004, and may be renewed annually upon the birth date of the licensee upon payment of the fee. Commencing July 1, 2004, an extension of each licensee's license until his or her birth date will be issued and the fee prorated according to the schedule attached as exhibit A.7 It is also required as follows: [Amended 7-20-2004 by Ord. No. 973]

   1. Mechanical contractor's registration. Applicants for contractor's registration certificate who possess a valid state license may be issued an electrical contractor's certificate for the fee as set by the council and posting bond if required.

   2. Journeyman. A journeyman who possesses a valid state license shall pay the fee for registration as set by the council.

B. Any contractor or journeyman registered hereunder shall be entitled to be re-registered on each succeeding year hereafter upon payment of this fee and provision of the bond herein provided within 60 days after expiration.

SECTION 5-803. Permit fee.

A city mechanical permit fee is hereby levied.

SECTION 5-804. Inactive contractors.

An inactive contractor is not required to provide the bond or the insurance. However, the inactive license does not allow a person to engage in any contracting. He is not allowed to advertise, bid, employ personnel, provide materials or labor for any mechanical job. Although inactive as a contract, one can work as a journeyman by virtue of the inactive contractor license.

SECTION 5-805. Inspection fees.

A. There is hereby assessed a city inspection fee based on the following schedule:

   1. Fee for inspecting heating, ventilating, ductwork, air-conditioning and refrigeration systems shall be $10 for the first $1,000, or fraction thereof, of valuation of the installation plus $2 for each additional $1,000, or fraction thereof.

2. Fee for inspecting repairs, alterations and additions to an existing system shall be $5 plus $2 for each $1,000, or fraction thereof.

3. Fee for inspecting boilers (based upon BTU input):

   i. From 33,000 Btu (1 BHp) to 165,000 (5 BHp):$5.

   ii. From 165,001 Btu (5 BHp) to 330,000 (10 BHp): $10.

   iii. From 330,001 Btu (10 BHp) to 1,165,000 (52 BHp): $15.

   iv. From 1,165,001 Btu (52 BHp) to 3,300,000 (98 BHp): $25. (e) Over 3,300,000 Btu: $35.

B. In case it becomes necessary to make a reinspection of a heating, ventilation, air- conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a reinspection fee of $5.

C. When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration or air-conditioning system, or portion thereof, a fee of $5 shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual reinspection fee shall be charged for each subsequent preliminary inspection for such purpose.

D. In all buildings, except one- and two-family dwellings, where self-contained air- conditioning units of less than two tons are to be installed, the fee charged shall be that for the total cost of all units combined.

SECTION 5-806. Rules and regulations.

The city will establish rules and regulations for compliance with regulations promulgated by the State Department of Health. Fines for violating these regulations shall be in compliance with the city's fine fee schedule, included in Appendix 1.

CHAPTER 9. – OIL AND GAS

SECTION 5-901. Drilling or digging for, and production of, oil and gas prohibited.

A. It is unlawful for any person, firm or corporation to drill or dig a well for oil or natural gas, or to produce oil or natural gas, within the city without approval.

B. In addition to being an offense and punishable as such, such drilling, digging or production is also hereby declared to be a public nuisance and subject to abatement as a public nuisance.

CHAPTER 10. – CIVIL DEFENSE SHELTERS IN PUBLIC BUILDINGS

SECTION 5-1001. Fallout shelters to be provided in public buildings; duty of officers.

Every officer, board, department, commission or commissions of the city charged with the duty of preparing specifications or awarding or entering into contracts for the design, erection or construction of buildings, or other structures, including additions to existing structures, for the city shall, where practicable and financially feasible, incorporate or cause to be incorporated in such buildings, or other structures, fallout protection for at least its normal anticipated population, which shall meet or exceed the minimum space and fallout protection criteria recommended by the Office of Civil Defense, United States Department of Defense.

SECTION 5-1002. Policy.

It is the policy of the city that fallout shelters be incorporated in all public buildings of the city where practicable and financially feasible in order to provide protection against radiation for the greatest number of people in the event of nuclear attack.

CHAPTER 11. – PENALTY AND JUDICIAL RELIEF

SECTION 5-1101. Violations and penalties.

Any person who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part without having a valid license, permit, certificate or registration as required, or who shall fail to do anything required by this chapter or by any code adopted by this part, or who shall otherwise violate any provision of this chapter or of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in § 1-108 of this code.

SECTION 5-1102. Relief in the Courts.

No penalty imposed by and pursuant to this chapter shall interfere with the right of the city also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person

CHAPTER 12. – VISUAL OBSTRUCTIONS CAUSED BY SIGNS

SECTION 5-1201. Purpose and intent.

It is the intent and purpose of this chapter to promote and protect the public health and safety by the regulation of signs, devices, posts, equipment, merchandise or any other material at locations where the same obstructs the free and clear vision of pedestrian or vehicular traffic.

SECTION 5-1202. Applicability.

This chapter is remedial and shall apply to existing conditions as well as new conditions which create hazards for pedestrian or vehicular traffic.

SECTION 5-1203. Existing signs.

Owners of existing portable signs shall be allowed 60 days after November 11, 1986, to be in compliance with this chapter. Owners of signs which have been permanently affixed to the real property shall be allowed one year after November 11, 1986, for compliance with this chapter.

SECTION 5-1204. Permit to erect, alter or relocate sign.

It shall be unlawful for any person to erect, alter or relocate any sign within the city, which is more than 35 feet in height, without first obtaining a permit from the building department. Application for a permit shall be made upon forms provided by the city and shall contain or have attached thereto the following:

A. Name, address and telephone number of the applicant.

B. Location of the building, structure or lot to which the sign is to be attached or erected.

C. The name of the persons erecting the sign.

D. A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure, in any direction, in the amount required by any building code of this city.

E. Such other information as the building department may require to show full compliance with this and any other ordinance of the city.

SECTION 5-1205. Expiration of permit.

If the work authorized by a permit issued under this chapter after the date of permit issuance, the permit shall expire and thereafter be null and void.

SECTION 5-1206. Interfering with or obstructing traffic; visual obstruction.

No sign, device, pole, board, equipment, merchandise or other matter shall be erected, placed, maintained or discarded at any intersection, or any other location, in such a manner as to obstruct free and clear vision to pedestrian or vehicular traffic.

SECTION 5-1207. Interference with traffic signals or signs.

No sign or device shall be placed at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

SECTION 5-1208. Placing signs on public or private property.

A. No signs other than those placed by agencies or government shall be erected upon and public property.

B. No signs shall be placed on any private property without the consent of the owner thereof.

C. No signs shall be placed on utility poles except for utility identification.

D. No signs shall be placed or painted on any tree or rock.

E. Any sign over sixteen (16) square feet must be engineered and approved by the City of Henryetta Code Enforcement Officer.

F. No off-premises signs over twenty-five (25) feet are allowed in the city limits of Henryetta.

G. No off-premises signs are allowed on Main Street, between Highway 75 and Dewey Barlett Road, and on Trudgeon Street between Highway 75 and A Street.

H. No off premises signs are allowed closer than one thousand (1000) feet from a non-commercial zoned district.

An off-premises sign is defined as an advertising display that promotes a business, product, service, or activity on a property other than the one where the sign itself is placed.

SECTION 5-1209. Clear vision at intersections.

A twenty-five-foot area of clear vision at street intersections shall be kept clear of all structures and vegetation which create a visual obstruction.

CHAPTER 13. – GRANT-FUNDED INFRASTRUCTURE IMPROVEMENTS

SECTION 5-1301. Mandatory provision of employment and beneficiary information.

As a condition of using the Community Development Block Grant - Economic Development infrastructure financing for funded infrastructure improvements consisting of an industrial access road, water, and sewer improvements, constructed within the City of Henryetta, Oklahoma, any entity so using such must agree to and shall provide employment and beneficiary information as deemed necessary and requested by proper governmental agencies.

SECTION 5-1302. Time period for provision of employment and beneficiary information.

The employment and beneficiary information to be provided shall be furnished on a quarterly basis during a period of time starting with the date the Oklahoma Department of Commerce, on behalf of the State of Oklahoma, awards the Community Development Block Grant - Economic Development funds to the City of Henryetta, Oklahoma, and ending one (1) year after the physical completion of the Community Development Block Grant - Economic Development fund d infrastructure improvement.

PART 6 - COURT

CHAPTER 1. - MUNICIPAL COURT

SECTION 6-101. Organization of municipal court.

This chapter shall govern the organization and operation of the municipal criminal court of the City of Henryetta as put into operation by resolution duly passed on January 14, 1969, and filed in accordance with law as authorized by §§ 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this city, the provisions of this chapter shall control. The court shall be operative on and after February 1, 1969.

SECTION 6-102. Definitions.

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

A. CHIEF OF POLICE - The peace officer in charge of the police force of the city.

B. CLERK - The clerk of this city, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office.

C. COURT-The municipal criminal court of the City of Henryetta.

D. JUDGE - The judge of the municipal criminal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter.

E. THIS JUDICIAL DISTRICT - The district court judicial district of the State of Oklahoma wherein the government of this city is situated.

SECTION 6-103. Jurisdiction of court.

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

SECTION 6-104. Judge; qualifications.

There shall be one judge of the court. A judge need not be an attorney licensed to practice law in the state, but, if not, he must be a resident of this city, be at least 25 years of age and have good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. A judge who is a licensed attorney must be a resident of this county or an adjacent county or maintain a law office in the county. He may serve as judge of other municipal courts, if such service may be accomplished consistently with his duties as judge of this court, with the consent of the council.

SECTION 6-105. Term of Judge.

The official term of the judge shall be two years expiring on the 15th day of January in each odd-numbered year. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

SECTION 6-106. Alternate Judge.

There shall be appointed for each judge of the court an alternate judge possessed of the same qualifications as the judge. His appointment shall be for the same term and made in the same manner as the judge. He shall sit as acting judge of the court in any case if the judge is:

A. Absent from the court;

B. Unable to act as judge; or

C. Disqualified from acting as judge in the case.

SECTION 6-107. Acting Judge.

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

SECTION 6-108. Appointment of Judge and alternate Judge.

Judges and alternate judges shall be appointed by the mayor with the consent of the city council. A proposed appointment shall be submitted in writing to the city council at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect and shall be acted upon at the next regularly scheduled meeting. The city council may decide upon the prop9sed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the city council unless the mayor, in writing, withdraws the proposed appointment.

SECTION 6-109. Salary and payments to Judge.

A judge, other than an alternate judge or an acting judge, shall receive a salary as set by the city council from time to time paid in the manner as set by the city council. An alternate or acting judge shall be paid in such sum as set by the council; however, their payments shall not exceed the salary of the judge in whose stead the acting or alternate judge sits for any month.

SECTION 6-110. Removal of Judge.

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

   1. The mayor; or

   2. Twenty-five or more qualified electors of this city. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.

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

1. Representation by counsel;

2. Present testimony and to cross-examine the witnesses against him; and

3. Have all evidence against him presented in open hearing.

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

SECTION 6-111. Vacancy in office of Judge.

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

1. Dies;

2. Resigns;

3. Ceases to possess the qualifications for the office; or

4. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

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

SECTION 6-112. Disqualification of Judge.

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

SECTION 6-113. Chief of police.

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

SECTION 6-114. Clerk of the court; duties.

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

SECTION 6-115. Prosecuting attorney; duties; conflict of interest.

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

SECTION 6-116. Bond of court clerk.

The court clerk of the court shall give bond, in the form provided by§ 27-111 of Title 11 of the Oklahoma Statutes, in a sum to be determined by the city council. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the clerk of this city and retained in the city archives.

SECTION 6-117. Rules of Court.

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

SECTION 6-118. Enforcement of rules..

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

SECTION 6-119. Written complaints to prosecute ordinance violations.

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

SECTION 6-120. Traffic ordinance violations' procedures for issuing citation; custody, arrest.

A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this city, committed by a resident or nonresident thereof, in lieu of arresting such a person, he may take his name, address, operator's license number and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the city manager, or his

duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred and notifying him to answer to the charge against him at a time, no later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.

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

1. Release the person after obtaining sufficient information as set out in Subsection A of this section, including the deposit of the person's driver's license as provided in § 6-125, pending his appearance on a day certain in court, as specified in the citation; or

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

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

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

SECTION 6-121. Creation of traffic violations bureau.

A. A traffic violations bureau may be established as a division of the office of the clerk of the court, to be administered by the clerk, or by subordinates designated by him for that purpose. Persons who are cited for violation of one of the traffic regulatory ordinances of this municipality, other than: a third traffic offense within a twelve-month period; a driver's license offense; an offense in which a personal injury occurs; or an offense punishable by a fine of more than $100, may elect to pay a fine in the traffic violations bureau according to the schedule of fines to be determined by the city council or the judge.

B. The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of cause against the defendant. If a defendant who has elected to pay a fine under this section fails to do so, prosecution shall proceed under the provisions of this chapter.

SECTION 6-122. Summons for arrest.

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

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

SECTION 6-123. Form of arrest warrant.

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

The City of Henryetta, Oklahoma, to the Chief of Police of the Municipal Court of Henryetta, Oklahoma.

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

Witness my hand this ___ day of _____ 20_.

Judge of the Municipal Court Henryetta, Oklahoma.

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

SECTION 6-124. Procedures for bail or bond.

Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than $10 nor more than the maximum monetary penalty provided by ordinance for the offense charged.

SECTION 6-125. Deposit of driver's license as bail for traffic violations.

A. In addition to the other methods for providing or posting of bail authorized in this chapter upon arrest for traffic violations, the defendant may deposit with the police

officer a valid license to operate a motor vehicle in exchange for a receipt therefor issued by the police officer. The receipt issued by the police officer shall be recognized as an operator's license and shall authorize the operation of a motor vehicle until the time and date of the hearing indicated on the receipt or traffic citation, but not to exceed 20 days. The operator's license and traffic citation shall be delivered by the police officer to the clerk of the municipal court.

B. Any person who applies for a duplicate license to operate a motor vehicle while his license is deposited in accordance with Subsection A of this section shall be fined $100 and court costs. Each such application shall constitute a separate violation. In order for the fine to be applicable to a violator applying for a duplicate license, notice of the provisions of Subsection B of this section shall be included in receipt issued pursuant to this section. The receipt for deposit of the driver's license shall contain essentially the following notice:

"NOTICE"

"This receipt for deposit of a valid license to operate a motor vehicle constitutes a temporary operator's license until your hearing date on_____but in no case shall this temporary license remain in effect more than 20 days. Keep this receipt in your possession at all times while operating a motor vehicle."

"Application for a duplicate license to operate a motor vehicle while your license is deposited as bail is a crime punishable by a fine of $100 and court costs. Each such application constitutes a separate offense."

SECTION 6-126. Arraignment and pleadings by defendant.

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

SECTION 6-127. Trials and judgements.

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

B. The defendant must be present in person at the trial.

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

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

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

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

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each $5 of fine.

SECTION 6-128. Witness fees.

A. Witnesses in any proceeding in the court other than the police officers or peace officers shall be entitled to a fee as set by the city per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The name of no more than three witnesses;

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

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

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

B. The fees of persons acting as witnesses for indigent persons will be paid by the city.

SECTION 6-129. Suspension of sentence.

After conviction and sentence, the judge may suspend sentence, in accordance with the provisions of, and subject to the conditions and procedures imposed by§§ 27-123 and 27-124 of Title 11 of the Oklahoma Statutes.

SECTION 6-130. Imprisonment; prisoner work programs.

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

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

C. The chief of police, subject to the direction of the city manager, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or some person

designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

D. The city manager is hereby authorized to cause prisoners confined in the city jail for nonpayment of fines or costs assessed against them in the court to be worked and to be credited for work done as provided by state law. The city manager is hereby authorized to make such reasonable regulations as may be necessary in regard to the working of such prisoners.

SECTION 6-131. Schedule of Costs, Assessments and Fees.

Court costs shall not exceed the sum of Thirty Dollars ($30.00) plus the fees and mileage of jurors and witnesses.

A. Upon conviction, and in addition to fines and costs, a Ten Dollar ($10,00) Council on Law Enforcement Education and Training (CLEET) penalty assessment shall be collected on offenses punishable by a fine of Ten Dollars ($10.00) or more, excluding parking or standing violations, and on bond forfeitures

B. Upon conviction, and in addition to fines and / or costs, an Automated Fingerprinting Identification System (AFIS) penalty assessment in the amount of Ten Dollars ($10.00) shall be collected on offenses punishable by a fine of Ten Dollars ($10.00) or more, excluding parking or standing violations, and on bond forfeitures.

C. Upon conviction, and in addition to fines and costs, a Forensic Science Improvement (FSI) penalty assessment in the amount of Ten Dollars ($10.00) shall be collected on offenses punishable by a fine of Ten Dollars ($10.00) or more, excluding parking or standing violations, and on bond forfeitures.

D. Upon conviction, and in addition to fines and costs, a Technology Fee Assessment (TFA) in the amount of Thirty Dollars ($30.00) shall be collected on offenses punishable by a fine of Ten Dollars ($10.00) or more, excluding parking or standing violations, and on bond forfeitures. The revenue generated by this fee will be used to provide for any hardwater, software, or other equipment used in the processing, delivery, or enforcement of municipal ordinances.

E. Dismissal Fee of Fifty Dollars ($50.00).

SECTION 6-132. Deduction from fines.

Effective July 1, 1990, the court clerk shall collect a laboratory analysis fee of $150, if applicable under 20. O.S. §§ 1313.2, in addition to the penalty assessment fee of $4 for any person convicted of an offense punishable by a fine of $10 or more or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such offense. The fee will be sent to the council on law enforcement education and training (CLEET) except for an administrative fee of $0.14 per fine. Fees will be submitted quarterly to CLEET by the court clerk.

PART 7 - FINANCE AND TAXATION

CHAPTER 1. - FINANCE AND BUDGET ADMINISTRATION

ARTICLE A. – FINANCIAL REGULATIONS AND POLICIES

SECTION 7-101. Depositories designated; funds to be deposited.

Funds of the City shall be deposited as required by law. The City Treasurer shall deposit daily all public funds received by him into designated banks and savings and loan associations.

SECTION 7-101.1. Definitions.

The term "check" as used herein shall mean a paper check or warrant or a wire transfer, direct deposit or electronic funds transfer, or other instrument or method of disbursement through the Federal Reserve System as authorized by 11 O.S. § 17-102.

SECTION 7-102. Payroll disbursements.

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

B. For each pay period, a documented record of time worked and leave taken shall be prepared in the form of time sheets, cards or logs, for each employee and officer to be paid. For employees exempt from the overtime provisions of the Fair Labor Standards Act, the record may exclude time worked. Such record of time worked and leave taken shall be verified as to its accuracy in writing by the employee or officer, supervisor or department head if applicable, and the City Clerk or designee.

C. Upon verification of the work record, a payroll statement or register, including the amount of gross pay, authorized deductions and net pay, shall be prepared and submitted to the City Manager for review and written approval.

D. Upon approval of the payroll statement or register, the net payroll checks shall be prepared along with checks for payment of related payroll taxes and other payroll benefits or obligations, as required by law or contract. Preparation of these items may be made by designated employees or through a designated payroll services provider. (Amended 1-9-2014 by Ord. No. 1037]

E. The checks or list of individual direct deposits shall be presented to the City Treasurer along with the approved payroll statement or register. The Treasurer shall compare the checks or list of individual direct deposits to the payroll statement or register and verify their accuracy. Upon verification, the Clerk, Treasurer and the Mayor shall sign the checks; provided, however, that if a payroll services provider or direct deposit or electronic transfer is used, signatures are not required for the individual checks or direct deposits. The Clerk or designee shall then prepare them for distribution. In addition, the Treasurer shall prepare or cause to be prepared a check register. (Amended 1-9-2014 by Ord. No. 1037)

F. No payroll-related encumbrances are required to be recorded in the budgetary accounting records as long as the payroll costs are recorded as expenditures at the time they become due and payable. However, no payroll costs may be incurred or paid if they exceed the available appropriation for the accounts to be charged at the legal level of control.

G. The City Clerk shall record or cause to be recorded in the appropriate journals and ledgers the payroll costs incurred or paid for the pay period.

H. A copy of the payroll statement, register or payroll check register may be provided to the governing body for informational purposes; however, a governing body approval is not required prior to the payment of payroll-related costs if incurred and paid in accordance with the provisions above.

SECTION 7-103. Competitive bidding.

A. The City shall adhere to the provisions of § IO1 et seq. of Title 61 of the Oklahoma Statutes when determining when competitive bidding is required and the manner in which competitive bids will be obtained.

B. In addition to the requirements of Subsection A above, public trusts created pursuant to § 176 of Title 60 of the Oklahoma Statutes, of which the City is beneficiary, shall also follow the competitive bidding provisions of § l 76(g) of Title 60 of the Oklahoma Statutes.

SECTION 7-104. Purchases of goods, services and capital.

A. The following positions have been designated as purchasing officers empowered to purchase or contract against budget appropriation accounts:

1. City Manager.
2. City Clerk.
3. City Treasurer.
4. Assistant City Clerk or Assistant City Treasurer.
5. Department heads.

B. For all budgeted purchases of goods, services or capital (all purchases or disbursements other than payroll and debt service related) over $ 1,500, requisition forms, purchase orders or contracts shall be prepared and approved, in writing, by a designated purchasing officer prior to the time the purchase commitment is made. [Amended 12-17-2013 by Ord. No. 1036)

C. For all budgeted purchases or contracts of goods, services or capital over $ 5,000, governing body approval shall be obtained prior to the time the commitment is made, and such approval shall be recorded in the minutes of the governing body. [Amended 2-15-2005 by Ord. No. 981; 11-15-2005 by Ord. No. 989; 12-17-2013 by Ord. No. 1036; 6-22-2015 by Ord. No. 1044)

D. For all purchases of goods, services or capital over $100, the approved requisition, purchase order or contract shall be forwarded to an officer or employee charged

with the appropriation and expenditure records who shall determine that there exists available appropriation in the accounts to be charged. Upon such determination, the officer or employee shall attest to that fact in writing.

1. If appropriation is not available for the proposed purchase, the purchase or commitment shall not proceed until budget amendments are authorized to provide sufficient appropriation.

2. Upon approval of the purchasing agent and officer or employee charged with keeping the appropriation and expenditure records, the original copy of the purchase order shall be filed in a pending file awaiting delivery of the goods or services.

E. After satisfactory delivery of the merchandise or completion of contract provisions, an invoice or claim form shall be obtained adequately documenting request for payment. The officer or employee receiving satisfactory delivery of merchandise or contract service shall acknowledge such fact by signing the invoice, claim form, delivery ticket or receiving advice.

1. The invoice or claims form, along with the written acknowledgment of receipt, shall be forwarded to the officer or employee responsible for processing accounts payable who shall review the invoice for accuracy and propriety, including comparison to the authorized requisition, purchase order or contract, if applicable.

2. Upon completion of the accounts payable officer review, the invoices along with the related supporting documents shall be attached to a copy of the purchase order and shall be submitted to the governing body for approval during the next regular or special meeting.

F. Upon approval of the invoices or claims for payment, checks or other payment documents as authorized by § 17-102 of Title 11 of the Oklahoma Statutes shall be prepared and submitted to the City Treasurer, along with a copy of the approved invoice or claims listing. The Treasurer shall compare the checks or other payment documents to the invoice or claims listing and verify their accuracy. Upon verification, the Clerk, Treasurer and the Mayor shall sign the checks or other documents. The Clerk or designee shall then prepare them for distribution. In addition, the Treasurer shall prepare or cause to be prepared a check register.

G. The City Treasurer shall record or cause to be recorded in the appropriate journals and ledgers the purchases and cash disbursements incurred and paid.

SECTION 7-105. Debt service.

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

B. Once lawfully incurred, payments of principal and interest on the bonds or notes and payments on the lease purchase obligations shall be paid in accordance with the terms as specified in the bond indenture, note agreement or lease purchase contract by the City Treasurer without further approval of the governing body.

C. The manner of payment shall be consistent with the manner used for the payment of purchases of goods, services or capital as described in Subsection F of § 7-104 above.

D. The City Treasurer shall record or cause to be recorded in the appropriate journals and ledgers the debt service payments and maintain current records of the remaining amount of indebtedness.

SECTION 7-106. Interfund transfers.

A. All transfers of resources between funds (both operating and residual equity transfers) shall only be made in accordance with governing body appropriations. Such appropriations shall be contained in the original or amended budget of the municipality.

B. Once lawfully appropriated, interfund transfer payments may be made by the City Treasurer without further governing body approval. Such transfers, however, may not exceed the amount lawfully appropriated.

C. The manner of payment shall be consistent with the manner used for the payment of purchases of goods, services and capital as described in Subsection F of§ 7-104 above.

D. The City Treasurer shall record or cause to be recorded in the appropriate journals and ledgers these interfund transfers.

SECTION 7-107. Petty cash.

A. As provided for in § 17-I02(0) of Title 11 of the Oklahoma Statutes, the City may have petty cash accounts for use in making certain small payments for costs incurred in operating the municipality.

B. Each petty cash account established shall require governing body approval, including the amount of the petty cash imprest balance. However, in no case should the imprest balance exceed $650.

C. The petty cash accounts shall be reimbursed by utilizing properly itemized invoices or petty cash voucher slips and by then processing the reimbursement in the manner used for payment of purchases of goods, services and capital as described in § 7-104.

SECTION 7-108. Financial reporting.

The City Treasurer shall prepare a monthly budget status report in accordance with the detail of budgetary accounts in the annual fiscal year budgets. The report shall be placed on the agenda for governing body acknowledgment at the first regular meeting following the close of the previous month.

SECTION 7-109. Sale of surplus or obsolete equipment; competitive bidding.

A. No item of surplus or obsolete supplies, materials or equipment which exceeds $500 per item may be sold until the city council shall have declared it obsolete or surplus.

B. The city purchasing officer may not sell any surplus or obsolete supplies, materials or equipment of a value

which exceeds $500 per item until the city council shall have declared it obsolete or surplus.

C. The city purchasing officer may sell any surplus or obsolete supplies, materials or equipment of a value which exceeds $500 per item but is not more than $2,000 per item by negotiation for sale. Before any such item is sold, however, the transaction must be approved by the city council.

D. Before the city purchasing officer sells any surplus or obsolete supplies, materials or equipment of a value of more than $2,000, except as otherwise provided in this article, the city purchasing officer shall advertise them for sale in newspaper of general circulation in the city or give notice in such other manner as the city purchasing officer deems necessary adequately to reach prospective buyers to give them opportunity to make necessary bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The city may repeatedly reject all bids and advertise or give notice again. The city purchasing officer shall sell such supplies, materials or equipment to the highest and best bidder. In case of a tie, if necessary, the city purchasing officer shall cast lots to determine to whom to sell, or the city purchasing officer may divide the sale among two or more tying, always se11ing to the highest and best bidder or bidders. [Amended 11-14-2000 by Ord. No. 924]

SECTION 7-110. Sales of real property; procedure.

A. The city council may sell real property belonging to the city when the original use for which such property was acquired has been abandoned, it is no longer required or useful for municipal purposes and the property is declared surplus and available for sale by the city council, all in accordance with the Jaws of the state and city.

B. The procedure for the sale of real property shall be as follows:

1. A resolution shall be passed by the city council declaring such real property surplus, giving the reason therefor and directing the sale thereof.

2. Such property shall be sold to the highest bidder for cash at sealed bid, or otherwise hereinafter provided, and such sale shall be subject to the approval and confirmation of the city council of the city which shall reserve the right in the resolution, and in any notice given, to refuse any and all bids, and such sale shall not be considered final until confirmed by the city council.

3. Notice of the sale must be published twice, once each week on the same day of the week, with the first publication being made at least 10 days prior to the date of the sale. The notice shall describe the property to be sold and must set a day on or after which the sale will be made and the place where the bids wiH be received. All bids must be submitted in writing and delivered to the city clerk of the city ator prior to the day and time specified in the notice. The notice shall further specify any special terms or conditions of sale, and shall provide for the sale to be made for cash upon delivery of conveyance. The notice shall further provide that the bids shall be opened at a regular or special meeting of the city council and shall give the date, time and place of such meeting.

4. The city council may, in its sole discretion, in the resolution declaring such property surplus, provide that at the meeting where the bids are to be opened, and the sale of such property considered, receive further bids, provided that such additional bids in each instance exceeds the previous bid by at least I0%, and after such bids have been received, the council may then determine whether or not it desires to accept the high bid and confirm the sale to the party making such bid.

5. The city council may choose to sell surplus real property at public auction, in which case notice of the date, time and place of sale shall be given by publication for two successive weeks in a newspaper published in the county in which the property to be sold is situated. Sales shall be for cash only, and the sale shall not be held less than 30 days after the date of the first publication of the notice required above. All sales must be for good and valuable consideration, and city officials conducting the sale shall have the discretion to refuse any and all bids which in their sole opinion are for less than full good and valuable consideration.

SECTION 7-111. Applicability to public trusts.

A. For all public trusts created pursuant to §§ 176-180 of Title 60 of the Oklahoma Statutes, for which the city is beneficiary and for which the trust's governing body (trustees) are comprised entirely of members of the city council, the above noted requirements of § 7-110 shall apply.

B. For the purposes of the public trusts, as used above, the terms "governing body" shall mean board of trustees of the trust; "city manager" shal1 mean trust manager as appointed by the trustees; "city clerk 11 shall mean trust clerk or clerk-treasurer; and "city treasurer" shall mean trust city-treasurer as appointed by the trustees or required by the trust indenture.

ARTICLE B. – MUNICIPAL FISCAL RESPONSIBILITY

SECTION 7-112. Short Title.

The short title of this article shall be known as 11T he Municipal Fiscal Responsibility Act."

SECTION 7-113. Types of budgets.

The City of Henryetta's policy is to develop two types of budgets:

A. The annual fiscal year budget is a fiscal year budget of all funds organized into the following categories:

1. Operating funds.

i. General fund.

ii. Henryetta Municipal Authority (HMA) Operating Fund.

2. Restricted funds.

i. Cemetery Care Fund.

ii. Airport Fund.

iii. E-911 Fund.

iv. Street and Alley Fund.

v. Library Fund.

vi. Grant Funds.

vii. Street Improvement Fund.

viii. Restricted Sales Tax Fund.

ix. HMA Sales Tax Bond Fund.

x. HMA Sewer Depreciation Fund.

xi. HMA RUS Loan Fund.

xii. HMA CDBG Water Project Fund.

xiii. Henryetta Economic Development Authority Fund.

3. Capital Funds.

i. Street Improvement Fund.

ii. Police Equipment Fund.

iii. Capital Replacement Fund.

B. Long-term capital budget. The City may maintain a continuous five-year plan of capital asset and infrastructure needs including new capital assets and replacement of existing assets. This budget/plan may be used as a tool in developing the capital fund budgets within the annual fiscal year budget.

SECTION 7-114. Budgetary legal requirements.

Budgetary legal requirements are defined as follows.

A. The budget process for all City funds (excluding those of the public trust authorities-HMA and HEDA) is governed by 11 O.S. §§ 17-101 through 17-216. As such, the City will comply with al1 legal deadlines, public hearing and budget content requirements of the law.

B. The budget for the public trust authorities is governed by 60 O.S. § 176.

SECTION 7-115. Budgetary responsibilities.

Budget responsibilities shal1 be assigned as fol1ows.

A. The City Manager is responsible for preparing the annual fiscal year budget, which shal1 be a balanced budget, and presenting the budget to the City Council for approval. This shall be done at least 30 days prior to the start of the budget year. The budget sha11 be in a format that complies with applicable budget law and shall present estimated resources and proposed expenditures for each budgeted fund.

B. The City Council is responsible for reviewing and considering the budget submitted by the City Manager and shall conduct a budget public hearing as required by law. The City Council shall be responsible for adopting the annual fiscal year budget at least 7 days prior to the start of the fiscal year. Once the budget is finalized, It shall be attested by the Mayor as being true and correct.

SECTION 7-116. Budgetary basis of accounting.

The budgetary basis of accounting shall be defined as follows.

A. The basis of accounting used for budget monitoring will be modified cash basis. Under this basis, revenue will be recorded when received, and expenditures will be recorded when the encumbrance or commitment is created.

B. In accordance with state law, encumbered appropriations may remain open to pay proper claims against said appropriations until 90 days following fiscal year end. All unencumbered appropriations remaining at year end are considered lapsed and no new encumbrances or obligations may be created subsequent to year end against these lapsed appropriations.

SECTION 7-117. Legal level of budgetary control.

The legal level of budgetary control shall be defined as fol1ows.

A. The expenditure budget for City funds (excluding public trust authorities) shall constitute legal appropriations or spending limits in accordance with applicable state law. The legal level of control (level at which charges to appropriations may not legally exceed appropriations) is the object category level within a department of a fund.

B. The object categories shal1 include, if applicable:

1. Personal services.

2. Materials and supplies.

3. Other services and charges.

4. Capital outlay.

5. Debt service.

6. Transfers.

C. The expenditure budget for public trust authorities shall constitute a financial plan and shall not be considered legal appropriations. Charges to these expenditure accounts will be monitored for financial planning purposes, not for legal compliance purposes.

SECTION 7-118. Budget amendment responsibilities.

Budget amendment responsibilities shall be defined as follows.

A. Transfers of appropriations or expenditure budgets between object categories and accounts within a department of a fund may be made by the City Manager without City Council approval. Any transfers of appropriations or expenditure budgets between

departments within a fund will require City Council approval.

B. All supplemental appropriations and fund decreases in appropriations shall require approval of both the City Manager and City Council.

C. A formal record of budget amendments should be maintained in the records of the City Clerk and incorporated within the accounting records by City accounting staff.

SECTION 7-119. Desired levels of budgetary fund balance reserves.

Desired levels of budgetary fund balance reserves shall be established and defined as follows.

A. In an effort to provide fiscal stability for the City and allow City management to apply fiscal prudence in managing the budgetary condition of the City and its public trust, desired fund balance reserve levels are established. "Fund balance reserves" are defined as the amount of fund balance available for appropriation at any point in time.

B. The desired level of reserves for the operating funds group, considered in aggregate, shall be 30% of the annual fund revenue accruing to the fund group.

C. In fiscal years when these desired reserves are not already in existence, City management and the City Council will add to the reserves when possible to attain the desired levels.

D. On a monthly basis, the City accounting staff will report the budget status of the operating, restricted and capital funds to the City Council.

SECTION 7-120. Budget balancing policy.

A budget balancing policy shall be established as follows.

A. It is the City's policy to appropriate no more than the current year estimated revenues, including interfund transfers, for each fund, in the original budget for a given fiscal year. Compliance or departure from this policy shall be duty noted in the budget message submitted by the City Manager for the following fiscal year, including an explanation as to the basis for any departure, making reference to the applicable criteria outlined in § 7-121.

B. During the fiscal year, after adoption of the original approved budget, any supplemental appropriations of available fund balance must be approved by the City Council who shall consider the basis for the proposed use of reserves as well as the adequacy of the remaining unappropriated fund balance. Actual approval of any supplemental appropriations of available fund balance shall be duly noted in the minutes.

SECTION 7-121. Criteria for use of fund balance reserves.

Criteria for use of fund balance reserves sha11 be established as follows.

A. A central goal of this budget policy is to bring about the development and reservation of adequate fund balance reserves to ensure fiscal solvency of the municipality over the long run, as a safeguard against economic downturns, natural disasters or other catastrophic circumstances, or possibly even adverse liability claims or legal judgments.

B. Caution must be exercised whenever considering budgeting reserve funds, even when actual reserve fund levels exceed desired levels, since they represent one-time monies. For example, as a general rule, the City should avoid using reserve funds to finance new spending initiatives, lest they find themselves unable to satisfy the new, recurring expenses.

C. This said, there are circumstances when it is acceptable and/or necessary to budget the use of fund balance reserves even though reserve amounts on hand already fall shy of desired levels. The City will benefit, however, from adopting, in advance, written, objective criteria outlining acceptable uses of fund balance reserves, to serve as a guide for administrators and managers in their budgeting practices.

D. Acceptable/permitted appropriations of fund balance reserves might include:

1. Emergency expenditures for life, health, or public safety issues for which no existing appropriation exists;

2. Situations where the expenditure will yield recurring savings which offset the expense within five years;

3. The expenditure of restricted resources temporarily held within fund balance reserves, pending disbursement, in accordance with restrictions imposed by the donor or granting entity;

4. Situations where fund balance reserves exceed desired levels and the proposed use is of a nonoperational nature involving capital or equipment purchases having a useful life of greater than five years;

5. Situations where fund balance reserves exceed desired levels and the proposed use is of a nonrecurring nature, such as a study, or for start-up costs of a program whose ongoing costs are otherwise funded;

6. Situations where an unexpected revenue decline arises that could not have reasonably been foreseen, for which new revenue funded appropriations are not available and transfers of existing appropriations are not considered feasible or appropriate in maintaining existing service levels throughout the City;

7. To create a new fund for a dedicated purpose; and

8. To satisfy a judgment from a court of competent jurisdiction that is not paid through a sinking fund.

E. Under no circumstances should a supplemental appropriation of fund balance reserves be made for an expenditure likely to recur on a multiple-year or annual basis.

SECTION 7-122. Annual report.

An annual report shall be given on the status and use of fund balances as follows.

A. Within ninety days of the close of a given fiscal year, the City accounting staff shall produce a report for the City Council displaying the status of the budgetary fund balances of the City's funds, as of the end of the previous fiscal year.

B. Said report shall be published in a local newspaper.

SECTION 7-123. Annual budget messages.

A. The annual budget messages of the City Manager include certain content as outlined below.

B. In addition to the requirement stated above regarding budgeting of fund balance reserves, the City Manager's annual budget message shall include, at a minimum:

1. An explanation of the underlying assumptions on which key revenue source estimates were based, as well as the presence of any significant one-time revenue sources;

2. An explicit statement explaining any changes in tax structure, rate, or fees proposed as a part of the proposed budget;

3. A listing of new operations spending initiatives financed in the proposed budget;

4. A listing of any significant capital expenditures in the proposed budget; and

5. Where applicable, explanations as to why fund balance reserves were budgeted.

SECTION 7-124. Annual evaluation.

An annual evaluation shall be conducted of the City's revenue sufficiency/rate structure as follows.

A. As an integral part of the annual fiscal year budget process, City management and the City Council will evaluate the sufficiency of utility rates, taxes and other revenues in meeting the appropriation and expenditure needs, including inflationary factors, of the City and its public trusts. The City Manager's budget message will address this revenue evaluation and include any related recommendations for Council consideration.

B. In particular, utility rates shall be evaluated and, if necessary, adjusted on an annual basis, after reviewing the cost of operations, capital need, budgetary transfer requirements, competitor's pricing structures, and overall economic climate to ensure rates are set at levels which will, at a minimum, cover the cost of delivery of the related services, including depreciation. Since adoption of more modest, relatively more frequent rate adjustments are more manageable for households and businesses alike, modest, more frequent adjustments are to be emphasized. Keeping rates at a sufficient level each fiscal year will prevent the necessity of relatively larger, more sudden and dramatic adjustments in any one year.

SECTION 7-125. Revenue or initiatives not included in approved budget.

During the fiscal year, after passage of the original approved budget, proposals for adoption of significant new revenue or spending initiatives that come before the City Council which were not previously contemplated in the approved budget shall be referred to the City Manager for review and analysis of their short-term and long-term fiscal impact. The analysis shall include consideration of one-time costs (revenues), recurring costs (revenues), and the economic impact of the proposed activity or project on the City of Henryetta.

SECTION 7-126. Budget calendar.

An annual budget calendar shall be established and observed, as outlined below. To ensure adequate time is provided near the end of a given fiscal year to permit thorough review by the City Council of the following year's budget proposal, a formal budget calendar containing intermediate milestones or deadlines will be adopted as follows.

A. Meetings of the department heads to address long-term capital improvement plan: October - February.

B. Issuance of budget request instructions and forms by City staff: February 1.

C. Return of completed budget request forms by department head to City staff: March 15.

D. Development of initial revenue estimates by City Treasurer: March 15.

E. Completion of utility rate structure analysis: March 15.

F. Submission of first draft of budget proposal by City staff to City Manager: April 1.

G. Working sessions with City Council: April - May.

H. Presentation of City Manager's proposed budget to City Council: May 16 (legal deadline June 1).

I. Public hearing on proposed budget: June 15 (legal deadline June 15).

J. Final adoption of approved budget: June 24 (legal deadline June 24).

CHAPTER 2. - SALES TAX

ARTICLE A. – SALES TAX PRIOR TO 2004

SECTION 7-201. Title.

This article shall be known and may be cited as "City of Henryetta Sales Tax Ordinance."

SECTION 7-202. Definitions.

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, § 1352, § 1352.1 of Title 68 and § 576 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this article.

SECTION 7-203. Tax collector defined.

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

SECTION 7-204. Classification of taxpayers.

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

SECTION 7-205. Subsisting state permits.

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

SECTION 7-206. Effective date.

The provisions of this article, as amended, shall become effective upon approval by a majority of the qualified electors of the City voting on the same in the manner prescribed by law at an election to be held on November 13, 2007. The provisions of this article and the collection of the 1% excise tax referenced herein shall have no termination date.

SECTION 7-207. Purpose of revenues.

A. For revenues collected prior to April 30, 2008, and received by the City prior to June I 5, 2008, 100% of the revenues shall be utilized for capital improvements, as hereinafter defined, to the City's water distribution, sanitary sewer and garbage collection systems. The term "capital improvements" as used herein is defined to comprehend all items and articles not consumed with use, but only diminished in value with prolonged use, including, but not limited to, the purchase, lease or rental of machinery, equipment, furniture and fixtures; the acquisition of all real properties; the construction, reconstruction and repair of buildings, appurtenances and improvements to real property; including the acquisition of rights-of-way and other real property necessary for such construction; and the construction, reconstruction and repair of water lines, sanitary and storm sewers and related facilities, including the acquisition of rights-of-way and other real property necessary for such construction.

B. For revenues collected on and after May I, 2008, and received by the City on and after June 15, 2008, 100% of the revenues shall be utilized for capital expenditures for the use and benefit of the City and any public trust having the City as beneficiary thereof and/or for the payment of debt service in connection with obligations issued to finance said capital expenditures and related costs.

SECTION 7-208. Tax rate; sales subject to tax.

There is hereby levied an excise tax of 4% upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, including but not exclusive of the following:

A. Tangible personal property.

B. Natural or artificial gas, electricity, ice, steam or any other utility or public service except water and those specifically exempt by this article.

C. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire.

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

E. Printing or printed matter of all types, kinds and characters and the service of printing or over-printing, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers.

F. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging, house or tourist camps.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The operation of the business;
2. The nature of the business;
3. The turnover of independent contractors;
4. The lack of place of business in which to display a permit or keep records;
5. Lack of adequate records;
6. The persons are minors or transients;
7. The persons are engaged in service businesses; or
8. Any other reasonable reason.

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

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

SECTION 7-209. Exemption for sales subject to other tax.

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

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

B. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma motor vehicle excise tax levied by state law has been paid.

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

D. Sale of aircraft on which the tax levied pursuant to §§ 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid.

SECTION 7-210. Exemptions for governmental and nonprofit entities.

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

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

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

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

D. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit.

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

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

G. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described.

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

I. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than 60 days, or both.

J. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, including materials, supplies and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state shall certify in writing, on the copy of the invoice of sales ticket, the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in Subsection I of this section.

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

SECTION 7-211. General exemptions.

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

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

B. Transportation of persons where the fare of each person does not exceed $1 or local transportation of persons within the corporate limits of a municipality except by taxicab.

C. Carrier sales of newspapers and periodicals made directly to consumers; other sales of newspapers and periodicals where any individual transaction does not exceed $0.75. A "carrier" is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route.

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

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

F. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the

purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor.

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

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

I. Nothing herein shall be construed as limiting or prohibiting the city from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the city on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items.

SECTION 7-212. Exemptions for agriculture.

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

A. Agricultural products.

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

i. Farm, orchard or garden products.

ii. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced.

iii. Livestock sold by the producer at a special livestock sale.

2. The provisions of this subsection shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein.

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

C. Sale of baby chicks, turkey poults and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets wil1 be used primarily for egg production.

D. Animal feed and agricultural supplies.

1. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the fol1owing purposes and subject to the following limitations:

i. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption.

ii. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products.

iii. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies.

2. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs.

3. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals.

4. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy.

E. Sales of items to be and in fact used in the production of agricultural products.

1. Sale of the following items shall be subject to the following limitations:

i. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business.

ii. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming

or ranching and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption.

iii. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this article, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, "agricultural fertilizer," "pharmaceuticals" and "biologicals" mean any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals.

iv. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax seed which is packaged and sold for use in noncommercial flower and vegetable gardens.

v. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other microorganisms on or in Jiving man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

2. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; and

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

SECTIONS 7-213. Exemptions for manufacturers.

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

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

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

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

D. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as "returnable containers," except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. And, this exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise.

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

SECTION 7-214. Exemptions for corporations and partnerships.

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

A. The transfer of tangible personal property, as follows:

1. From one corporation to another corporation pursuant to a reorganization. As used in this subsection, the term "reorganization" means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation.

2. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation.

3. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the property prior to the transfer.

4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer.

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

B. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property.

SECTION 7-215. Manner and timing for payment of tax.

The tax levied hereunder sha11 be due and payable at the time and in the manner and form prescribed for payment of the state sales tax under the Oklahoma Sales Tax Code.

SECTION 7-216. Payment of tax to tax collector; brackets.

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

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

SECTION 7-217. Tax constitutes debt.

The 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 7-218. Vendor's duty to collect tax; penalties.

A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It shall be the duty of each and every vendor in this city to co11ect from the consumer or user the full amount of the tax levied by this article, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

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

C. A vendor, as defined hereunder, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this article, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, is deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in § 1-108 of this code.

D. Any sum or sums collected or required to be collected in accordance with this article shall be deemed to be held in trust for the city. Any person, firm, corporation, joint venture or association that willfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor.

SECTION 7-219. Returns and remittances; discounts.

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of state sales taxes.§ 7-220. Interest and penalties; delinquency.

SECTION 7-220. Interest and penalties; delinquency.

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this article, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this article. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this article shall cause such tax to be delinquent. In

addition, if the delinquency continues for a period of five days, the taxpayer shall forfeit his claim to any discount allowed under this article.

SECTION 7-221. Waiver of interest and penalties.

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the city tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in § 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this section, the applicable provisions of said § 220 of Title 68 are hereby adopted by reference and made a part of this article.

SECTION 7-222. Erroneous payments; claim for refund.

Refund of erroneous payment of the city sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in § 227 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this section, the applicable provisions of § 227 of Title 68 are hereby adopted by reference and made a part of this article.

SECTION 7-223. Fraudulent returns; penalty.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article shall be an offense, and, upon conviction thereof, the offending taxpayer shall be subject to a fine and imprisonment as provided in § 1-108 of this code.

SECTION 7-224. Records confidential.

The confidential and privileged nature of the records and files concerning the administration of the city sales tax is legislatively recognized and declared, and to protect the same the provisions of the State Sales Tax Code, § 205 of Title 68 of the Oklahoma Statutes, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the city sales tax as if here set forth in full.

SECTION 7-225. Amendments.

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

SECTION 7-226. Provisions cumulative.

The provisions of this article shall be cumulative and in addition to any or all other taxing provisions of city ordinances.

ARTICLE B. – 2004 SALES TAX

SECTION 7-227. Citations and codification.

This article shall be known and may be cited as the "City of Henryetta Sales Tax Ordinance of 2004," and the same shall be codified and incorporated into the Code of Ordinances of the City of Henryetta, Oklahoma (the "City").

SECTION 7-228. Tax imposed.

There is hereby imposed an excise tax of I% (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

SECTION 7-229. Purpose of revenues.

It is hereby declared to be the purpose of this article and the excise tax levied hereunder to:

A. Use 1/2 of the proceeds of said one-percent excise tax to provide revenues for the support of the functions of the municipal government of the City of Henryetta, Oklahoma;

B. Use 1/6 of the proceeds of said one-percent excise tax for any lawful purpose designated in the Trust Indenture creating the Henryetta Economic Development Authority, including, but not limited to, creating new jobs and retaining existing jobs in the City. paying the costs incidental to and debt service on obligations issued to assist in the establishment of business and/or industrial facilities to be owned or used by said businesses or industrial entities or the City or public trusts having the City as beneficiary, said excise tax to be made available and expended for the above purposes for no consideration other than the economic benefit to be provided to the citizens of the City by the establishment of said facilities and by the creation of new jobs, as will be further specified in an agreement(s) to be negotiated, with said 1/6 of the proceeds of said one-percent excise tax to be administered by the Henryetta Economic Development Authority; and

C. Use 1/3 of the proceeds of said one-percent excise tax for capital expenditures, including streets, for the use and benefit of the City and any public trust having the City as beneficiary thereof and/or for the payment of debt service in connection with obligations issued to finance said capital expenditures.

SECTION 7-230. Effective date and termination date.

The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after October 1, 2024, subject to approval by a majority of the qualified electors of the City of Henryetta, Oklahoma, voting on the same in the manner prescribed by law. The provisions of this Ordinance and the collection of the excise tax referenced herein shall terminate and said excise tax shall not be collected after September 30, 2034.

SECTION 7-231. Subsisting state permits.

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this article, hereby ratified,

confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

SECTION 7-232. Payment of tax.

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

SECTION 7-233. Tax in addition to taxes currently levied; administrative procedures.

The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City pursuant to existing City ordinances (the "existing ordinances"); provided, however, that those provisions, if any, of said existing ordinances relating to definitions; tax collector defined; classification of taxpayers - permit to do business; subsisting state permits; the portion of tax rate - sales subject to tax, pertaining to sales subject to tax (not rate of tax); the provisions of said existing ordinances regarding exemptions and other exempt transfers; the provisions of said existing ordinances regarding tax due when - returns - records; the portion of said existing ordinances regarding tax constituting debt; vendor's duty to collect tax; returns and remittances - discounts; interest and penalties - delinquency; waiver of interest and penalties; erroneous payments - claim for refund; fraudulent returns; and records confidential shall apply to the excise tax levied and assessed by this article. For purposes of this article, references in said existing ordinances to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

SECTION 7-234. Amendments.

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

SECTION 7-235. Provision cumulative.

The provisions hereof shall be cumulative and in addition to any and all other taxing provision of City ordinances.

CHAPTER 3. - TELEPHONE EXCHANGE FEE

SECTION 7-301. Fee levied on telephone exchanges.

There is hereby levied an annual inspection fee and service charge upon each and every person, firm or corporation operating a telephone exchange in the city in an amount equal to 2% of the gross revenues for each current year for exchange telephone transmission service rendered whoHy within the 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 regulations and police control of the construction of lines and equipment of the telephone company in the city. The inspection fee and charge shall be on a calendar year basis and shall be due and payable to the city on or before May 1 in each year for the whole of the calendar year next preceding the date and shall be paid into and appropriated and expended from the general revenue fund of the city.

SECTION 7-302. Fee to be in lieu of other fees and taxes.

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

CHAPTER 4. - UTILITY TAX

SECTION 7-401. Gross receipts fee levied in lieu of franchise.

There is hereby levied and assessed an annual fee of 2% upon the gross receipts of sales of gas to residential and commercial users in the city. This fee shall be in lieu of any other franchise, license, occupation or excise tax as provided by state law.

SECTION 7-402. Payment due; purpose of reenue.

The tax levied herein shall be payable quarterly or as set by the council and shall be placed in the general revenue fund of the city.

SECTION 7-403. Refusal to pay tax.

Any company who fails or refuses to pay the tax herein levied shall be regarded as a trespasser and may be ousted from the city, and, in addition, an action may be maintained against them for the amount of the tax, and all expenses of collecting it, including reasonable attorney's fees.

SECTION 7-404. Tax constitutes prior lien.

The tax herein imposed shall constitute a first and prior 1ien on all the assets.

CHAPTER 5. – 911 TELEPHONE FEE

SECTION 7-501. Fee levied.

From and after certification of the election results by the county election board, there shall be imposed a fee of 5% on the tariff charges for exchange telephone services within the city limits of the city. The fee shall continue until terminated or modified by a vote of the people as required by law.

SECTION 7-502. Collection.

The fee shall be collected monthly by the local exchange company, and, within 25 days of the close of the month in which the fees were collected, they shall be remitted to the city clerk of the city.

SECTION 7-503. Purpose.

The funds collected from this fee shall be spent for engineering, installation, administration and other costs

necessary to implement, administer, operate and maintain emergency 911 telephone service in the city.

SECTION 7-504. Administration of 911 telephone service.

The city manager for the city is hereby authorized to administer the emergency 911 telephone service.

SECTION 7-505. Administration fee.

The local exchange company providing exchange telephone service with the city shall be entitled to retain an administrative fee of not more than 3% of the fee imposed and collected pursuant to§ 7-501 above.

SECTION 7-506. When effective.

The provisions of this chapter shall become effective when approved by a majority of the qualified electors of the city voting on the same in the manner prescribed by law.

CHAPTER 6. – USE TAX

SECTION 7-601. Title.

This chapter shall be known and may be cited as "City of Henryetta Use Tax."

SECTION 7-602. Definitions.

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

A. CITY - The City of Henryetta, Oklahoma.

B. TAX COLLECTOR - The department of the municipality government or the official agency of the state duly designated according to law or contract authorized by law to administer the collection of the tax herein levied.

C. TRANSACTION - Sale.

SECTION 7-603. Excise tax on storage, use or other consumption of tangible.

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 this city an excise tax on the storage, use or other consuming within the city of such property at the rate of 4% of the purchase price of such property. 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. Any person liable for payment of the tax authorized herein may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the city had been levied on the sale of such goods or services.

SECTION 7-604. Purpose of revenues.

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

SECTION 7-605. Exemptions.

The provisions of this chapter 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 this 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 of Henryetta use tax, 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 City of Henryetta use tax, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City of Henryetta use tax, and the rate by which the previous tax upon the sale or use was computed; provided that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the 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 to 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" means 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 this 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 this city for feeding or breeding purposes, and which is later resold.

SECTION 7-606. Manner and timing for payment of tax.

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

SECTION 7-607. Tax constitutes debt.

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

SECTION 7-608. Collection of tax by retailer or vendor.

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

SECTION 7-609. Collection of tax by retailer or vendor not maintaining a place of business within state or both within and without state; permits.

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

SECTION 7-610. Revoking permits.

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

SECTION 7-611. Remunerative deductions allowed vendors r retailers of other states.

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

SECTION 7-612. Interest and penalties; delinquency.

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

SECTION 7-613. Waiver of interest and penalties.

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

SECTION 7-614. Erroneous payments; claim for refund.

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

SECTION 7-615. Fraudulent returns; penalty.

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

SECTION 7-616. Records confidential.

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

SECTION 7-617. Classification of taxpayers.

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

SECTION 7-618. Subsisting state permits.

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

SECTION 7-619. Provisions cumulative.

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

CHAPTER 7. – HOTEL TAX

SECTION 7-701. Title.

This chapter shall be known and cited as the "City of Henryetta Hotel/Motel Tax Ordinance."

SECTION 7-702. Definitions.

As used in this chapter:

A. CITY - The City of Henryetta, Oklahoma.

B. HOTEL - Any building or buildings, structures, trailer, or other facility in which the public may, for consideration, obtain sleeping accommodations, and in which two or more rooms are used for the accommodation of such occupant whether such rooms are in one or several structures. The term shall include hotels, apartment hotels, motels, tourist courts, lodging houses, inns, rooming houses, dormitory space where bed space is rented to individuals or groups, apartments not occupied by permanent residents, recreational vehicle parks, 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 the services and accommodations accompanying the use and possession of the room or rooms.

D. OCCUPANT - The 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 operating a hotel within the City, including, but not limited to, the owner, proprietor, manager, lessee, sublessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel.

F. PERMANENT RESIDENT - An occupant who has resided in a room in a hotel for not less than 30 consecutive days, with such status as a permanent resident to begin on the 31st consecutive day and to end when any break in such residency occurs.

G. PERSON - Any individual, corporation, company, partnership, voluntary association, firm, club, society, organization or any other entity of whatever kind or nature.

H. PLACE OF ASSEMBLY - A room or space which is capable of being occupied by 75 or more persons and which is used for educational or amusement purposes and shall include: dance halls; cabarets; nightclubs; restaurants; any room or space for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling and table tennis rooms; halls; rooms used for public or private catering purposes; funeral parlors; markets; recreational rooms; concert halls; broadcasting studios; and all other places of similar use and occupancy.

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

J. 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 deduction therefrom whatsoever.

K. RETURN - Any report filed or required to be filed as herein provided.

L. ROOM - Any room or suite of rooms of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than as a place of assembly.

M. TAX - The tax levied pursuant to this chapter.

SECTION 7-703. Tax rate.

There is hereby levied an excise tax of 5% (in addition to any and all other excise taxes now in force) upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel in this City. Rooms provided free of charge, through barter, trade or any other arrangement or agreement of any kind or nature are also subject to such tax at the sales value of the room so provided (with "sales value" to mean the price at which the room would be rented to the operator's best customer in the ordinary course of business).

SECTION 7-704. Exemptions.

A. Occupancy. The following shall be exempt from the tax levied in this chapter:

1. A permanent resident;

2. The United States Government or any agency or division thereof when paid directly by the United States Government;

3. The State of Oklahoma or any political subdivision thereof when paid directly by the State of Oklahoma or any political subdivision;

4. Any public school or state-accredited private school when paid directly by the school, provided that its primary purpose is not carrying on a business for profit; and

5. Any church when paid directly by the church, provided that its primary purpose is not carrying on a business for profit.

B. Certificate of exemption required. Every hotel claiming exemptions shall submit a monthly exemption form, as provided by the City Manager, with each monthly room tax return. This exemption form shall indicate beginning and ending occupancy dates, number of rooms, number of nights, room(s) occupied, room rate, exempted amount, the name of the occupant seeking exemption, the exempt organization with which the occupant is affiliated, reason for the exemption, and any other information required by the City Manager. Every exemption form shall be signed by the hotel manager or authorized agent, so that the signature shall serve as an acknowledgement that all information contained on the exemption form is true and correct. Upon submission of these forms to the City, the City Manager shall make a final determination as to the validity of all claimed exemptions. Should the City Manager determine that a claimed exemption is not valid, the hotel shall be assessed the five-percent hotel tax plus applicable interest and penalties. The hotel claiming such exemption is liable for payment of the hotel tax. For purposes of this section, an exemption will not be validated by the City Manager unless the exemption is claimed for the month in which it accrues. For good cause shown, the City Manager may grant an extension for claiming an exemption.

SECTION 7-705. Tax to be separately designated on bills.

The operator shall separately designate, charge and show the tax on all bills, statements, receipts or any other evidence of charge or payment of rent for occupancy issued or delivered by the operator. In the absence of a certificate of exemption as specified above, it shall be presumed that the rent on all occupancies is taxable, and the burden of proof shall be on the operator.

SECTION 7-706. Duties of operator.

A. Operator responsible for collections. The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the City for the tax, which shall be held in trust by the operator until paid to the City or the Oklahoma Tax Commission pursuant to an agreement to collect municipal lodging taxes as set forth in 68 O.S. § 2701 et seq. (OSCN 2013) of the State Tax Code. The operator shall join the City as a party to any action brought by the operator to enforce collection of the tax.

B. Records to be 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 City Manager may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the City Manager, or a duly authorized agent or employee of the City, and shall be preserved for a period of three years.

C. Returns.

1. Every operator shall file with the City Manager a report of occupancy and of rents, and of the taxes payable thereon, for the period ending on the last day of each month following the effective date of this chapter. Such return shall be filed within the first 20 days after the end of each such month.

2. Each operator shall further file with the City Manager a copy of his or her completed Oklahoma State sales tax form within 20 days after the end of each month following the effective date of this chapter.

3. The form of return shall be prescribed by the City Manager and shall contain such information as may be deemed necessary for the proper administration of this chapter. The City Manager may require amended returns to be filed within 10 days after notice and to contain the information specified in the notice.

D. Payment of tax. At the time of filing a return of occupancy and of rents, each operator shall pay to the City treasurer or the Oklahoma Tax Commission (in the manner and form prescribed for payment of the municipal lodging tax under the State Tax Law of the State of Oklahoma) the taxes imposed by this chapter upon the rents included in such return. All taxes not paid with a timely return shall be delinquent. 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 City Treasurer or Oklahoma Tax Commission 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.

E. Delinquent taxes. All taxes not paid within 20 calendar days following the last day of the period shall be delinquent.

F. Interest and penalties on unpaid taxes. If any tax levied by this chapter becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of 1.5% per month on the unpaid balance from the date of delinquency. If any tax levied by this chapter is not paid by the last calendar day of the month due, the operator responsible and liable for such tax shall pay a penalty on such unpaid tax at the rate of 10% per month on the unpaid balance from the date of delinquency to a maximum of 50% of the tax.

SECTION 7-707. Bond required.

Where the City Manager believes that any operator is about to cease business, leave the state, or remove or dissipate assets, or for any other similar reason the City Manager deems it necessary in order to protect revenues under this chapter, he or she may require such operator to file with the City a bond issued by a surety company authorized to transact business in the state in such amount as the City Manager 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 City Manager determines that an operator is to file such bond, the City Manager shall give notice to such operator specifying the amount of security required. The operator shall file such security as a performance bond or irrevocable letter of credit within five days after the filing of such notice unless within such five days the operator shall request in writing a hearing before the City Council, at which time the necessary propriety and amount of the bond shall be determined by the City Council. Such determination shall be final and shall be complied with within 15 days thereafter. In lieu of such bond, a cash or securities escrow, in an amount and under terms approved by the City Manager, may be deposited with the City Manager, who may, at any time after five days' notice to the depositor, apply it to any tax and/or any penalties due, and for that purpose the securities may be sold at private or public sale.

SECTION 7-708. Assessment and determination of tax.

A. If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the City Manager or the Oklahoma Tax Commission from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, types of accommodations and services, number of employees, or other factors. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax:

   1. Unless the person against whom it is assessed shall apply in writing to the City Council for a hearing within 60 days after the City gives notice of such assessment; or

   2. Unless the City Manager decides to reassess the same.

B. After such hearing, the City Council shall give written notice of its determination within 30 days to the person against whom the tax is assessed and such determination shall be final.

SECTION 7-709. Refunds.

A. Procedure. The City Manager shall direct the refund or credit of any tax erroneously, illegally or unconstitutionally collected if written application to the City Manager for such refund is made within two years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative of the City Manager, subject to existing limits on the authority of the City Manager as to amount. The City Manager, in lieu of any refund required to be made, may allow credit thereof on payments due from the applicant. Whenever a refund is made, the reasons therefor shall be stated in writing. Such application may be made by the person who has collected and paid such tax to the City Treasurer; however, no refund of money shall be made to the operator until the operator has repaid to the occupant the amount for which the application for refund is made.

B. Determination and hearing. Upon application for a refund, the City Manager may receive evidence with respect thereto, and make such investigation as is deemed necessary. After making a determination as to the refund, the City Manager shall give written notice thereof to the applicant. Such determination shall be final unless the applicant, within 30 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 decision to the applicant.

SECTION 7-710. Notices.

Notices provided for under this chapter shall b deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States mail, postage prepaid, to the last known address of the operator. In the absence of written evidence received by the City to the contrary, the last known address shall be presumed to be the address shown on the certificate of registration as required by § 7-713 herein.

SECTION 7-711. Remedies exclusive.

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

SECTION 7-712. General powers of City Manager.

In addition to all other powers granted to the City Manager, the City Manager is hereby authorized:

A. To make, adopt and amend rules and regulations appropriate to the execution of this chapter and for the purposes hereof;

B. To extend for cause shown the time for filing any return for a period not exceeding 30 days; and for cause shown to waive, remit, or reduce penalties or interest;

C. To delegate functions hereunder to authorized designees for the City;

D. To assess, reassess, determine, revise and readjust the amount of taxes (but not the tax rate) imposed by this chapter;

E. To prescribe methods for determining the taxable and nontaxable rents;

F. To administer oaths and take affidavits concerning any matter or proceeding under this chapter; and

G. To subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance and the enforcement of this chapter and to examine them in relation thereto.

SECTION 7-713. Certificates of registration.

Every operator shall file with the City Manager a certificate of registration in a form prescribed by the City Manager within 10 days after the effective date of this chapter, or in the case of operators commencing business or opening new hotels after such effective date, within three days after such commencement or opening. The City Manager shall, within five 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 will come to the notice of all occupants and persons seeking occupancy. Such certificates shall be nonassignable, nontransferable, and shall be surrendered immediately to the City Manager upon the cessation of business at the hotel named, or upon its sale or transfer.

SECTION 7-714. Use of funds.

All taxes collected pursuant to provisions of this chapter shall be placed in the general funds of the City, shall be budgeted and appropriated annually by the City, and shall be expended for the support of the functions of the municipal government of the City of Henryetta, Oklahoma, and shall be used exclusively for the following specific purposes: i) the promotion of tourism; ii) the improvement, repair, maintenance and development of parks and recreation facilities; and iii) City beautification initiatives and activities (collectively, the "authorized purposes"), for the use and benefit of the City and any public trust having the City as the beneficiary thereof and/or for the payment of debt service in connection with obligations heretofore issued or to be issued to finance or refinance expenditures and related costs for such authorized purposes.

SECTION 7-715. Records confidential.

The confidential and privileged nature of the records filed concerning the administration of the hotel tax is legislatively recognized and declared and, in order to protect the same, the provisions of 68 O.S. § 205 of the State Sales Tax Code, and each subsection thereof and all amendments thereto, as hereby adopted by reference and made fully effective and applicable to the administration of this chapter as if here set forth.

SECTION 7-716. Criminal penalties.

A. The willful intent or refusal of any taxpayer to make reports and remittances therein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter, shall constitute a violation of the Code of Ordinances of the City and shall be subject to the general penalty set forth in § 1-108 of the Code of Ordinances of the City.

B. The failure by an operator to file a security bond as required, to register or to display the certificate of registration, or to separately state the tax on the bill or to collect such tax from the occupant, shall constitute a violation of the Code of Ordinances of the City and shall be subject to the general penalty set forth in § 1-108 of the Code of Ordinances of the City.

SECTION 7-717. Civil remedies.

A. Whenever any operator, occupant or other person shall fail to collect and/or pay over any tax, or to owe any tax, penalty or interest imposed by this chapter as herein provided, the Mayor may authorize the Director of Finance to file notice of liens on behalf of the City of Henryetta against the real estate upon which the hotel is located and/or against all franchises, property and rights to property, whether real or personal, then belonging to or thereafter acquired by the person owing the tax pursuant to 68 O.S. §§ 2701 and 2704.

B. The liens shall, upon proper filing, attach to the real estate and/or personal property then owned or thereafter acquired by the debtor, whether such property is used by the debtor in the operation of business or is under the authority of an assignee, trustee, or receiver for the benefit of creditors, from the date such taxes are due and payable as allowed by 68 o.s. § 2704.

C. The City Manager shall notify the person owing the tax by personal service or by certified mail that the City of Henryetta will file such liens if any delinquent taxes, interest and/or penalties are not paid within 15 days of receiving such notice.

D. The City Manager may also authorize the City Attorney to institute an action in personam and in rem to enforce payment and collect any delinquent taxes, penalties and/or interest.

SECTION 7-718. Amendments.

The people of the City of Henryetta, Oklahoma, by their approval of this chapter at the election hereinabove provided for,6 hereby authorize the City by ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this chapter as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the State Tax Code, except that the rate of the tax and the purpose of the tax herein provided for shall not be changed without approval of the qualified electors of the City as provided by law.

SECTION 7-719. Provisions cumulative.

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

SECTION 7-720. Severability.

The provisions of this chapter are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

SECTION 7-721. Effective date; no termination date.

The provisions of this chapter and the collection of the excise tax referenced herein shall become effective on and after April 1, 2014, subject to approval by a majority of the qualified electors of the City voting on the same in the manner prescribed by law. The provisions of this chapter and the collection of the excise tax referenced herein shall have no stated termination date.

PART 8 - HEALTH AND SANITATION

CHAPTER 1. - WEEDS AND TRASH

SECTION 8-101. Accumulation of trash or weed unlawful.

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

SECTION 8-102. Definitions.

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

A. OWNER - The owner of record as shown by the most current tax rolls of the county treasurer.

B. 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, whether solid or liquid in form.

C. WEEDS:

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

i. Exceeds 12 inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;

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

iii. Harbors rodents or vermin;

iv. Gives off unpleasant or noxious odors;

v. Constitutes a fire or traffic hazard; or

vi. Is dead or diseased.

2. The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural use.

SECTION 8-103. Reports of accumulation of grass, weeds or trash on property.

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

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

2. A hazard to traffic; or

3. A fire hazard to property.

B. The chief or assistant chief of police, chief or assistant chief of the fire department or the county sanitarian or other representative of the department of public health and any other person authorized by the city manager shall, on citizen complaint or upon their own notice, inspect subject property. If their inspection reveals a violation of one or more of the above named conditions, they shall report their findings to the city manager.

SECTION 8-104. Receipt of report, hearing and notice.

A. Pursuant to the authority of 11 O.S.§ 22-111(7), the city council for the City of Henryetta designates the city manager and the city's code enforcement officer as administrative officers to administer the provisions of the City Code of Ordinances pertaining to the abatement of nuisances caused by weed and trash accumulation. Upon receiving the report provided for in § 8-103 of this code, or upon receipt of equivalent information from any reliable source, the city manager shall cause the notices prescribed herein to be given. If any of the conditions specified in § 8-103 of this code exist upon the property, the notice shall order the property to be cleaned of trash or order trash or weeds to be cut, removed or destroyed within 10 days from the date of mailing the notice. The notice shall further state that, unless such work is performed within the time specified, the work shall be done by the municipality and a notice of lien shall be filed with the county clerk against the property for the costs due and owing the municipality for performing the work. The notice shall further provide that any further accumulations of trash or excessive weed or grass growth on the owner's property occurring within six months from and after the date of this notice may be summarily abated by the municipality and 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 notice to the property owner.

B. The notice shall state the time and place of a hearing to be held by the administrative officers for the purpose of determining if the premises, by reason of the conditions specified, is detrimental to the health, benefit and welfare of the public and the community or a hazard to traffic or a fire hazard. The hearing shall be held at least 10 days from the date of mailing the notice or from the date of publication as required below, whichever date affords the greater notice, unless the owner or occupant either:

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

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

C. The written notice required herein shall be forwarded by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, or if the return receipt is not properly signed, notice shall be

given by publication in a newspaper of general circulation one time not less than 10 days prior to the date of the administrative officers' hearing.

D. Following the hearing specified in Subsection C, the administrative officers shall issue an order as to whether a nuisance exists and whether abatement of the same is required. A copy of the order shall be mailed to the property owner by certified mail unless notice by certified mail had previously proved to be impossible. The property owner may appeal a decision of the administrative officers to the city council by filing a written notice of appeal with the municipal clerk within 10 days after the administrative order is rendered.

E. Any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each such 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 10 days after the date of mailing the notice. The notice and hearing shall be as provided for in Subsection B of this section. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in §§ 8-106 and 8-107 of the city code; provided, however, that this subsection shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to Subsection B of this section.

SECTION 8-105. Work done by employees or contract.

The work ordered to be performed under § 8-104 of this code may be done by employees of this city under supervision of the city manager, or it may be let by contract to the lowest and most qualified bidder. Parties interested in obtaining a list of properties ready for contract abatement should contact the Henryetta code enforcement officer by 10:00 a.m. on the Monday of each week. Bids to perform the work should be presented to the Henryetta code enforcement officer no later than l 1:00 a.m. the following day. Notice of the bidding process shall be made by one publication in a local newspaper and posting at the Henryetta municipal building.

SECTION 8-106. Determination and assessments of costs.

Upon the completion of the work ordered to be performed under § 8-105 of this code, the city manager shall report the cost thereof to the city council. Such report may be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of $75. The city clerk shall forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies.

SECTION 8-107. Lien on property; civil remedy.

If the costs of the work performed under this chapter are not paid within 30 days from the date of mailing the notice prescribed by § 8-104 hereof, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided herein, the city may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

SECTION 8-108. Service of notice.

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

SECTION 8-109. Unlawful to deposit rubbish.

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

SECTION 8-110. Removal of dead animals.

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

SECTION 8-111. Unlawful to litter.

A. For the purpose of this chapter, "litter" is defined as any trash, refuse, garbage, rubbish, ashes, street cleanings, abandoned appliances, paper wrappings, cigarette butts, cardboard, yard clippings, leaves, wood, grass, bedding, wastepaper, tin cans, bottles, or any other object or substance.

B. It is unlawful for any person to litter upon the public streets, alleys, roadways, curbs, gutters and sidewalks of the city, except in public receptacles, or upon any real property owned or occupied by another.

SECTION 8-112. Unlawful to litter from automobiles.

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

SECTION 8-113. Litter not to accumulate on property.

A. It is hereby declared to be unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, wastepaper, litter, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises or on the sidewalk in front of such property or premises.

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

SECTION 8-114. Unauthorized person not to remove garbage or rubbish.

It is unlawful for any person, unless authorized so to do by the city, to remove from any premises situated in the city or to transport through the streets, alleys or public places of the city any garbage or rubbish.

SECTION 8-115. Abandoned ice boxes and refrigerators.

It is unlawful for any person to leave in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener.

SECTION 8-116. Care of poly carts.

Each residence in the City of Henryetta has been provided a poly cart for the disposal of rubbish as defined in § 8-109. The care and safe keeping of said poly cart shall be the responsibility of the property owner of said residence. It shall be the responsibility of the property owner to replace said poly cart should it be damaged, removed from the premises or otherwise rendered unable to perform the service for which it was designed.

SECTION 8-117. Disposal of rubbish.

All citizens of the City of Henryetta are required to dispose of their rubbish in the poly carts or trash containers designated by the City of Henryetta for their use. No person shall dispose of any rubbish in any other citizen's designated poly cart or trash container without the permission of the citizen to who's use the City of Henryetta has dedicated that particular poly cart or trash container.

SECTION 8-118. Violations and penalties.

Any person, firm or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 1-108 of this code.

CHAPTER 2. - FOOD REGULATIONS

SECTION 8-201. Food service regulations adopted; violations and penalties.

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

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

SECTION 8-202. Permit for establishments required.

A. It is unlawful for any person who does not possess a current and unrevoked permit from the health officer to operate a restaurant or food establishment in this city. Such permit shall be posted in a conspicuous place. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit. Such permits are not transferable to another person or location.

B. Every person desiring a permit to operate a restaurant or food establishment in this city shall make application for such permit to the health officer. Upon approval of the application by the health officer, such a permit may be issued by the clerk. There shall be a fee as set by the council per year or any part thereof for such permit.

C. A person conducting an itinerant restaurant or establishment shall be required to secure a permit.

SECTION 8-202.1. Permit required by employees; application.

A. It is unlawful for any person who operates a restaurant in this city to hire, permit to be hired or permit to work gratis any person who does not possess a current and unrevoked permit approved by the health officer.

B. It is unlawful for any person who does not have in his or her possession a current and unrevoked permit approved by the health officer to work in any restaurant in this city.

C. Application for such a permit must be made to the health officer by such person. Prior to approval of such application, the health officer shall instruct such person in the sanitation requirements of this chapter and in approved sanitation practices in food handling; provided that the health officer is authorized, in lieu of the above, to require applicants for permits to attend a course of instruction in sanitary practices of food handling, prior to approval of such application.

D. Upon approval of such application by the health officer, the health department clerk shall issue the person such permit; provided that there shall be a fee of $1 for each permit issued; and the permit shall entitle such person to work in a restaurant during the fiscal year for which the permit is issued.

E. The health officer is authorized to issue temporary permits permitting the applicants to work in a restaurant until the next regular course of instruction in sanitary practices of food handling is conducted; provided that such temporary permits shall expire on the day the above-mentioned course of instruction begins unless the person takes the course, and in this case, it shall expire at the close of such course.

F. Before approval of applications for permits, the health officer may require such medical and laboratory examinations as he deems necessary to minimize the possibility of transmission of communicable diseases.

SECTION 8-202.2. Revocation or suspension of permit; reinstatement.

A. A permit for the operation of a restaurant may be temporarily suspended by the health officer upon violation by the holder of any of the terms of this chapter, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violation.

B. The health officer may at any time revoke the permit of any employee in any restaurant for failure to comply with the provisions of this chapter, or for acts adversely affecting the health of the public. The permit may be reinstated only by the health officer.

SECTION 8-202.3. Use of permit and inspection fees.

All fees for permits and inspections collected under the provisions of this chapter shall be used for the following purposes only:

A. Making inspections as required by this chapter.

B. Defraying the cost of keeping records incident to the enforcement of this chapter.

C. In payment of the cost of enforcement of this chapter.

SECTION 8-203. Adoption of standards for milk and milk products.

The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products sold for the ultimate consumption within the city, or its police jurisdiction; the inspection of dairy herds, dairy farms and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors shall be regulated in accordance with the provisions of the "Mille Ordinance - Recommendations of the Public Health Service Revised to Comply with Oklahoma State Statutes," a copy of which shall be filed in the office of the city clerk. Sections 9 and 16 of the unabridged ordinance shall be replaced, respectively, by §§ 8-205 and 8-206 of this code.

SECTION 8-204. Grades of milk which may be sold.

Only certified pasteurized and grade A pasteurized, and certified raw or grade A raw milk and milk products, shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case such milk and milk products shall be labeled "ungraded."

SECTION 8-205. Enforcement of milk regulations.

All sampling, examining, grading and regrading of milk and milk products and all inspections and issuing and suspension or revocation of permits shall be done by the director of the county health department or his authorized representative, who shall be a registered professional sanitarian.

SECTION 8-206. Permit requirements for milk and milk products.

A. It is unlawful for any person to bring into, send into or receive into this city or its police jurisdiction for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this chapter, who does not possess a permit from the health officer.

B. Every milk producer, milk distributor and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons or locations.

C. There shall be a fee for a permit as set by the city council. Permits may be secured from the city clerk' s office upon presentation to the clerk of an application signed by the director of the county health department.1

D. Such a permit may be temporarily suspended by the health officer upon such violation by the holder of any of the terms of this chapter, or for interference with the health officer in the performance of his duties, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violations.

CHAPTER 3. – JUNKED, WRECKED MOTOR VEHICLES

SECTION 8-301. Nuisance.

The following motor vehicles are hereby declared to be nuisances: motor vehicles which are abandoned, dismantled, partially dismantled, wrecked, junked inoperative or discarded or left about the city in places other than authorized junkyards or other areas authorized by the city council and which tend to:

A. Impede traffic in the streets;

B. Reduce the value of private property;

C. Create fire hazards;

D. Extend and aggravate urban blight; or

E. Result in a serious hazard to the public health, safety, comfort, convenience and welfare of the residents of the city.

SECTION 8-302. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

A. JUNK MOTOR VEHICLE – Any motor vehicle that does not have a lawfully affixed unexpired license plate, is wrecked, dismantled, partially dismantled, inoperative, discarded, deteriorated, lacks necessary repair or maintenance, or is abandoned.

B. MOTOR VEHICLE – Any vehicle that is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, go-carts, golf carts, campers or trailers.

C. PERSON – Any person, firm, partnership, association, corporation, company or organization of any kind.

D. PRIVATE PROPERTY – Any real property within the city which is privately owned and which is not public property as defined in this section.

E. PUBLIC PROPERTY – Any street, alley or highway which shall include the entire width between the boundary lines of every way publicly owned or maintained for the purpose of vehicular travel, and shall also mean any other publicly owned property or facility.

SECTION 8-303. Parking and Storing Junk Vehicles Declared a Nuisance; Exceptions; Fencing.

Parking and storing junk vehicles declared a nuisance; exceptions; fencing. No persons shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is defined as a junk motor vehicle, whether attended or not, upon any public or private property within the city for a period of time in excess of 10 days. The presence of a junk motor vehicle or parts thereof on private or public property is hereby declared a public offense and misdemeanor. With the exception of a motor vehicle that does not have a lawfully affixed unexpired license plate, this section shall not apply to any vehicle enclosed within a building on private property or to a city-owned vehicle in an appropriate storage place maintained in a lawful place by the city. With the exception of a motor vehicle that does not have a lawfully affixed unexpired license plate, this section shall also not apply to any vehicle held, stored or parked in connection with a business enterprise lawfully licensed by the city and on property operated in the appropriate business zone, pursuant to zoning laws of the city, provided that vehicles held, stored or parked in such a location for a period of more than 30 days shall be kept in a fenced area and properly screened. For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established for the initiation and continuance of particular uses in such instances as may be hereafter designed. When the provisions of this code require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

A. Shall be constructed, designed and arranged to provide visual separation of uses, irrespective of vegetation.

B. Shall not be less than six feet in height.

C. Shall be constructed with all braces and supports on the exterior, except when both sides are of the same design and appearance.

D. Shall be of the type of materials and compatible with the surrounding area.

E. Shall be in compliance with the provisions of the Zoning chapter

SECTION 8-304. Violations and penalties.

Any person who violates any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or ·declared to be an offense or misdemeanor thereby, is guilty of an offense and, upon conviction thereof, shall be punished as provided in § 1-108 of this code. Each day upon which any such violation continues shall constitute a separate offense.

CHAPTER 4. - NUISANCE

SECTION 8-401. Nuisance defined; public nuisances; private nuisances.

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

1. Annoys, injures or endangers the comfort, repose, health or safety of others;

2. Offends decency;

3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or

4. In any way renders other persons insecure in life or in the use of property.

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

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

SECTION 8-402. Persons responsible.

No person in charge or control of any property in the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow a nuisance to exist on the property. Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

SECTION 8-403. Time does not legalize.

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

SECTION 8-404. Remedies against public nuisances.

The remedies against a public nuisance are:

A. Prosecution on complaint before the municipal court;

B. Prosecution on information or indictment before another appropriate court;

C. Civil action; or

D. Abatement:

1. By person injured as provided in § 12 of Title 50 of the Oklahoma Statutes; or

2. By the city in accordance with law or ordinance.

SECTION 8-405. Remedies against private nuisances.

The remedies against a private nuisance are:

A. Civil action; and

B. Abatement:

1. By person injured as provided in §§ 14 and 15 of Title 50 of the Oklahoma Statutes; or

2. By the city in accordance with law or ordinance.

SECTION 8-406. City has power to define and summarily abate nuisances.

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

SECTION 8-407. Certain public nuisances in city defined.

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

1. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made.

2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinances of the city.

3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed.

4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise, where prohibited by law.

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

6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on.

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

8. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others.

9. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance.

10. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk.

11. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed or which are so constructed, formed, conditioned or situated as to endanger the public safety.

12. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin or disease germs, and the premises on which such exist.

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

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

15. Any fire or explosion hazard which endangers the public safety.

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

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

18. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of this city, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation.

19. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of this city or its inhabitants from any cause.

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

SECTION 8-408. Code enforcement officer.

There is hereby established the position of code enforcement officer, who shall have the duty and responsibility of making such inspection and investigation and to take such enforcement action as the city manager is empowered to take in connection with any of the ordinances of the city. The action taken by such code enforcement officer shall be in accordance with the express instructions of the city manager. The code enforcement officer shall be appointed by the city manager. The manager may appoint one or more such code enforcement officers as he determines to be necessary so long as such code enforcement officer is an employee of the city and shall perform such duties and responsibilities in addition to his other duties.

SECTION 8-409. Summary abatement of nuisances.

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

B. The chief of the fire department, the chief of police, the city attorney, the health officer, the building inspector, the electrical inspector, the plumbing inspector or any other officer subordinate to the city manager or any council member or resident may submit through or with the consent of the city manager to the· code enforcement officer a statement as to the existence of a nuisance as defined by the ordinances of the city or law and a request or recommendation that it be abated.

C. Upon receiving the complaint or observing the nuisance himself, the code enforcement officer will investigate the alleged nuisance. If he determines that a public nuisance exists, he will notify the person responsible for the nuisance. Such notice to the owner and other persons concerned shall be given in writing, by mail or by service by a police officer if their names and addresses are known; but, if the names and addresses are not known, and the public peace, health, safety, morals or welfare would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the city. Such notice shall provide not less than lO days nor more than 60 days, at the discretion of the code enforcement officer, in which to abate such nuisance or to request a hearing as hereinafter set forth.

D. If the person receiving the abatement notice wishes a hearing, he must request it in writing within l O days and mail or file it with the city clerk. The hearing on his request will be before the city manager and will be held as soon as possible after the request is filed. The city manager shall render his decision by written memorandum and file the same with the city clerk, who shall thereupon mail a copy to the person or persons requesting the hearing at the last known mailing address.

E. If the person responsible for a nuisance wishes to appeal the city manager's decision, he may request a hearing before the city council. Such request must be in writing and submitted to the city clerk within five days after notice of the decision of the city manager is mailed to him.

F. The council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the council shall have power to subpoena and examine witnesses, books, papers and other effects.

G. If the council finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay. 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 council shall direct the city manager to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by § 16 of Title 50 of the Oklahoma Statutes. The city clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if the 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.

SECTION 8-410. Abatement by suit in district court.

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

SECTION 8-411. Abatement by city.

If the person responsible for the nuisance is unable to pay for its removal, the work may be done by the employees of this city under supervision of the city manager, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts by public bid.

SECTION 8-412. Determination of cost; statement of cost to be sent; failure to pay.

Upon the completion of the work ordered to be performed under § 8-411 of this code, the city manager shall report the cost thereof to the city council. Such report shall be itemized as to each tract, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice and other costs including a $200 administration fee. The city council shall examine the report and, after receiving appropriate information, shall determine the total actual costs of the work and shall direct the city clerk to forward a statement and demand payment thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies. If the statement is not paid within 20 days after such statement is mailed, the council may direct the city attorney to institute action to establish its lien against the property on which such work was done and to request the court to cause such property to be sold and the lien paid.

SECTION 8-413. Failure to pay costs; costs to be certified to county treasurer.

In the event that the city does not elect to proceed by legal action as set forth herein, then six months from the date of mailing the notice prescribed by § 8-409 hereof, the city clerk shall forward a certified statement of the amount of such costs to the county treasurer of the county in which the property upon which the work was done is located, to be levied upon the property and to be collected by the county treasurer in the manner prescribed by the laws of this state.

SECTION 8-414. Nuisance unlawful.

It is unlawful for any person, including but not limited to any owner, lessee or other person, to create or maintain a

nuisance within the city or to permit a nuisance to remain on premises under his control within the city.

SECTION 8-415. Health nuisances; abatement.

A. Pursuant to authority granted by § 1-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease or any other condition adversely affecting the public health, within 24 hours, or within such other time as may be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a policeman, or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises is 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.

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

SECTION 8-416. Procedure cumulative.

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

SECTION 8-417. Location of slaughterhouses and cemeteries.

A. It is unlawful for any person to maintain a slaughterhouse within less than J/2 mile of any tract of land platted into lots and blocks as an addition to any city within the state or to maintain such slaughterhouse within 1/2 mile of any tract of land platted into acre tracts for the purpose of being sold for residences and in which tracts of land have actually been sold for residence purposes.

B. It is unlawful for any person, firm, corporation or association to lay out, establish or use for burial purposes any cemetery, graveyard or burial grounds less than 1/4 of one mile from the incorporated line of the city, provided that, where cemeteries, graveyards or burial grounds have heretofore been used and maintained within less than 1/4 of one mile from the incorporated line of the city and additional lands are required for cemetery purposes, any person owning lands adjacent may lay out and use, or sell to such cemetery, land to be used as an addition to such cemetery, and the use of such additional lands for such purposes shall not be prohibited hereby.

C. The maintaining of any slaughterhouse or location and use of any graveyard or cemetery in violation of the provisions of this chapter is declared to be a nuisance. Any person owning real estate within any such addition to the city or within lands so platted and set apart to be sold for residence purposes may maintain an action in the courts to abate such nuisance and to enjoin their continuance. If it appears that activities are being carried on in violation of this section, a perpetual injunction shall be granted against the parties maintaining such nuisance.

SECTION 8-418. Violations and penalties.

Any person, firm or corporation who violates any of the provisions of this chapter or shall allow the premises occupied to become unsanitary or who shall in any manner violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 1-108 of this code.

CHAPTER 5. – EMERGENCY MEDICAL SERVICES

SECTION 8-501. Emergency medical service established.

It is essential that the inhabitants of the city be furnished with certain emergency medical services, including ambulance service, and that in connection with such service a charge should be established and assessed in connection with such service.

SECTION 8-502. Service from counties.

The Emergency Medical Service, a Trust (Okmulgee County, Oklahoma), has agreed to furnish such services, including ambulance service, within the county, provided that a charge as hereinafter set forth is assessed against the inhabitants of the city, all incident to the payment of such services to be rendered.

SECTION 8-503. Emergency medical services charge.

To provide funds for the Emergency Medical Service, a Trust (Okmulgee County, Oklahoma), there is hereby established an emergency medical services charge whereby each family living unit in the city shall be levied and assessed a monthly charge as set by the council. A separate charge shall be assessed for each additional unit over one located on the same premises. The term "family living unit" shall include, but is not limited to, single-family residences, trailer coaches, single-family living units in duplexes, apartments, multifamily dwellings, hotels and motels. Combinations of any of the above shall be charged on a combination basis of the types or units so combined. 1

SECTION 8-504. Charges added to water bill.

Charges herein shall be billed to the citizens by the city clerk at the same time and in the same manner as provided for water bills. Fees for water services will not be accepted without payment for the emergency medical services charge. A delinquency charge shall be added to the emergency medical services charge which has not been paid within 15

days after the delinquent date stated on the bill. Failure to make payment within 15 days after the delinquent date shall be cause for discontinuing water service.

SECTION 8-505. Funds remitted to county.

The city treasurer shall remit all sums thus collected to the Emergency Medical Service Trust, Okmulgee County, Oklahoma, which Trust shall furnish the emergency medical services, including ambulance service, for the inhabitants of this city.

SECTION 8-506. Water service provider to track number of family living units.

It is the obligation and duty of the person with whom the city has entered into a contract for water service to keep the city clerk informed as to the actual number of family living units or rooming units served by the water service connection.

SECTION 8-507. Violations and penalties.

A. It is unlawful for any inhabitant of this city to willfully violate any of the provisions of this chapter so as to avoid, or attempt to avoid, payment, in full or in part, of the emergency medical services charge hereinabove established, levied and assessed.

B. Any person who shall violate this chapter shall, upon conviction, be punished as provided in § 1-108 of this code.

CHAPTER 6. – JUNKYARD AND SCRAP METAL PROCESSING FACILITY CONTROL

SECTION 8-601. Declarations and findings.

For the purpose of promoting the public safety, health , welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is here by declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards and scrap metal processing facilities in areas adjacent to the portions of the Oklahoma primary systems within the city in accordance with the Oklahoma Junkyard and Scrap Metal Processing Facility Control Act in Title 69, Oklahoma Statutes, § 1251 et seq. (the Act) and this chapter. The City Council hereby finds and declares that junk yard and scrap metal processing facilities which do not conform to the requirements of this chapter are public nuisances.

SECTION 8-602. Definitions.

As used in this chapter:

A. AUTOMOBILE GRAVEYARD - Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or moto r vehicle parts.

B. COMMISSION - The Transportation Commission of the Oklahoma Department of Transportation.

C. DEPARTMENT - The Oklahoma Department of Transportation.

D. JUNK - Old scrap copper, brass, rope, rags, batteries. paper, trash. rubber debris, waste, or junked. dismantled or wrecked automobile or parts thereof, iron. steel. and other old or scrap ferrous or nonferrous material.

E. JUNKYARD - An 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, and the term shall include garbage dumps and sanitary fills.

F. PRIMARY SYSTEM - That portion of connected main highways as officially designated by the State of Oklahoma and/or the department within the city including . but not limited to, U.S. Highway 75 and 62 and Interstate 40 or as may hereafter be so designated, by the Transportation Commission, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways."

G. SCRAP METAL PROCESSING FACILJTY - An establishment having facilities used primarily for processing iron steel or nonferrous metal and whose principal product is such iron, steel or scrap for sale or remelting purposes only, the processor being considered a manufacturer.

SECTION 8-603. Prohibition on operation of junkyards or facilities.

No person, firm or corporation shall establish, operate or maintain a junkyard or scrap metal processing facility, any portion of which is within 1,000 feet of the nearest edge of the right- of-way of any primary highway.

SECTION 8-604. Removal of license tags and penalty.

Any person, firm or corporation or employee of any person, firm or corporation in the business of dismantling or salvaging any part or parts of junked or salvaged motor vehicles shall remove all license tags attached to said junked or salvaged motor vehicles within 10 days from receipt of said vehicle. Any person in violation of this section of this chapter shall be guilty of an offense and shall be punished by a fine of not less than $100 nor more than $200, plus court costs and each day an offense continues to occur shall be deemed to constitute a separate offense.

SECTION 8-605. Screening required.

Any junkyard or scrap metal processing facility in existence on the effective date of this chapter which is within 1,000 feet of the nearest highway on the primary systems shall be screened by the person, firm or corporation operating said junkyard or scrap metal processing facility in the manner and at locations required by the city in accordance with written plans submitted to and approved by the Code Enforcement Officer or his/her designee.

SECTION 8-606. Violations and penalties.

From and after the effective date of this chapter, it shall be unlawful for any person, firm or corporation to own or construct, establish, operate and/or maintain any facility which would be in violation of the terms of this chapter and such would be a public nuisance. When the city shall determine that

any junkyard or scrap metal processing facility is not fenced or screened as required by this chapter, the person, firm or corporation owning the property or operating the junkyard or scrap metal processing facility shall be notified of such violation and the manner in which compliance with this chapter is required. Such notice shall be in writing and require the person, .firm or corporation awning the property or operating the junkyard or scrap metal processing facility to comply with the provisions of this chapter within 90 days from the date of such notice. Any person, firm or corporation failing to comply with the provisions of this chapter after the expiration of 90 days from the date of such notice or the expiration of such time authorized by the city shall be guilty of an offense and upon conviction thereof shall be fined not less than $100 nor more than $200, for each day such violation continues after the expiration of the ninety-day notice or extension thereof, plus court costs.

SECTION 8-607. Violations constitute public nuisance; abatement.

A. Violation of the provisions of this chapter shall constitute a public nuisance, and the City Manager or his/her designee is authorized to file an application or action in Okmulgee County District Court requesting issuance of an order requiring immediate compliance with this chapter and the abatement of said nuisance at the sole cost of the person, firm or corporation establishing, operating or maintaining a junkyard or scrap metal processing facility on the primary system within the city.

B. Violations of the provisions of this chapter shall constitute a public nuisance and a hearing may be held before the Code Enforcement Officer or his/her designee to determine if any owner and/or operator of any junkyard or scrap metal processing facility has violated or failed to comply with this chapter and has established, operated or maintained a public nuisance which is detrimental to the health, safety, or welfare of the general public and the community. At least 15 days prior to such hearing, notice shall be given to the property owner and/or the operator.

C. A copy of the notice shall be:

    1. Posted on the property to be affected; and

    2. Sent by certified mail with return receipt requested to the property owner at the address shown by the current year's tax rolls in the office of the County Treasurer; and

    3. Sent by certified mail with return receipt requested to the operator; and

    4. Sent by regular mail to any mortgage holder on said property as shown by the records in the office of the County Clerk to the last-known address of the mortgagee; and

    5. Provided, that if the property owner or mortgage holder and/or operator cannot be located, notice may be given by publication (as defined in Title 11 O.S. § 1-102(8); such notice may be published once not less than 10 days prior to any hearing, or in the alternative, notice may be given by first-class mail to the property owner, mortgage holder and/or operator.

D. Upon finding that the property owner and/or operator has violated this chapter, the Code Enforcement Officer or his/her designee may issue an order which orders compliance with this chapter, and such official shall fix reasonable dates for the commencement and completion of the work. If the property owner and/or the operator should fail to comply or cause the work to be performed within the dates established, the Director of Community Development or his/her designee may proceed to issue an order which orders compliance and/or proceed to District Court as provided in Subsection A above.

E. Any property owner shall have the right to appeal an order of the Code Enforcement Officer to the City Council; provided that such appeal shall be taken by filing written notice of appeal with the City Clerk within 10 days after such order is rendered.

SECTION 8-608. Rules, regulations and policies.

The City Manager or his/her designee is hereby empowered to prescribe reasonable rules, regulations and policies not inconsistent with this chapter for the implementation and administration of the junkyard control program required hereunder.

SECTION 8-609. Limitation upon parking certain vehicles; penalties.

All motor vehicles owned by, leased to, used by or under the control of any junkyard or scrap metal processing facility, including employees and agents thereof, are required, when parked, to be parked within the sight-proof, screened area of the junkyard or scrap metal processing facility and not visible from the main traveled way of the primary system. It shall be unlawful and an offense for any person, firm or corporation or employee or agent of any person, firm or corporation owning, operating or maintaining any junkyard or scrap metal processing facility to park any motor vehicle owned by, leased to, used by or under the control of any junkyard or metal processing facility, in a manner contrary to this section, and upon conviction thereof, shall be fined for each motor vehicle unlawfully parked each day not less than $25 nor more than $100, plus court costs, and each day an offense continues shall be deemed to constitute a separate offense.

PART 9 - LICENSING AND BUSINESS REGULATIONS

CHAPTER 1. - OCCUPATIONAL LICENSE FEES

SECTION 9-101. License tax levied on certain occupations; garage and yard sales.

A. A license tax is hereby levied on every person engaging in, exercising or pursuing any of the following businesses, professions, trades, occupations or privileges in this City, in such amounts as set by the council:

1. For each skating rink.

2. For each show, theater and all kinds of exhibitions for pay.

3. For each itinerant person, agent or solicitor selling or taking orders for goods, wares, patent medicines, magazines, fruits, vegetables or other things of any kind; provided that this shall not apply to farmers living within a radius of 15 miles of the City who are selling their own products.

4. For each itinerant person peddling, or selling from a stand, cart, other vehicles, basket or similar thing, drinks, ice cream or other frozen foods of any kind, hot tamales, hamburgers or sandwiches, fruits or any other kind of foods prepared or ready for human consumption; an annual license shall expire on April 30 of each year, and no reduction shall be given for the reason that such license covers only a part of a year.

5. For each itinerant photographer.

6. For each bowling alley.

7. For each pool or billiard hall.

8. For each domino, card or other game parlor.

9. For each coin-operated music or amusement device as defined in § 1501 of Title 68 of the Oklahoma Statutes.

B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the City and state. A copy of this permit shall be provided by the applicant for a license to the City Clerk prior to issuance of the City license. The City Clerk may require any reasonable information from an itinerant or peddler or solicitor which the Clerk deems desirable to protect the public interest. "Itinerant" means not residing in the City.

C. Garage and yard sales; violations and penalties. [Added 10-13-1998 by Ord. No. 892; amended 4-27-1999 by Ord. No. 898]

1. All persons wishing to conduct a garage or yard sale as defined in this subsection must obtain a license from the City for said sale. Each license shall allow the holder to conduct a garage or yard sale for two days. No residence shall be allowed more than four licenses per year.

2. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

i. GARAGE OR YARD SALE - The conducting of a general sale of personal property to the general public from a residence.

ii. YEAR - Runs from July 1 to June 30.

3. All parties in violation of this subsection shall be subject to a fine as provided in § 1-108 of this Code.

SECTION 9-102. Exemption from fees for ex-service persons.

Nothing in this chapter or in other ordinances of the City shall be deemed to require ex-service persons to pay a fee for engaging in a business, occupation or privilege when he documents appropriate certificates issued by the district court judge showing qualification as a needy, disabled ex-service person in accordance with statutes of the state.

SECTION 9-103. Payment of license tax; issuance of license; expiration date.

A. It is unlawful for any person to engage in, exercise or pursue any business, profession, trade, occupation or privilege for which a license tax is levied by § 9-101 of this Code or by any other ordinance or ordinance provision without paying the license tax and securing and possessing a valid license therefor. Upon making proper application to the City Clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law or ordinance, the City Clerk shall issue a license therefor. Such license taxes shall be credited to the general fund of the City.

B. Annual licenses shall expire on the 30th day of April of the year for which they were issued. When an annual license is issued after May I for the remainder of the year to a person just beginning to engage in, exercise or pursue a business, profession, trade, occupation or privilege, the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum of $1.

SECTION 9-104.Separate licenses required.

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

SECTION 9-105. License to be displayed.

Every holder of a license to engage in, exercise or pursue a business, profession, trade, occupation or privilege shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provided above, when

licenses are required for coin-operated music or amusement devices, vending machines and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this section.

SECTION 9-106. Revocation of license.

Any license issued by the City to any person 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 either of the following reasons:

A. The licensee is engaging in, exercising or pursuing the business, profession, trade, occupation or privilege in such a manner that he has created or is creating a public nuisance as defined by state law or local ordinance; or

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

SECTION 9-107.Transfer of license prohibited.

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

SECTION 9-108.Duplicate license.

Whenever any license to engage in, exercise or pursue a business, profession, trade, occupation or privilege has been lost or destroyed without any wrongful act or connivance by the holder, the 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 been unable to find it. The fee for every duplicate license issued, payable to the City Clerk, shall be 1/2 or 50% of the original fee.

SECTION 9-109. Fee for fortune telling prohibited.

It is unlawful for any person pretending or professing to tell fortunes by the use of any subtle craft, means or device whatsoever, either by palmistry, clairvoyance or otherwise, plying his or her trade, art or vocation within this City, to make any charge therefor, either directly or indirectly, or to receive any gift, donation or compensation by any means whatsoever for the same.

SECTION 9-110.Short weights and measures prohibited.

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

SECTION 9-111.Rest room facilities required for carnivals; exceptions.

It is unlawful for any person, firm or corporation to set up or to operate, or to assist in setting up or operating, any carnival, medicine show or tent show within the corporate limits of the City unless proper rest room facilities are installed by the carnival. This section shall not apply to any carnival sponsored by the Labor Day Committee of the Greater Henryetta Trades and Labor Council, during the Annual Labor Day celebration held in the City.

SECTION 9-112. Skating rinks.

A. It is lawful to set up and operate within the corporate limits of the City a skating rink so long as the skating rink is not set up or operated in a residential district of the City.

B. It is lawful to operate a skating rink within the City only during the following times:

1. On Sundays between the hours of 2:00 p.m. and 5:00 p.m.

2. On Monday through Saturday between the hours of 7:00 a.m. and 10:30 p.m., except that during June, July and August, the permitted hours on Mondays through Saturdays are between 7:00 a.m. and 11:00 p.m.

C. Upon written permission of the City Manager, extended hours may be granted for special events.

SECTION 9-113. Consent required for sale of personal property on or in vacant property.

It is unlawful for any person, firm or corporation, including a civic or religious organization, to sell, barter, trade or transfer any merchandise, wearing apparel or other personal property of any kind on or in any vacant property in the City without the consent of the owner or person in control of the property.

SECTION 9-114. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this part shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 1-108 of this Code.

CHAPTER 2. – POOL HALLS AND FAMILY RECREATION CENTERS

SECTION 9-201. View from street not to be obstructed.

It is unlawful for the owner, manager or operator of a family recreation center or pool or billiard hall to place, or permit to be placed, any blind, screen, partition, counter or other object so as to obstruct the view from the street or sidewalk of the inside of the hall where the tables are located.

SECTION 9-202. Hours of operation.

Such family recreation centers shall close at the hour of 12:00 midnight and shall not be opened until 8:00 a.m., except on Sunday, when such family recreation centers shall not open earlier than 1:00 p.m. or close later than 6:00 p.m.

SECTION 9-203. Gambling, betting and disorderly conduct unlawful.

It is unlawful for the proprietor or the operator in charge thereof to permit therein gambling, betting, disorderly conduct, loud, disturbing or profane language, drinking or permitting on the premises a beverage with an alcoholic content, or any other violation of the laws of the state or ordinance of the City.

SECTION 9-204. Separate premises.

Family recreation centers shall be operated in a separate room or building, and no access thereto shall be provided from any restaurant, pool hall, tavern or other place serving, selling or permitting on the premises a beverage with an alcoholic content.

SECTION 9-205. Supervision and maintenance of family recreation centers.

Family recreation centers shall be properly supervised at all times by an adult attendant. The operator will be responsible for maintaining a high standard of cleanliness for the protection of the health, safety and welfare of the patrons thereof.

SECTION 9-206. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this part shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 1-108 of this Code.

CHAPTER 3. – PAWNBROKERS, JUNK DEALERS, SALVAGE YARDS AND SECOND-HAND DEALERS

SECTION 9-301. License required for pawnbrokers.

Every person who carries on the business of a pawnbroker, by receiving goods in pledge for loans at any rate of interest above that allowed by law, except by authority of a license from a municipal corporation empowered to grant licenses to pawnbrokers, is guilty of a misdemeanor.

SECTION 9-302. Selling pledge before default.

Every pawnbroker who sells any article received by him in pledge, before the time to redeem the same has expired, and every pawnbroker who willfully refuses to disclose the name of the purchaser and the price received by him for any article received by him in pledge and subsequently sold, is guilty of a misdemeanor.

SECTION 9-303. pawnbrokers to keep register; register subject to inspection; hours and days of operation.

A. Every pawnbroker shall keep at his place of business a register in which he shall record in ink or with indelible pencil an adequate description of all property purchased, taken or received by him, including any number that may be thereon. He shall record in the register the date when all property is received and also the name and place of residence of the person leaving or pledging the property, including his street and street number, if any. He shall record in the register the amount loaned, the interest charged and the time when the loan is to become due. All such entries shall be made within one hour after the purchase or receipt of property. The register shall be kept clean and legible.

B. The pawnbroker shall give without charge to the person leaving or pledging property a legible ticket containing a true copy of all entries made in the register concerning the property left or pledged.

C. The register herein required to be kept shall be subject to inspection at any time by any police officer of the City, the sheriff of the county, any deputy sheriff of the county, the City Attorney, the county attorney, the City Manager and any person authorized in writing to make such inspection by the City Manager or the Chief of Police. Upon request, the pawnbroker shall show to such officer or person for inspection any article purchased, taken or received unless such article has already been legally disposed of.

D. No pawnbroker may purchase, take or receive any property, or operate his place of business, on Sunday or between the hours of 9:00 p.m. and 6:00 a.m. on any day.

SECTION 9-304. General regulations.

A. It is unlawful for any such owner, manager or person in charge knowingly to purchase, take or receive any goods from a habitual drunkard or user of narcotics or. from any person under the influence of intoxicating liquor or narcotics.

B. It is unlawful for any such owner, manager or person in charge to purchase, take or receive any goods from a minor without the written consent of a parent or guardian of the minor. Such written consent shall be kept on file for at least one year and shall be subject to inspection by any policeman and the City Attorney.

SECTION 9-305. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this part shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 1-108 of this Code.

CHAPTER 4. – PUBLIC DANCES

SECTION 9-401. Repealed.

REPEALED.

SECTION 9-402. Repealed.

REPEALED.

SECTION 9-403. Repealed.

REPEALED.

SECTION 9-404. Repealed.

REPEALED.

SECTION 9-405. Repealed.

REPEALED.

SECTION 9-406. Repealed.

REPEALED.

SECTION 9-407. Repealed.

REPEALED.

SECTION 9-408. Repealed.

REPEALED.

SECTION 9-409. Prohibiting sale of certain beverages.

REPEALED.

SECTION 9-410. Repealed.

REPEALED.

SECTION 9-411. Powers and duties of police.

REPEALED.

SECTION 9-412. Repealed.

REPEALED.

SECTION 9-413. Repealed.

REPEALED.

SECTION 9-414. Repealed.

REPEALED.

CHAPTER 5. – PATROL AND GUARD SERVICES

SECTION 9-501. Definitions.

The following words and phrases, when used herein, shall have the following meanings:

A. FOR HIRE - Any and all compensation paid directly or indirectly or agreed to be paid directly or indirectly by any person to a patrol or guard service agency, patrol officer or guard.

B. PATROL OFFICER OR GUARD - A person engaged in the patrol or guard service business, whether self-employed or otherwise.

C. PATROL OR GUARD SERVICE AGENCY - Any person engaged in the patrol or guard service business who or which employs one or more employees, assistants, Clerks, bookkeepers, patrol officers or guards in the business.

1. Protection of persons or property; or

2. Prevention of private or public crimes.

D. PATROL OR GUARD SERVICE BUSINESS - The conducting for hire of a business which is engaged in any of the following activities:

E. PERSON - An individual, sole proprietor, firm, partnership, joint venture, corporation or combination thereof.

SECTION 9-502. Exempt persons.

Nothing in this section shall apply to the following persons or groups of persons, who are hereby declared to be exempt from the operation hereof:

A. Collection agencies or persons regularly employed by collection agencies, while such persons are engaged in their normal duties.

B. Insurance companies licensed to do business within the state or persons regularly employed by such insurance companies, while such persons are engaged in their normal duties.

C. Insurance adjusting or claims agencies or persons regularly employed by insurance adjusting or claim agencies, while such persons are engaged in their normal duties.

D. Individuals, while doing any of those activities covered herein, when such activities are pursued free of compensation, not for hire and on the individual's personal business.

E. Attorneys at law, licensed to engaged in the practice of their profession within the state; provided, however, that persons employed by attorneys at law shall not be exempt from the operations of this chapter when employed to do those activities herein covered.

F. Law enforcement officers or any persons in the employ of any state, county, City, town or village, appointed or elected by due authority of law, including officers and employees of the United States government, while engaged in the performance of their official duties, and including district, county, City or state's attorneys or persons in their employ, while engaged in the performance of their normal duties.

G. Railroad police and other persons defined and regulated by the provisions of Title 66, Oklahoma Statutes, § 183.

H. Persons licensed by the City to engage in the armored car or vehicle business.

SECTION 9-503. License required.

No person shall engage in the patrol and guard service business, as herein defined, nor represent himself or itself as being engaged therein, nor advertise as being engaged therein, nor establish, conduct, maintain or operate a patrol or guard service business within the City without having first obtained a license to do so as herein provided.

SECTION 9-504. Qualifications.

No person shall be granted a license to engage in the patrol or guard service business unless such person:

A. Has never been convicted of any felony or misdemeanor involving moral turpitude;

B. Is of good moral character;

C. Is a citizen of the United States of America or, if not a citizen of the United States of America, submits proof that he is an alien lawfully admitted within the country;

D. Is at least 21 years of age; and

E. Does not believe in or advocate the overthrow of the government of the United States of America or the State of Oklahoma by force or violence, and that applicant is not a member of any organization, party or group which believes in or advocates or teaches, directly or indirectly,

the overthrow of the government of the United States or the State of Oklahoma, by force or violence.

SECTION 9-505. Application for license; fee.

A. Any person intending to engage in, establish or conduct a patrol or guard service business shall file a written application for a license with the Chief of Police of the City, which application for license shall be upon a form prepared and made available by the Chief of Police of the City. The application shall be accompanied by a full set of the applicant's fingerprints and a recent photograph of the applicant, if an individual. The application shall be accompanied by a nonrefundable processing fee as set by the council.

B. The application for license shall contain such information as the Chief of Police shall deem necessary to make a fair determination of the qualifications of the applicant, including but not limited to the following:

1. The full name, age, residence, telephone numbers and present and previous employment record of the applicant.

2. The applicant's citizenship.

3. A specific description of the location of the principal place of business.

4. The number of years' experience the applicant has had in related fields.

5. The length of time the applicant has been a bona fide resident of the State of Oklahoma, immediately preceding the filing of the application.

6. The type of license required.

7. Summary of military service, including dates thereof, and whether or not the applicant was honorably discharged.

8. Arrests, convictions and pending criminal charges of the applicant for felonies and misdemeanors involving moral turpitude.

9. The place and date of birth.

10. Affidavits from at least three persons who have personally known the applicant for a period of at least three years prior to the filing of such application, as to the moral character of applicant; provided that such persons be not related to the applicant by blood or marriage.

C. If the applicant is an individual, the application shall be signed, filed and verified by such individual.

D. If the applicant is a partnership or joint venture, the application shall be signed, filed and verified by each individual composing or intending to compose such partnership or joint venture.

E. If the applicant is a corporation, the application shall be signed, filed and verified by the president and secretary thereof, or other authorized officer, and shall specify the name of the corporation, date and place of its incorporation, the location of its principal place of business and shall be accompanied by a copy of its certificate of incorporation. If the corporation be a foreign corporation, proof of domestication shall be furnished.

F. Each and every requirement of Subsection B hereinabove and each and every requirement of§ 9-504 of this Code shall not apply to individual nonresident officers, directors or shareholders of a foreign corporation.

G. In the event of the death, resignation or removal of any such person, due notice of the fact shall be given, in writing, to the Chief of Police of the City within IO days thereafter.

H. One or more of the requirements and provisions of this section, including all sections and subsections, may be waived by the Chief of Police of the City for any applicant when, after investigation, it is found that information sufficient to make a fair determination of the qualifications of the applicant is contained in any record on file with any department of the City, or is contained in any public record; provided, however, that the Chief of Police shall in no instance waive the required processing fee.

SECTION 9-506. Investigation.

Upon receipt of an application for a license, the Chief of Police of the City shall promptly cause an investigation to be made of the applicant.

SECTION 9-507. Action on application.

The Chief of Police shall act upon the application within 30 days after receiving same. If the Chief of Police approves the application, a license shall be issued to the successful applicant upon the payment of a license fee, as herein provided. If the Chief of Police disapproves or denies the application, he shall notify the applicant in writing within 10 days thereafter, giving specific reasons for the disapproval or denial.

SECTION 9-508. Training requirement as condition of license.

A condition of issuing any license pursuant to this chapter is that the licensee is required to satisfactorily complete, within six months of the date of issuing the license, 48 hours of law enforcement training and instruction as directed by the Chief of Police. The licensee is required to pay for the actual cost of the training, including materials and supplies.

SECTION 9-509. Payment of license fees.

A. The license fees as set by the council shall be paid to the City annually by all persons licensed to engage in the patrol or guard service business by:

1. Individuals.

2. Agencies; provided, however, that maximum fee shall be paid by any agency having IO or more licensees.

B. A licensee permitted to engage in more than one activity regulated hereunder shall be required to pay the same fee as if licensed to engage in a single activity.

SECTION 9-510. Form of license certificate and identification cards.

The license certificates and identification cards shall be in a form to be prepared and prescribed by the Chief of Police of the City and shall specify the name of the applicant, the location of the place of business of the applicant, the date on which the license is issued and the date on which it will expire.

SECTION 9-511. Term and transferability.

Licenses shall be issued for a term of one year from the date of issuance and shall not be transferable and may be issued at any time during the license year. The full amount of the fees herein prescribed shall be paid by a successful applicant regardless of date of issuance, and no credit shall be allowed in the event the applicant's license for any reason becomes invalid or ineffective prior to the normal expiration date thereof.

SECTION 9-512. Renewal of licenses.

When a license shall have been granted to any person to engage in the patrol or guard service business, or for any purposes hereunder, any such license shall be renewed automatically after its expiration, without charge for processing, upon the application of the licensee. The provisions of § 9-505 of this Code shall not apply to the manner or form of such application for renewal, except in the case of the licensee whose license shall have been suspended, revoked or for any reason rendered invalid or ineffective. Changes of information from that shown on an initial license application form, or renewal forms, shall be required to be made by applicant.

SECTION 9-513. Display of license certificate and identification cards.

Immediately upon the receipt of the license by the Chief of Police of the City, the licensee named therein shall cause such license certificate to be displayed at all times in a conspicuous place in or on his place of business, so that all persons visiting such place may readily see the same. Identification cards shall be carried upon the person of each licensee at all times while engaged in any activities for which the cards were issued.

SECTION 9-514. Impersonating officers/

No person hereunder licensed shall impersonate or hold himself out as a member of the Police Department of the City, or represent that they are in any way conducting official police investigations, or engaged in police detections. Nor shall such persons use their status or credentials to obtain admission to places charging admission prices, nor to obtain credit for purchases of goods or merchandise. Nor shall such person wear any uniform patches or insignia of the Police Department of the City or any law enforcement agency of the State of Oklahoma or the United States government. Nor shall such persons operate a motorized vehicle with a siren, red light (flashing or steady beam); provided, however, that the Chief of Police of the City may grant permits to persons licensed to engage in the patrol or guard service business to operate a motorized vehicle with a siren or red light. ·

SECTION 9-515. Duplicate license certificates or identification cards.

If it shall be established to the satisfaction of the Chief of Police of the City, in accordance with the rules and regulations to be prescribed by him, that an unexpired license certificate or identification card issued in accordance with the provisions of this chapter has been lost or destroyed without fault on the part of the licensee, the Chief of Police of the City may issue a duplicate license certificate or identification card for the unexpired portion of the period of the original license, without payment of additional fees.

SECTION 9-516. Registered security officer; commissions.

The Chief of Police is authorized to grant commissions to private officers employed by such guard service business, which business holds a valid license as defined in this chapter, and to any person having a valid license as defined in this chapter. Any person issued such commission may be classified by the Chief of Police as a registered security officer. Such commission shall be issued by the Chief of Police, only after proper application has been filed, and investigation made by the chief, to determine that such person is qualified to serve in such capacity for any commission it is issued. Any commission thus issued shall be returned to the Police Chief within five days after a private officer leaves the guard service company or firm by whom he is employed at the time such commission is issued.

SECTION 9-517. Change of business location; notice of employment or termination of employees.

If the holder of a license certificate or identification card issued pursuant to this chapter shall change his office, employment or other place of business, he shall within 24 hours thereafter give written notice of such removal of place of business to the Chief of Police of the City, which notice shall describe the premises to which such removal is made, if any, the date on which it was made. The holder shall forward his license certificate or identification card to the Chief of Police, who shall write or stamp thereon, over his signature, a statement to the effect that the holder thereof, on the date stated in such written notice, removed his office, employment or other place of business from the place originally described thereon to the place described in such written notice. An agency shall likewise be required to notify the Chief of Police of the employment or termination of employment of any licensee within 10 days from the date of the employment or termination thereof.

SECTION 9-518. Confidential information; false reports.

No person who is or has been an employee of a holder of a license as herein provided shall divulge to any other person, other than his employer, except as he may be required by law, any information acquired by him during such employment in respect to any of the work to which he shall have been assigned or any information obtained by him in such employer's service, nor shall such person make any false reports or render false accounts to such employer.

SECTION 9-519. Reciprocity.

Any person engaged in any of the activities regulated herein, or employee of such person, which person engages in any of the activities regulated herein in any other City, town, village

or county, but having professional business within the City, may, upon application, be granted permission to engage in activities regulated herein by the Chief of Police of the City for the purpose of the business only. However, such person shall associate himself with a person licensed by the City for any of the purposes herein provided.

SECTION 9-520. Suspension or revocation of licenses.

A. Licenses issued hereunder may be suspended for definite periods of time or revoked by the Chief of Police.

B. The following are grounds for suspension or revocation:

1. If such licensee has knowingly violated any of the provisions of this chapter.

2. If the licensee has knowingly made a false report to his client, or other person entitled to receive such information, in respect to any of the matters in which the licensee may be employed.

3. If the licensee has knowingly and wrongfully divulged any confidential information which he may have acquired from or for his client to any person other than his client or other person authorized to receive such information, or the licensee has knowingly permitted or instructed any employee to make a false report as aforesaid or has knowingly permitted or instructed any employee wrongfully to divulge any confidential information acquired from or for his client, in the event such employee or operator shall actually make such false report or wrongfully divulge such confidential information. No suspension or revocation shall be made if the divulging of such information is required by law.

4. If the licensee has knowingly and willfully sworn falsely in any judicial proceedings, or suborned perjury therein, upon conviction of the licensee of such offense.

5. If the licensee, during the period of his employment by the client, shall accept money or gratuities from any person whose affairs he may have been employed by such client to investigate.

6. If the licensee has, knowingly or willfully, falsely stated or represented any matter or information contained as a part of an application for license hereunder.

7. If the licensee has been convicted of violating any provisions of this chapter, or future amendments thereof, or has been convicted of a felony or a misdemeanor involving moral turpitude.

C. In the event that any person or employee thereof holding a license hereunder has done any of the things set forth in Subsection B(l) through (7) of this section, the Chief of Police shall suspend or revoke the license of such person or employee.

D. Upon suspension or revocation of any license, the Chief of Police shall notify the licensee in writing within five days thereafter of the suspension or revocation and of the grounds for such action, the notice to be mailed to the address shown on the licensee's application form.

E. Upon receipt of notice of suspension or revocation, the licensee shall immediately cease doing business and shall within five days thereafter surrender to the Chief of Police of the City the certificate of license and any and all identification certificates in his possession.

SECTION 9-521. Appeals.

A. Appeals from the action of the Chief of Police or any other person may be taken by the person aggrieved to the City Council of the City by filing within 30 days of the receipt of notice of such action a notice of appeal, stating the grounds for the appeal. The notice of appeal shall be filed by the parties aggrieved with the Chief of Police of the City and the City Clerk of the City.

B. Upon receipt of such notice of appeal, the City Council of the City shall within 20 days thereafter hold a public hearing thereon. The appellant or any interested person may present such evidence as may be relevant and material, and the Chief of Police or his representative may be permitted thereafter to present such evidence as may be relevant and material. At the conclusion of such hearing, the City Council of the City shall affirm, modify or reverse the action taken by the Chief of Police.

SECTION 9-522. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be guilty of an offense against the City and, upon conviction thereof, shall be punished as provided in § 1-108 of this Code.

CHAPTER 6. – REST HOMES AND NURSING HOMES

SECTION 9-601. License required.

It is unlawful for any person, firm or corporation to establish, conduct or own in the City any rest home, nursing home or other related institution, as the same is hereafter defined, without first procuring a license therefor from the City Clerk of this City.

SECTION 9-602. Rest home defined.

A "rest home," "nursing home" or related institution within the meaning of this chapter shall be such as are defined by§§ 1-801 to 1-812 of Title 63 of the Oklahoma Statutes.

SECTION 9-603. Application for license; fee; issuance.

Any person desiring to establish, conduct or maintain a rest home, nursing home or related institution as herein defined shall apply to the City Clerk of this City. The annual license fee shall be as set by the council for the operation of any such rest home, nursing home or related institution. Upon his presenting a valid license issued by the state department of health authorizing the operation of such institution and paying the fee to the City Clerk, the City Clerk shall thereupon issue to the applicant a license to operate such institution.

SECTION 9-604. Violations and penalties.

All persons, firms or corporations who shall establish, conduct and maintain in the City a rest home, nursing home or other related institution within the meaning of this chapter without first obtaining the license required herein shall, upon

conviction thereof, be punished as provided in § 1-108 of this Code.

CHAPTER 7. – FARMERS MARKET

SECTION 9-701. Location.

The City of Henryetta hereby dedicates the south 30 feet of Caboose Park for the construction of a twenty-four-foot by forty-eight-foot structure to house a farmers market.

SECTION 9-702. Sale of produce in City limits.

A. All truck farmers or vendors wishing to sell fruits and vegetables within the City limits of the City of Henryetta shall be required to sell the same at the above established farmers market. A "truck farmer" is defined as a person who raises fruits or vegetables primarily for sale and not personal consumption. A "vendor" is defined as a person who purchases fruits or vegetables for resale.

B. All other persons are allowed to sell fruits and vegetables from private property anywhere in the City of Henryetta.· They may not sell from City streets, sidewalks or parking and, without the permission of the merchant, private parking open to the public such as the Wal Mart and Homeland parking lots.

SECTION 9-703. Violations and penalties.

All parties in violation of this chapter shall be subject to a fine as provided in § 1-108 of this Code.

SECTION 9-704. Retailers of general merchandise.

Subject to the availability of space at the farmers market, retailers of general merchandise, who hold a valid State of Oklahoma sales tax number, shall be allowed to sell their merchandise at the farmers market. The City Manager of the City of Henryetta is authorized to make a license procedure for such retailers.

CHAPTER 8. – PEDDLERS AND SOLICITORS

SECTION 9-801. 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. ITINERANT VENDOR -

1. Includes all persons, including peddlers, as well as their agents and employees who engage in the temporary or transient business, within Henryetta City limits, of selling or offering for sale any goods or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy property whatever in the City in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

2. Does not include:

   i. Anyone engaged in interstate commerce nor anyone upon which the provisions of the chapter would impose a direct and unlawful burden on interstate commerce.

   ii. Anyone who sells locally grown (within a thirty-mile radius of Henryetta) agricultural truck produce pursuant to Farmers Market ordinances, § 9-701 et seq.

B. OUTDOOR SELLING - Includes any selling done from a temporary or mobile location by a seller who is not selling from a permanent business location.

C. PEDDLER-

1. The term "peddler" means any person who travels on foot or by any type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting foodstuffs, beverages, goods, products, wares, merchandise or other personal property of any type, and offering or exposing the same for retail sale, or making retail sales of such articles to purchasers. The term "peddler" includes itinerant vendors and outdoor sellers.

2. The term "peddler" does not include:

   i. Persons promoting, selling or advertising for charitable [50l(c)(3) organizations], religious or political fundraising purposes;

   ii. Persons selling at an event, multiseller malls or home-party catalog sales, provided all applicable sales taxes are collected and remitted.

D. PUBLIC RIGHT-OF-WAY - Any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the federal, state or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, canal, plaza, pedestrian bridge, pedestrianway, stairs or elevator which is dedicated to public use and over which the federal, state or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

E. RETAIL SALES - Sales transactions of foodstuffs, beverages, goods, products, wares, merchandise or other personal property, except as made by a person engaged in selling such personal property at wholesale to dealers in such property.

F. SOLICITOR - Any person who travels on 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 retail sale of goods, products, wares, merchandise or other personal property of any type, excluding foodstuffs, for future delivery, or for services to be furnished or performed in the future.

G. TEMPORARY - Any such business transacted or conducted in the City for which definite arrangements have not been made for the hire, rental or lease of premises for at least 100 days, in or upon which such business is to be operated or conducted.

H. TRANSIENT - Any such business of any such itinerant vendor as may be operated or conducted by persons or by their agents or employees who reside away from the City or who have fixed places of business in places other than the City or who move stocks of goods or merchandise or samples thereof into the City with the purpose or intention of removing them, or the unsold portion thereof, away from the City before the expiration of l00 days.

I. UNSATISFACTORY CHARACTER OF AN APPLICANT - Shall be demonstrated by a finding that:

1. The applicant has been convicted of murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony;

2. The applicant has been convicted of two or more violations of the provisions of this article within the preceding 12 months; or

3. A previous license held by the applicant pursuant to the provisions of this article was revoked within the previous 12 months.

SECTION 9-802. Use of public right-of-way prohibited; exception.

No peddler or solicitor shall engage in business within any portion of any public right-of-way; provided the provisions of this section shall not apply to a landowner who has expressly reserved in a written easement agreement with the City the right to use defined portions of any public right-of-way for his business purposes or to the lawful successors or assigns of any such landowner.

SECTION 9-803. Business hours; purpose.

No peddler or solicitor shall conduct business within any residential zoning districts, except between the hours of 9:00 a.m. and 5:00 p.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 the prescribed hours. The purpose of this restriction is to protect residents in the peaceable possession of their homes and properties between the hours of 5:00 p.m. and 9:00 a.m. each day.

SECTION 9-804. Posted "No Solicitors," "No Trespassers" and "No Trespassing" signs prohibit entry upon private property.

No peddler or solicitor shall enter any premises or attempt to sell, peddle or solicit where the owner or occupant of such premises has indicated his desire not to be contacted for sales or solicitations by the placing of a "No Solicitors," "No Trespassers," or "No Trespassing" sign, or such other sign clearly indicating peddlers or solicitors are unwelcome, on those premises, and any such entrance or attempt to sell, peddle or solicit shall constitute a trespass upon private property.

SECTION 9-805. Salespersons, solicitors, peddlers and order takers prohibited from entering private residence without consent.

In the exercise of the authority conferred upon the City by state law, the practice of going to, in or upon the premises of any private residence in the City by door-to-door salespersons, solicitors, peddlers and order takers, without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sale of goods, wares, or publications or merchandise of any description, or the purpose of peddling or hawking the same, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.

SECTION 9-806. Exceptions.

A. The provisions of this article shall not apply to any person holding or operating pursuant to a valid permit to conduct charitable solicitations under the provisions of this chapter.

B. The provisions of this article shall not apply to nonprofit organizations having Internal Revenue Service Code 501(c)(3) status; provided that proof of that status shall be required.

C. The provisions of this article shall not apply to public schools; provided that a letter verifying the activity from the applicable superintendent of schools shall be required.

SECTION 9-807. License or badge.

A. Nontransferable. 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 licensee to whom it was issued.

B. Term. A license issued hereunder to a peddler or solicitor, including itinerant vendors, shall be valid for a period of seven consecutive calendar days.

C. Display. Peddlers and solicitors are hereby required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in peddling or soliciting.

SECTION 9-808. Bond.

No permit or license shall be issued to a peddler or solicitor hereunder until a surety bond, issued by a surety company authorized to do business in the State of Oklahoma, in the amount of $500 has been filed with the Henryetta City Clerk. Such surety bond shall run in favor of the City and shall be conditioned that the peddler or solicitor shall fully comply with all provisions of the City Code and the laws of the State of Oklahoma, including the collection and remittance of taxes, and guaranteeing that the property or service purchased will be delivered in accordance with the representations made by the seller. Actions on such bond may be brought in the name of the City for the use and benefit of the aggrieved person or by any citizen who has been damaged by the peddler or solicitor. The bond shall remain in effect for one year from the date of the last sale.

SECTION 9-809. License.

For license regulations, see§§ 9-809.1 through 9-809.11.

SECTION 9-809.1. License required.

It shall be unlawful for any person to engage in the business of peddler or solicitor within the corporate City limits without first obtaining a license from the City Clerk.

SECTION 9-809.2. Application.

A. Contents. Separate applications for all persons engaged in the business of peddler or solicitor are required from businesses wishing to have more than one employee present in the City. Applicants for a license under this article shall file with the City Clerk a verified application in writing on a form to be furnished by the City Clerk, which shall contain the following information:

1. Applicant's full name, description, birth date and social security number;
2. Applicant's address, both legal and local;
3. Brief description of the business to be conducted and the items to be sold;
4. Time period for which the applicant desires to do business;
5. License number and description of any vehicle to be used, if applicable;
6. Verification that the applicant or the applicant's employer is a vendor registered with the State Tax Commission, or other proof that sales tax has been or is being paid on the items sold or to be sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax;
7. Photographs and fingerprints of the applicant to be taken by the City Police Department;
8. Content of any signs to be used;
9. If employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship; and
10. A bond secured and submitted as herein required.

B. Additional information. Along with the written application, the applicant shall submit the following:

1. A current state criminal history information report obtained from the State Bureau of Investigation. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the City Clerk;
2. A certified copy of the charter if the applicant is a corporation incorporated under the laws of this state;
3. A certified copy of its permit or authority to do business in the state if the applicant is a corporation incorporated under the laws of some state other than this state;
4. The required bond as set forth in this article;
5. If applicable, proof that a county health permit has been obtained;
6. If applicable, proof that a nursery and floral inspection certificate has been obtained from the State Department of Agriculture; and
7. A site plan depicting the location of any structure, vehicle, sign, or display to be used in conducting the activities for which licensure is sought.

SECTION 9-809.3. Fees.

Any person making application for a license required by the provisions of this article shall pay to the City Clerk, in cash, cashier's check or money order, a nonrefundable administrative fee and a license fee in the amounts as provided in the City's fee schedule. The fees shall be for the purposes of defraying the costs of processing the application and conducting the investigation required by this article. In the event the application is denied, the license fee shall be refunded.

SECTION 9-809.4. Review.

A. Upon receipt of an application, the City Clerk shall review the criminal history information provided by the State Bureau of Investigation and shall note any relevant information concerning any convictions of the applicant for any of the offenses specified in this article.

B. The City Clerk shall cause such other investigation or inquiry concerning the applicant as deemed necessary to determine whether the application is in compliance with the terms and conditions of this article and other applicable provisions of this Code.

C. Upon completion of the necessary investigation as provided for by this section, the City Clerk shall review the application to ensure:

1. The applicant or the applicant's employer is a vendor registered with the State Tax Commission for the payment of sales tax, or that he has otherwise demonstrated that sales tax has been or is being paid on the items sold, or that the applicant or the applicant's employer is exempt from the payment of such tax;
2. The applicant or the applicant's employer is aware of his responsibility to collect and pay sales tax, unless tax exempt;
3. The applicant's character or business responsibility is not unsatisfactory as defined herein;
4. The applicant's proposed signs and locations therefor comply with all provisions of this Code, including zoning regulations (Part 12);
5. The applicant's business operation will not obstruct a safe line of sight from any street or private drive

used to exit the subject property, or cause other sight-distance-related problems;

6. The applicant's business operations will not reduce the required_ off-street parking of the host business;

7. A valid county health permit is obtained, if required;

8. A valid nursery and floral inspection certificate has been obtained from the State Department of Agriculture, if required; and

9. The applicant otherwise complies with all of the provisions of this Code.

SECTION 9-809.5. Issuance; grounds for denial.

Within seven business days after receipt of the application, the City Clerk shall either approve or disapprove the application. Grounds for disapproval shall be the failure to meet the requirements of § 9-808.4C.

SECTION 9-809.6. Notice.

If the application is approved, the City Clerk shall issue the permit. If the application is disapproved, the City Clerk shall state, in writing and with specificity, the reasons for denial. The City Clerk shall immediately notify the applicant of such disapproval. Mailing a copy of the letter of disapproval to the address shown on the application shall be deemed to be adequate notification of the applicant.

SECTION 9-809.7. Revocation.

The City Clerk may revoke any license issued hereunder by giving notice by mail to the licensee which notice shall include the effective date of the revocation and the reasons therefor. The grounds for revocation of licenses issued under this article shall include, but not be limited to, the following:

A. Fraud, misrepresentation, or any false statement contained in the application for the license;

B. Conviction of the licensee for murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony;

C. Conviction of the licensee for two or more violations of the provisions of this article within the preceding 12 months; or

D. A finding that the licensee has conducted the business for which the license was issued in an unlawful manner or in such manner as to constitute a breach of the peace.

SECTION 9-809.8. City Manager review; appeal.

A. An applicant who has been denied a license or whose license has been revoked by the City Clerk may make an application for relief to the City Manager. Relief may be granted by the City Manager upon adequate showing that undue hardship would be suffered if not granted.

B. If the City Manager denied the relief sought, the applicant shall have the right of appeal to the City Council. Appeal shall be taken by filing with the City Council within 14 days after denial of relief by the City Manager a written statement setting forth fully the grounds for appeal.

C. The City Council shall set the time and place for the hearing and shall notify the applicant at least seven days prior to the hearing. Proper mailing to the address shown on the application shall be adequate notification.

D. The decision and order of the City Council on such appeal shall be final and conclusive.

SECTION 9-809.9. Surrender upon expiration or revocation.

When a license issued pursuant to the provisions of this article expires, or is revoked, its holder shall surrender it to the City Clerk, and the license shall become City property.

SECTION 9-809.10. Renewal.

The holder of any expiring license issued under this article who desires a new license shall file a written application for renewal with the City Clerk. The application for renewal shall contain the same information and be accompanied with the same documentation as required for original issue; provided, however, that at the discretion of the Police Department, new photographs shall not be required if the existing photograph continues to be a good likeness of the applicant. The City Clerk, in determining whether to approve or disapprove an application for renewal shall be guided by the same criteria as set forth herein for original license issue.

SECTION 9-809.11. (Reserved).

RESERVED.

SECTION 9-810. Outdoor sellers.

For regulations regarding outdoor sellers, see§§ 9-810.l through 9-810.4.

SECTION 9-810.1. License required; procedure; revocation; appeal; renewal.

A. It shall be unlawful for any person to engage in the business of outdoor seller within the corporate City limits without first obtaining a license from the City Clerk.

B. The licensing procedure for outdoor sellers shall be the same as that provided in this article for peddlers and solicitors generally, including provisions regarding revocation, appeal, and renewal.

SECTION 9-810.2. Use of public right-of-way prohibited; exception.

No outdoor seller shall engage in business within any portion of any public right-of-way; provided the provisions of this section shall not apply to a landowner who has expressly reserved in a written easement agreement with the City the right to use defined portions of any public right-of-way for his business purposes or to the lawful successors or assigns of any such landowner.

SECTION 9-810.3. Permitted to engage in business only at fixed outdoor location specified on license.

The City Clerk shall specify on the face of the license the legal description and address of the fixed outdoor location desired for business by any outdoor seller. The outdoor seller shall engage in business only at the fixed outdoor locations specified on the face of the license.

SECTION 9-810.4. Compliance with site plan required; amended site plans; fee.

A. All outdoor sellers shall comply with the site plan submitted pursuant to the provisions of this article in regard to the fixed outdoor location specified therein, and in regard to the location of any structure, vehicle, sign, or display to be used while conducting business at such fixed outdoor location.

B. An outdoor seller who desires a different fixed outdoor location for conducting business, or who desires to otherwise amend the submitted site plan, shall file an amended site plan prior to deviating from the site plan then on file with the City Clerk.

C. Upon the filing of an amended site plan, the City Clerk shall review it to ensure compliance with the provisions of this article and all other applicable provisions of this Code. If the amended site plan is approved, the City Clerk shall amend the license to indicate any new fixed outdoor location for the conduct of the business.

D. Outdoor sellers who file amended site plans shall pay to the Clerk the amendment fee as provided in the City's fee schedule.

SECTION 9-811. Violations and penalties.

Any person, business or corporation found to be in violation of the foregoing shall be guilty of an offense and shall be subject to a fine of up to $500. Each day of a violation shall be deemed a separate occurrence. Each individual wrongfully engaged on behalf of a business or corporation shall be deemed separate violations by the business or corporation.

PART 10 - OFFENSES AND CRIME

CHAPTER 1. - OFFENSES IN GENERAL

SECTION 10-101. Attempts to commit an offense.

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

SECTION 10-102. Aiding in an offense.

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

CHAPTER 2. - OFFENSES AGAINST PROPERTY

SECTION 10-201. Petit larceny prohibited.

A. Petit larceny is the taking of personal property of value not exceeding $50 accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

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

SECTION 10-202. Injuring automobiles and other vehicles.

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

SECTION 10-203. Destroying or injuring buildings and other property.

It is unlawful for any person to destroy, injure, deface, besmear or molest any structure, building, outbui1ding, fence or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

SECTION 10-204. Placing signs on property of another.

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehic1e or other property of another, without the consent of the owner or person in charge thereof.

SECTION 10-205. Throwing or shooting at persons or property.

It is unlawful for any person to throw or shoot any stone 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 or other object at any person, vehic1e, structure, electric light or other property of another (whether pub1ic or private), except in case where such is done in defense of oneself, of another person or of property.

SECTION 10-206. Tampering with or damaging public utilities.

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

B. If any evidence of tampering or damaging of a public utility or private premises is proven, the owner or occupant of such premises shall be presumed responsible for the damage and fine.

SECTION 10-207. Throwing advertising on street prohibited.

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

SECTION 10-208. Throwing injurious substances.

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

SECTION 10-209. Injury to plants and trees.

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

SECTION 10-210. Public streets and trees.

A. It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the city.

2. Attach any guy wires, telephone, telegraph or electric wire or any wire to any live tree.

3. Dig any hole, ditch or trench in any public street, road, avenue or alley or any other public premises or ground within, belonging to or under the supervision or control of the city.

4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the city; or to cut, break or otherwise injure any pavement, curb or gutter therein.

5. Connect any driveway to any street or other public place without first securing permission from the city inspector so to do.

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

SECTION 10-211. Trespass prohibited.

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

1. PRIVATE PROPERTY - Any property other than public property.

2. PUBLIC PROPERTY - That property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control.

3. TRESPASS - Each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. "Trespass" shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. "Trespass" shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer; provided that the provisions of this sentence shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. "Trespass" shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

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

SECTION 10-212. Parking on property of another.

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

SECTION 10-213. Interference with fire hydrants.

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

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

CHAPTER 3. - OFFENSES AGAINST THE PUBLIC

SECTION 10-301. Disturbing the peace.

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

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

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

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

SECTION 10-302. Insulting signs, literature or language.

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

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

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

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

SECTION 10-303. Fireworks.

A. The word "fireworks" as used in this section shall be as defined in § 1622 of Title 68 of the Oklahoma Statutes.

B. It is unlawful for any person to sell, manufacture, possess, use, discharge or display fireworks within the

City except as provided in this section or as set forth in Part 13 of this Code of Ordinances. [Amended 3-19-2013 by Ord. No. 1029; 4-16-2013 by Ord. No. 1030]

C. Fireworks displays may be authorized by the city in accordance with the city's Fire Prevention Code.

SECTION 10-304. Storing or keeping explosives.

It is unlawful for any person to store or keep within the city any nitroglycerin, dynamite, gunpowder or any other highly explosive material or substance, except that gunpowder may be kept in approved quantities if the same can be securely and safely kept.

SECTION 10-305. Carrying concealed weapons; discharging firearms.

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

B. It is unlawful for any person to discharge a firearm in the city except when doing so in line of duty, when lawfully doing so in defense of oneself, of another person or of property, or when otherwise authorized by law or ordinance.

SECTION 10-306. Reckless conduct.

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

SECTION 10-307. Loud noise or music; amplified sound.

It is 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 any contrivance, whether electric or not, with or without a loudspeaker, in such a manner as to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, cari11ons or other religious music.

SECTION 10-308. Unlawful fighting; assemblies.

A. It is unlawful to engage in a fistic encounter.

B. It is unlawful to hold an unlawful assembly of two or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others, or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously.

C. It is unlawful to interrupt any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language or in any other manner, either within the place of worship or within hearing distance thereof.

SECTION 10-309. Vagrancy defined for specific acts.

It is unlawful to be a vagrant in the limits of the city. For the purposes of this section, a "vagrant" means any person who loiters or remains in or wanders about a public or private place for any of the following purposes:

A. For the purpose of gambling with cards, dice or other gambling paraphernalia.

B. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness.

C. For the purpose of engaging in theft or breaking and entering any building, property or automobile of another.

D. For the purpose of injuring, destroying, molesting or defacing any property of another.

E. For the purpose of assaulting any person.

F. For the purpose of begging or soliciting alms, provided that this section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations.

G. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

SECTION 10-310. Abuse of 911 systems.

A. It is unlawful for any person, firm or corporation to report a false emergency or event on the 911 system.

B. It is unlawful for any person, firm or corporation to repeatedly phone the 911 system without cause to report an actual emergency.

C. It is unlawful for any person, firm or corporation to willfully use or utter any profane, violent, abusive or insulting language over the 911 system.

SECTION 10-311. Loitering.

A. It shall be unlawful to:

1. Loiter in a place, at a time and in a manner not usual and appropriate for the place, or where circumstances warrant alarm or concern for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that such person takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself, or conceal or dispose of any object. Unless flight by the person or other circumstances make it impracticable, a peace officer shall, prior to any arrest for an offense under the section, afford such person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the peace officer at the time, would have dispelled the alarm; or

2. Loiter so as to interfere with the free and unobstructed use of a public way or place by other persons.

B. For purposes of this section, “loiter” means to be dilatory, to stand idly around, to linger, delay or wonder about, or to tarry in a public place.

CHAPTER 4. - OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

SECTION 10-401. Public intoxication prohibited.

A. It is unlawful for any person to appear or be upon or in any street, alley or other public place in the city in a state of intoxication.

B. For the purposes of this section, "a state of intoxication" means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous or malt liquors, or of any narcotic, to such extent as to deprive the person of his or her full physical or mental power.

SECTION 10-402. Intoxicating liquors.

It is unlawful:

A. For any person to barter, sell, give away or otherwise furnish to another any intoxicating liquor or beverage of any kind except as permitted by law.

B. To have in possession or under control any intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the city any intoxicating liquor or beverage except as permitted by law.

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

D. To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.

SECTION 10-402.1. Gathering where minors are consuming alcoholic 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 1/2 of I% or more of alcohol by volume and which is fit for beverages purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low-point beer as defined herein.

3. GATHERING - A party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

4. INTOXICATING BEVERAGE - Includes beverages containing more than 3.2% alcohol by weight.

5. LEGAL GUARDIAN - A person who, by court order, is the guardian of the person of a minor; or 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 1/2 of I% alcohol by volume, and not more than 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 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.

10. RESPONSE COSTS - The costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including, but not limited to: salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); the costs of any medical treatment for any Jaw enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; the cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and any other allowable costs related to the enforcement of this section.

B. Consumption of alcohol by minor in public place, place oven to public, or place not open to public. Except as permitted by state law, it is unlawful for any minor to:

1. Consume at any public place or any place open to the public alcoholic beverage(s); or

2. Consume at any place not open to the public any alcoholic beverage(s), 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 consume alcoho1ic beverages prohibited.

1. Responsibility to prevent consumption 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; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' 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 alcoho1ic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in Subsection C(1)(a) of this section.

2. 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. 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 and guardians. However, if a minor)eaves such a family gathering intoxicated and is found in public, then said providers of alcohol will be responsible in the same manner as a nonfamily gathering.

4. 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. 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 prov1s10ns of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished for said violation by a fine of $500, or by imprisonment not exceeding 60 days, or by both such fine and imprisonment, plus an court costs and statutory penalties as may be applicable.

7. Reservation of legal options. Violations of this section may be prosecuted by the City of Henryetta criminally, civilly, and/or administratively as provided by the Municipal Code, as applicable. The City may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided by statutes, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they 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 Jaw.

SECTION 10-403. Unlawful Possession of Controlled Dangerous Substance, Marijuana.

A. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance as described in Title 63 of the Oklahoma Statutes, unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice

For purposes of this Section:

1. “Practitioner” shall mean a medical doctor or osteopathic physician, a dentist, a podiatrist, an optometrist, a veterinarian, a physician assistant under the supervision of a licensed medical doctor or osteopathic physician, a scientific investigator, or any other person defined in Oklahoma Statutes Title 63, Section 2-101.

2. “Marijuana” means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, as defined in Title 63 of the Oklahoma Statutes, Section 2-101.

B. A person in possession of a state issued medical marijuana license shall be able to:

1. Consume marijuana legally;

2. Legally possess up to three (3) ounces of marijuana on their person;

3. Legally possess six (6) mature marijuana plants;

4. Legally possess six (6) seeding plants;

5. Legally possess one (1) ounce of concentrated marijuana;

6. Legally possess seventy-two (72) ounces of edible marijuana; and

7. Legally possess up to eight (8) ounces of marijuana in their residence.

C. Possession of up to one and one-half ounces of marijuana by persons who can state a medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a find not to exceed Four Hundred Dollars ($400.00).

SECTION 10-404. Prostitution.

A. It is unlawful for any person to:

1. Be a prostitute.

2. Solicit, entice or procure another to commit or engage in any act of prostitution.

3. Engage in any act of prostitution.

4. Knowingly let premises for purposes of prostitution.

5. Conduct a business or premises for prostitution.

6. Accept or receive the proceeds of any act.

7. Be a party to an act of prostitution or solicitation of prostitution in the limits of city.

B. For the purposes of this section:

1. "Prostitution" is the giving of the body for sexual intercourse or sodomy for hire or money.

2. "Soliciting for prostitutes" is the soliciting, inviting, inducing, directing or transporting of a person to any place with the intention of promoting prostitution.

3. "Letting premises for prostitution" is the granting of the right of use or the leasing of any premises, knowing that it is to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

SECTION 10-405. Disorderly house defined.

A "disorderly house" means. any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

A. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute.

B. The violation of any of the ordinances of this city or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages, including beer containing more than 0.5% alcohol by volume.

C. The performance of any sexual act declared unlawful by state statute or city ordinance, including but not limited to soliciting for purposes of prostitution.

D. The violation of any state statute or city ordinance prohibiting gambling.

SECTION 10-406. Maintaining or leasing a disorderly house..

A. No person shall keep or maintain or aid, abet or assist in keeping and maintaining a disorderly house.

B. No owner, lessee, lessor or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home or recreational vehic1e shall knowing]y use,]ease, sublease or otherwise permit the use of the same for the purpose of keeping therein any disorderly house; and knowing or ascertaining that such house, building, structure, tent, vehic1e, mobile home or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.

SECTION 10-407. Residents of and visitors to a disorderly house.

No person shall knowingly reside in, enter into or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not app]y to physicians or officers in the discharge of their professional or official duties.

SECTION 10-408. Nudity; improper dress; indecent exposure.

It is unlawful for any person to:

A. Appear in any public p]ace in the city in a state of nudity.

B. Appear in any pub1ic place in the city in any offensive, indecent or lewd dress.

C. Make an indecent public exposure of his or her person.

SECTION 10-408.1. Performance or display of certain acts prohibited in licensed establishments.

It shall be unlawful and an offense for the owner, operator, partner, manager or person having supervisory control of any establishment licensed to sell nonintoxicating beverages to permit to be done, on or about any commercial premises where nonintoxicating beverages are dispensed or consumed, any of the following:

A. The performance by any person of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are otherwise prohibited by law.

B. The actual touching, caressing or fondling by any person of the breasts, anus or genitals.

C. Allow any person on the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals.

D. Permit any person to perform acts of, or acts which simulate sexual acts which are prohibited by law, or permit any person to use artificial devices or inanimate objects to depict any prohibited activities or permit the showing of films, still pictures, electronic reproductions or other visual reproductions depicting any of the prohibited activities described in this section.

SECTION 10-409. Curfew for minors.

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

1. CUSTODIAN - Any person over the age of 21 years who is in loco parentis to a minor.

2. GUARDIAN - Any person other than a parent who has legal guardianship of a minor.

3. MINOR - Any person under the age of 18.

4. PARENT- The natural or adoptive parent of a minor.

5. 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. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the city between the hours of 12:00 midnight at night and 5:00 a.m. in the morning on any day unless:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;

2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor; or

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation. ·

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the City between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;

2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or

3. The parent, guardian or other adult person herein has made a missing person notification to the City Police Department.

E. The Council may permit by resolution or motion procedures for advance notice or registration with the City of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The Council may also prescribe the procedures for taking into custody minors found in violation of this section.

F. A parent, guardian or custodian of such minor may file a written application directed to the Chief of Police of the City who may grant a special exemption of enforcement of the curfew provided by this section being required as to such minor, which exemption shall not exceed five consecutive days, or in the alternative, two days of any week for a period not to exceed 30 days. All requests shall be filed with the City Clerk of the City.

G. The Chief of Police shall have the authority to grant or reject any request for an exemption to enforcement of the curfew provided by this section or may reduce the time limit of such exemption. However, any applicant for such exemption, feeling aggrieved by the action of the Chief of Police, may file a request for hearing before the Judge of the Municipal Court of the City who shall summarily hear same, and his judgment shall be final.

H. Any law enforcement officer who shall witness a violation of this section may take such offender into his custody to be prosecuted for such violation, require the posting of a sufficient bond for such minor's appearance in court or may place the minor in the custody of his or her parents or some responsible person.

SECTION 10-409.1. Special Halloween curfew regulations.

A. It is unlawful for any person under the age of 18 to be on the streets or in any public place within the City limits of the City on October 31 from 9:00 p.m. in the evening until 6:00 a.m. in the morning on November 1, subject to the following exceptions: (Amended 10-15-2013 by Ord. No. 1034)

1. The individual is accompanied by a parent or legal guardian over 18 years of age.

2. The individual is attending or traveling directly to or from a regularly scheduled religious service.

3. The individual is attending or traveling directly to or from their usual place of employment.

4. The individual is attending or traveling directly to or from an event sponsored by the City's public school system.

5. The individual is attending or traveling directly to or from an approved social event. As used in this section, an "approved social event" shall mean an event approved in writing by the City Chief of Police. Written approval must be obtained no later than 5:00 p.m. on October 29.

B. It is unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 18, not otherwise emancipated, to permit or by inefficient control to allow such person to be in violation of Subsection A of this section. This section shall not apply to the parents or guardians of children concerning

whom a missing person notification has been made to the Police Department.

C. Any person violating any provision of this section shall be deemed guilty of an offense and, upon conviction thereof, shall be fined as provided in § 1-108 of this Code. Each violation shall constitute a separate offense.

D. This section shall remain in effect each Halloween in subsequent years unless suspended or otherwise changed by ordinance or resolution of the City Council.

SECTION 10-410. Sleeping on streets, depots and private property.

It is unlawful for any person, between the hours of 12:00 midnight and sunrise, to sleep on any street, in any other public place or on any property of another without the express or tacit consent of the owner or person in charge of such place.

SECTION 10-411. Begging.

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

SECTION 10-412. Gambling prohibited.

A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following except as may be authorized by the Oklahoma Horse Racing Act, other state law or ordinance:

1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards or any device, for money, checks, chips, credit or any other thing of value.

2. To set up, operate or permit to be operated any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing.

3. To gamble knowingly in any other manner.

4. To knowingly permit his or its premises, house, lot or other property to be used in connection with, or for, any act declared unlawful in this section.

B. It is unlawful and an offense against the City for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.

SECTION 10-413. Being about place where gambling is going on.

It is unlawful for any person to be about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

SECTION 10-414. Harmful deception.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

SECTION 10-415. False or bogus checks.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing of the value of $50 or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within 30 days after same is delivered and accepted.

SECTION 10-416. Access to tobacco and tobacco products by minors.

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

1. CIGARETTE-

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

a) Any roll of tobacco wrapped in paper or in any substance not containing tobacco;

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

ii. The term "cigarette" includes roll-your-own (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.) For purposes of this definition of cigarette, 0.09 of an ounce of roll-your-own tobacco shall constitute one individual cigarette.

2. PROOF OF AGE - A driver's license, license for identification only, or other generally accepted means of identification that describes the individual as 18 years of age or older and contains a

photograph or other likeness of the individual and appears on its face to be valid.

3. SAMPLE - A tobacco product distributed to members of the public at no cost for the purpose of promoting the product.

4. SAMPLING - The distribution of samples to members of the public in a public place.

5. TOBACCO PRODUCT- Any product that contains tobacco and is intended for human consumption.

6. TRANSACTION SCAN - The process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification.

7. TRANSACTION SCAN DEVICE - Any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification.

B. Furnishing or sale of tobacco products to minors.

1. It is unlawful for any person to sell, give, or furnish in any manner any tobacco product to another person who is under 18 years of age or to purchase in any manner a tobacco product on behalf of any such person. It shall not be unlawful for an employee under 18 years of age to handle tobacco products when required in the performance of the employee's duties.

2. Any person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under18 years of age. If an individual engaged in the sale or distribution of tobacco products has demanded and was shown proof of age from a prospective purchaser or recipient who is not under 18 years of age, the failure to subsequently require proof of age shall not constitute a violation of Subsection B(2) of this section.

3. Defenses. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to prosecution under Subsection B(l) or (2) of this section. A person cited for violation of this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:

i. The individual who purchased or received the tobacco product presented a driver's license or other government-issued photo identification purporting to establish that such individual was 18 years of age or older; and

ii. The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

iii. Provided, that this defense shall not relieve from liability any person cited for a violation of this Subsection B if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

C. Receipt of tobacco products by minors. It is unlawful for any person who is under 18 years of age to purchase, receive, or have in his or her possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product; provided, however, it shall not be unlawful for an employee under 18 years of age to handle tobacco products when required in the performance of the employee's duties.

D. Distribution of tobacco product samples.

1. It is unlawful for any person to distribute tobacco products or product samples to any person under 18 years of age.

2. No person shall distribute tobacco product samples in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 18 years of age.

E. Sale of tobacco products except in original, sealed package. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

F. Public access to displayed tobacco products. It is unlawful for any person or retail store to display or offer for sale tobacco products in any manner that allows public access to the tobacco product without assistance from the person displaying the tobacco product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under 18 years of age.

G. Report of violations and compliance checks.

1. Any conviction for a violation of this article and any compliance checks conducted by the Police Department pursuant to Subsection B of this section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within 30 days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Court Clerk or his designee, and compliance checks shall be reported by the Chief of Police or his designee.

2. Persons under 18 years of age may be enlisted by the Police Department to assist in enforcement

of this article pursuant to the rules of the ABLE Commission.

SECTION 10-417. Smoking in public places and workplaces.

A. Definitions. The following words and phrases, whenever used in this section shall have the meanings defined in this section unless the context clearly requires otherwise:

1. INDOOR AREA – means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.

2. MUNICIPAL PROPERTY – means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the City of Henryetta, Okmulgee County, including but not limited to vehicles and equipment owned by the municipality.

3. OUTDOOR AREA – means any area that is not an Indoor Area, and includes outdoor recreational areas.

4. SMOKING – means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

5. TOBACCO PRODUCT – means any product that contains tobacco and is intended for human consumption. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

6. VAPOR PRODUCT – means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

B. Prohibited Conduct

1. Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.

2. Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.

3. Nothing in this section prohibits any person or entity from prohibiting the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.

4. No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area that is under the control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.

5. No person or entity shall permit the placement of ash receptacles, such as ash trays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of this section.

6. No person shall dispose of Tobacco Product or Vapor Product waste within an area in which the use of Tobacco Products or Vapor Products is prohibited.

7. No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this section.

C. Required Signs

1. The person or entity that has legal or de facto control of an area in which the use of Tobacco Products or Vapor Products is prohibited by this section shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.

2. For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

3. For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.

4. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this section.

D. Penalties and Enforcement

1. Enforcement of this chapter shall be the responsibility of the City of Henryetta. In addition, any peace officer or code enforcement official may enforce this chapter.

2. Any person who knowingly violates this section shall be punished by a citation and fine of not less than $10.00 and not more than $100.00 in accordance with the City of Henryetta Municipal Code.

3. The possession of a lighted Tobacco Product in violation of this section…

4. …are cumulative and in addition to any other remedies available at law or in equity.

5. Each instance of Tobacco Product or Vapor Product use in violation of section shall constitute a separate violation.

6. The use of a Vapor Product in violation of this section is a nuisance.

7. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this section regarding Tobacco Product or Vapor Product use shall also constitute a violation of this section.

8. In addition to other remedies provided by this section or by other law, any violation of this section regarding Tobacco Product or Vapor Product use may be remedied by the City Attorney including, but not limited to, administrative or judicial nuisance abatement proceedings, criminal code enforcement proceedings, and suits for injunctive relief.

E. Statutory Construction and Severability. It is the intent of the City Council of the City of Henryetta of Okmulgee County to supplement applicable state and federal law and not to duplicate or contradict such law. The provisions of this ordinance are severable, and the invalidity of any provision of the ordinance shall not affect other provisions of the ordinance, which can be given effect without the invalid provision.

CHAPTER 5. - OFFENSES AGAINST PERSONS

SECTION 10-501. Assault and battery prohibited.

A. It is unlawful to commit an assault or an assault and battery within the city.

B. For the purposes of this section, an "assault" is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A "battery" is any willful and unlawful use of force or violence upon the person of another.

SECTION 10-502. Harassment through threats and intimidating.

A. It is unlawful and an offense for any person to make repeated communications which threaten bodily injury, or which are perceived to be intimidating to the recipient of the communications under the following circumstances:

1. The person receiving the communication has previously expressed to the person making the communication that future communication of that type is objectionable and unwelcome.

2. A reasonable person in the position of the person receiving the communication would consider it to be intimidating or threatening of physical harm.

3. The communication continues on three or more occasions after the recipient has at least once expressed an objection to any further such communication.

B. For purposes of the enforcement of this section, it is immaterial whether the communication is performed in person verbally, or by telephone, or in any writing, or by any electronic means.

C. The prohibition of this section does not extend to any communication by a person who is attempting to collect a legal debt or enforce a legal obligation, so long as no threat of physical harm is used. Specifically excluded from this prohibition are threats to utilize lawful process, including but not limited to litigation, eviction, legal attachment, injunction, or other remedies allowed by state or federal law which are not covered by this prohibition.

D. Each day on which an act of intimidation or threatening takes place, following receipt by the person causing the intimidation or threats following the objection to the communication by the person to whom the threat is directed, shall be considered a separate offense.

CHAPTER 6. - OFFENSES AGAINST PUBLIC PROPERTY

SECTION 10-601. Resisting an officer.

A. It is unlawful to resist, oppose or assault or in any way interfere with the police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.

B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

C. "Resisting an officer" is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property or serving process is acting in his official capacity.

D. The words "obstruction of" shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

SECTION 10-602. Refusing or failing to assist an officer.

A. An officer of the city making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the city or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

B. It is unlawful for any person lawfully called upon thus to assist an officer of the city to refuse or fail to do so.

SECTION 10-603. Assault or battery upon police or other law officer.

It is unlawful for any person, without justifiable or excusable cause, to knowingly commit any assau1t, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties.

SECTION 10-604. Rescuing prisoners.

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty any prisoner or prisoners from any officer or employee of the city having legal custody of the same or from the city jail or other place of confinement by the city, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement.

SECTION 10-605. Escape of prisoners.

It is unlawful for any person confined in the city jail or other place of confinement by the city, or working upon the streets or other public places of the city in pursuance of any judgment, or otherwise held in legal custody by authority of the city, to escape or attempt to escape from any such jail, prison or custody.

SECTION 10-606. Impersonating an officer or employee.

It is unlawful for any person to impersonate any officer or employee of the city, falsely represent himself to be an officer or employee of the city or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being duly authorized to do so.

SECTION 10-607. False alarms.

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run.

SECTION 10-608. False representation to an officer.

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the city government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the city.

SECTION 10-609. Removal of barricades.

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area.

SECTION 10-610. Resisting public officials.

It is unlawful for any person knowingly or willfully to:

A. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge or any other officer or employee of the city in the discharge of his official duties.

B. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties.

C. Assault or beat or revile, abuse, be disrespectful to, use abusive or indecent language toward or about any such officer or employee while such officer or employee is in the discharge of his official duties.

SECTION 10-611. Eluding police officers.

It is unlawful for any operator of a motor vehicle who has received a visual or audible signal, a red light or a siren from a police officer driving a motor vehicle showing the same to be an official police car, directing the operator to bring his vehicle to a stop, and who willfully increases his speed or extinguishes his lights in an attempt to elude such police officer, or who does elude such police officer.

CHAPTER 7. - PENALTIES

SECTION 10-701. Violations and penalties.

Any violation of the provisions of this part is punishable as provided in § 1-108 of this code.

PART 11 - PARKS, RECREATION AND CULTURAL AFFAIRS

CHAPTER 1. – PARKS, RECREATION AND HUNTING

SECTION 11-101. Park Board created; appointment; terms; compensation.

A Park Board is hereby created which shall be known as the "Henryetta Parks, Recreation and Tourism Board" and shall consist of a minimum of seven members, each appointed by the City Council. Members of the Board may include residents of the City of Henryetta, nonresidents owning real property within the City of Henryetta, nonresidents employed by or owning businesses operating within the City of Henryetta, or nonresidents who are members of non-profit recreational boards or committees or clubs who use the parks or recreational facilities in Henryetta. At least one of the members of the Board shall own, operate or be employed in the hotel industry within Henryetta. Of the members first appointed, at least four shall have terms expiring at that time two years later, and at least three members shall have a three-year term expiring three years later. The terms of their respective successors shall be three years and shall expire at that time every third year, but members shall serve until their respective successors have been appointed and qualified. The City Council shall fill all vacancies as they occur by proper appointment. Any member of the Board may be removed by the City Council for cause. Members of the Board shall serve without compensation. A quorum shall be a simple majority of the number of current members, but in no event less than four. Failure to have a full membership Board shall not prevent the Board from acting; however, a quorum of four members shall be required to conduct business.

SECTION 11-102. Organization; meetings.

At the first meeting of such Board following its appointment and on the first Monday in June of each year, or as soon thereafter as practical, the Park Board shall elect a Chairman, a Vice Chairman and a Secretary; the Secretary need not be a member of the Board. The Board shall determine the time and place of its regular meetings but shall meet at least twice each year. The City Manager, the Chairman or any three members thereof may call special meetings of the Board.

SECTION 11-103. Powers and duties.

The Park Board may consider any matter relating to parks and appropriate recreation programs of or pertaining to the City and provide information and make recommendations thereon to the City Council and the City Manager, as the Board deems desirable. Among the matters which the Park Board may consider are the following:

A. Acquisition.

B. Disposal.

C. Enlargement.

D. Improvement.

E. Maintenance.

F. Operation and financing of municipal parks.

G. Municipally sponsored recreational programs.

SECTION 11-104. Waterskiing.

The sport of waterskiing shall be permitted on Lake Henryetta, subject, however, to such reasonable rules and regulations pertaining thereto as might be promulgated by the City Manager of the City.

SECTION 11-105. Swimming and bathing.

A. It is unlawful for any person to swim, bathe or otherwise immerse themselves in the waters of the lakes and reservoirs owned or controlled by the City, unless such is otherwise specifically allowed by ordinance or engaged in under rights and provisions provided in contract with any person, firm or corporation to whom a concession might be granted for such purposes by the duly constituted authorities of the City.

B. Swimming in Lake Henryetta will be permitted, provided that no swimming is allowed within I 00 feet of fishing docks and boat ramps and within 150 feet of the City water plant intake structure.

SECTION 11-106. Permit required for hunting and boating.

It is unlawful for any person to hunt or use a vessel on any lake or reservoir owned or controlled by the City without first procuring a permit therefor.

SECTION 11-107. Hunting and boating permit requirements.

A. No permit will be required for swimming or fishing.

B. A separate permit is required for hunting and boating.

C. Any person wishing to fish will be required to possess a current state fishing license unless such person is not required to have such a license under state law.

D. Any person or persons violating any of the terms of this chapter, upon conviction therefor, may be punished as provided in § 11-11 7 of this Code. Each and every time this section is violated shall be, and the same is hereby declared to be, a separate and distinct offense and punishable as such.

SECTION 11-108. Lease required for boat docks on City property.

It is unlawful and an offense for any person to erect, use or maintain a boat dock, ramp or other structure on property owned by the City, in and around Lake Henryetta, without having first obtained a lease as herein provided.

SECTION 11-109. Compliance with boat dock regulations; rental fee.

Subject to the approval of the City Council, any person may lease from the City a boat dock site at Lake Henryetta, subject to the compliance with regulations to be established as hereinafter set forth, and the payment of the rental fee therefor, which shall be as set by the Council.

SECTION 11-110. Boat dock leases to be in writing; term; approval.

All such leases shall be in writing, shall provide for a term not longer than the calendar year in which they are executed and must be submitted to the City Council for approval.

SECTION 11-111. Manager to establish dock rules and regulations.

The City Manager shall make and establish rules and regulations governing the construction, use and maintenance of such boat docks, ramps and other structures, and a failure to comply with such regulations shall be grounds for terminating any lease executed under the authority of this chapter.

SECTION 11-112. Fishing regulations on Lake Henryetta and Wolf Creek.

A. It is unlawful for any person to fish in Lake Henryetta or in Wolf Creek and its tributaries which are owned or controlled by the City, except upon the following terms and conditions:

1. No juglines, yo-yos or nets shall be placed or strung in said waters. Trotlines and throwlines are permitted. [Amended 2-15-2005 by Ord. No. 982]

2. No small-mouth or large-mouth bass smaller than the minimum length set by the state shall be 14 inches minimum length taken from the waters, and then not more than six bass in one day.

3. No channel catfish smaller than the minimum length set by the state shall be taken from the waters, and then not more than six in one day.

4. No crappie smaller than the minimum length set by the state shall be taken from the waters, and then not more than 20 in one day.

5. No more than 25 game fish of all kinds shall be taken in one day from the waters by person or persons fishing with one permit.

6. No fish taken from the waters shall be sold or offered for sale.

7. Persons must have the license required by the state in his or her possession at all times while fishing and be subject to inspection and examination by any peace officer or duly authorized agent of the City or the state.

8. No scraps of food, offal, wastepaper or refuse of any kind, or any other substance tending to contaminate the waters of Lake Henryetta, or tributaries thereof owned or controlled by the City, shall be thrown into the waters thereof, or upon the premises surrounding the same.

9. Fishing shall be either from the bank or boat, using hook and line and any artificial baits or lures, cut or live bait, so long as not more than two poles or rods per person are used.

10. No fishing will be permitted 1/2 hour after sunset and 1/2 hour before sunrise.

11. No seining for minnows will be allowed in the lake or tributaries owned or controlled by the City.

B. The right to fish in City lakes shall be canceled or revoked at any time by the Mayor and the Council of the City for the violation of any of the rules and regulations now in force, or that may be hereafter adopted, affecting the sanitation of Lake Henryetta or its tributaries owned or controlled by the City or for the violation of any of the ordinances of the City, the laws of the state or the laws of the United States or the rules and regulations of the State Board of Health of the state made for the protection of the water supply of Lake Henryetta.

C. (Reserved)

D. The Mayor and Council of the City do hereby reserve the right to close the waters for fishing and prohibit fishing in the waters, or parts thereof, at any time when in their judgment it is necessary to protect the fish in the waters.

E. Except where specifically covered by this Code of Ordinances, the City of Henryetta hereby adopts the rules and regulations of the Oklahoma Wildlife Conservation Department including but not limited to season limitations upon fishing for certain species. [Added 2-15-2005 by Ord. No. 982)

SECTION 11-112.1. Fishing regulations on Nichols Lake.

A. It shall be unlawful for any person or persons to fish in Nichols Lake owned and controlled by the City of Henryetta, except as hereinafter provided and upon following terms and conditions:

1. No trotlines, juglines, yo-yos, throwlines, nets, etc., shall be placed or strung in said waters.

2. No small-mouth or large-mouth bass smaller than fourteen-inch minimum length shall be taken from said waters, and then not more than six bass in one day.

3. No channel catfish smaller than the minimum length set by the State of Oklahoma shall be taken from said waters, and then not more than six in one day.

4. No crappie smaller than the minimum length set by the State of Oklahoma shall be taken from said waters, and then not more than 20 in one day.

5. No more than 25 game fish of all kinds shall be taken in one day from said waters by person or persons fishing with one permit.

6. No fish taken from said waters shall be sold or offered for sale.

7. Licensee must have the state license in his or her possession at all times while fishing and be subject to inspection and examination by any peace officer or duly authorized agent of the City of Henryetta or the State of Oklahoma.

8. No scraps of food, offal, wastepaper or refuse of any kind, or any other substance tending to contaminate the waters of Nichols Lake owned and

controlled by the City of Henryetta, shall be thrown into the waters thereof, or upon the premises surrounding the same.

9. Fishing shall be either from bank or boat, using hook and line and any artificial baits or lures, cut or live bait, so long as not more than two poles or rods per person are used.

10. No fishing will be permitted l /2 hour after sunset and l /2 hour before sunrise.

11. No seining for minnows will be allowed in Nichols Lake.

B. The right to fish in City lakes shall be canceled or revoked at any time by the Mayor and the Council of the City of Henryetta, Oklahoma, for the violation of any of the rules and regulations now in force, or that may be hereafter adopted, affecting the sanitation of Nichols Lake owned and controlled by the City of Henryetta, Oklahoma, the laws of the State of Oklahoma or the laws of the United States or the rules and regulations of the State Board of Health of the State of Oklahoma.

C. The Mayor and Council of the City do hereby reserve the right to close the waters for fishing and prohibit fishing in the waters, or parts thereof, at any time when in their judgment it is necessary to protect the fish in the waters.

D. Any person or persons violating any of the terms of this section, upon conviction therefor, may be fined not to exceed $42, and each and every time this section is violated shall be, and the same is hereby declared to be, a separate and distinct offense and punishable as such.

E. Persons fishing in Nichols Lake must have a state fishing license, if such license is required by state law.

F. All persons 60 years old and older who present a state senior citizen's fishing license to the caretaker of Nichols Lake shall be allowed to fish free of charge.

SECTION 11-113. Alcoholic, nonalcoholic beverages and drugs prohibited on Lake Hernyetta property.

A. It is unlawful for any person to consume any intoxicating alcoholic liquor or beverage, or nonintoxicating beverage, all as defined by this Code, including 3.2% beer, within the boundaries of the Lake Henryetta property.

B. It is unlawful for any person to possess, distribute, use or consume cocaine, or any other compound mixture or preparation of cocoa leaves containing cocaine; marijuana, including all parts of the cannabis plant, specifically including the seeds thereof; and all other controlled dangerous substances which as the same are defined in the Uniform Controlled Dangerous Substance Act of the State of Oklahoma, Title 63, §§ 2-201 to 2-608 of the statutes of the State of Oklahoma.

C. For the purpose of this Code, the term "Lake Henryetta" shall mean that area of land located on the following described land situated in Okmulgee County, State of Oklahoma, to wit:

Nl/2 Nl/2 NWl/4 SWl/4, Section Twenty-three, Township Eleven North, Range Thirteen East; and SEl/4 NEl/4 and El/2 NEl/4 and SEl/4, Section Twenty-one, Township Eleven North, Range Thirteen East; and NWl/4 SWl/4 and S1/2 NWl/4 and Nl/2 NWl/4, Section Twenty-two, Township Eleven North, Range Thirteen East; and Nl/2 NEl/4 and NWl/4 SEl/4 and Wl/2 NEl/4 SEl/4 and SWl/4 SEl/4 and Wl/2 SEl/4 SEl/4 and El/2 El/2 SEl/4 SWl/4 and SWl/4 NEl/4 and Wl/2 SEl/4 NE1/4, Section Twenty-eight, Township Eleven North, Range Thirteen East; and SEl/4 NWl/4 NEl/4 and El/2 El/2 NEl/4 NWl/4 and NWl/4 NWl/4 NEl/4, Section Thirty-three, Township Eleven North, Range Thirteen East; and NEl/4 SWl/4 and Nl/2 SEl/4 SWl/4, Section Twenty-two, Township Eleven North, Range Thirteen East.

D. The provisions of the Uniform Controlled Dangerous Substance Act of the state, Title 63, §§ 2-101 to 2-608, are for the purpose of this section adopted herein by reference to the provisions of such act as specifically cited herein.

SECTION 11-114. Camping regulations and fees; closing hours.

Camping is permitted only at Lake Henryetta and subject to the following fees and regulations:

A. A fee of $20.00 per day, which must be paid prior to occupying any camp site.

B. No party may camp at Lake Henryetta for a period of over seven (7) consecutive days. Once a party leaves Lake Henryetta, a return to the lake within twenty (20) days shall be considered as if the party had never left the lake for purposes of this section.

C. Lake Henryetta and its grounds shall be closed to public use daily between sunset and sunrise.

D. Punishment for violating this section shall be as specified in Section 1-108 of the Code of Ordinances, City of Henryetta, Oklahoma.

SECTION 11-115. Alcoholic beverages prohibited in Nichols Park Lake.

A. It is unlawful for any person to consume any intoxicating alcoholic liquor or beverage or any nonintoxicating beverage, all as defined in this Code, within the boundaries of Nichols Park Lake.

B. For the purpose of this Code, the term "Nichols Park Lake" means that area of land located on the following described land situated in Okmulgee County, State of Oklahoma, to wit:

Northwest Quarter of the Southwest Quarter (NWl/4 SWl/4), of Section Nineteen, Township Eleven North, Range Thirteen East; and East Half of Northwest Quarter (El/2 NWl/4) of Section Thirty, Township Eleven North, Range Thirteen East; and all of Lot 1 in Section 30, described as follows: Beginning at the Northeast Comer of said Lot l; thence South along the East line of said Lot l 1,320 feet; thence North twenty and one-half degrees (201/2°) West a distance of 1,411 feet to a point in the North line of said Lot l; thence East along said North line of said Lot 1 a distance of 500 feet to the point of beginning and containing in all 87.57 acres, and being a part of the allotments of Moses Starr and Susie Starr, Deceased. (Minerals reserved); and Lot Three, in Section Nineteen, Township Eleven North, Range Thirteen East; Southeast Quarter of the Southeast

Quarter (SE1/4 SE1/4) of Section Nineteen, Township Eleven North, Range Thirteen East, less minerals; and the North Half of the Southeast Quarter (Nl/2 SEI/4), of Section Nineteen, Township Eleven North, Range Thirteen East, minerals reserved; the Northeast Quarter of the Southwest Quarter (NEI/4 SWl/4) of Section Nineteen, Township Eleven North, Range Thirteen East, minerals reserved; the Southeast Quarter of the Southwest Quarter (SE1/4 SWl/4) and the Southwest Quarter of the Southeast Quarter (SWl/4 SEI/4) in Section Nineteen, Township Eleven North, Range Thirteen East, minerals reserved; the Northeast Quarter of the Southwest Quarter (NEI/4 SWI/4) of Section Nineteen, Township Eleven North, Range Thirteen East, minerals reserved; the Southeast Quarter of the Southwest Quarter (SEI/4 SWI/4) and the Southwest Quarter of the Southeast Quarter (SWl/4 SE1/4), in Section Nineteen, Township Eleven North, Range Thirteen East, minerals reserved; and an undivided one-half (1/2) interest in the West Half of the Northeast Quarter (Wl/2 NEl/4) and Northeast Quarter of the Northeast Quarter (NEI/4 NEl/4), Section Thirty, Township Eleven North, Range Thirteen East; and the West Half of the Northwest Quarter (Wl/2 NWI/4), and the Southeast Quarter of the Northeast Quarter (SEl/4 NEI/4) of Section Thirty, Township Eleven North, Range Thirteen East, except minerals.

SECTION 11-116. Boat safety regulations for Henryetta Lake.

Various provisions of the Oklahoma Boating Safety Regulation Act are adopted by reference as follows:

A. Provisions of 63 Oklahoma Statutes § 4206.

B. Provisions of 63 Oklahoma Statutes § 4210.

C. Provisions of 63 Oklahoma Statutes § 4210.2.

D. Provisions of 63 Oklahoma Statutes § 4210.3.

E. Provisions of 63 Oklahoma Statutes § 4210.4.

F. Provisions of 63 Oklahoma Statutes§ 4210.6.

G. Provisions of 63 Oklahoma Statutes § 4211.1.

H. Provisions of 63 Oklahoma Statutes § 4212.

I. Provisions of 63 Oklahoma Statutes § 4213.

J. Provisions of 63 Oklahoma Statutes § 42 I 7.

SECTION 11-117. Violations and penalties.

Any person, firm or corporation who shall violate or fail to comply with any ordinance provision of this chapter or any legal order or regulation made pursuant thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in § 1-108 of this Code.

CHAPTER 2. – LIBRARY

SECTION 11-201. Library Department; Library Board; Librarian.

There shall be a Library Department, which shall be under the supervision and control of the City Manager. There shall be a Library Board of five members which shall be appointed by the City Council. Each Council member shall appoint a person from his ward to the Board, if a qualified person is available, with the Council member at large appointing any resident of the City. If a qualified resident of a ward is not available for appointment, then a Council member may appoint any qualified resident of the City. The Library Board members shall serve for a term of five years and until their successors have been appointed and have qualified. However, of the first members appointed, one is appointed for a one-year term, two for two-year terms and two are appointed for three-year terms. The terms of members shall expire at 7:30 p.m. on the first Monday in May of their respective term. The City Manager may remove members of the Library Board when he deems it necessary for the good of the service. Every year the Board shall elect a Chairperson and a Vice Chairperson from its own membership and a Secretary, who need not be a member of the Board. The Board shall determine the time and place of its regular meetings. The City Manager, the Chairperson or any three members of the Board may call special meetings of the Board. The members shall serve without compensation. The Board shall supervise and control the public libraries of the City and shall adopt regulations for the administration of the libraries subject to the approval of the City Manager. The librarian, subject to the authority of the Library Board and the City Manager, shall have supervision and control of the public libraries and all employees thereof.

CHAPTER 3. – CEMETERIES

SECTION 11-301. Cemetery Department; superintendent.

There is a Cemetery Department, the head of which shall be the Superintendent of Cemeteries appointed by the City Manager for an indefinite term, and removable by the Manager. He shall have supervision and control of the Cemetery Department. There shall be such employees in the Department as the Council may authorize. All such employees shall be appointed by the City Manager and removable by the Manager. The duty of the Cemetery Department is to have charge of, control, maintain and improve the City cemeteries.

SECTION 11-302. Conveyance of lots; limitations of lot ownership and use; abandoned lots.

Lots in a cemetery owned by a City shall be conveyed by certificate signed by the Mayor and countersigned by the City Clerk, under the Seal of the City, showing the price for which the lots are sold, and specifying that the person to whom it is issued is the owner of the lot or lots described therein by number, as laid down on the plat, for the purpose of interment. Such certificate shall vest in the purchaser and his heirs a right in fee simple to such lot or lots, for the sole purpose of interment, under the regulations of the Council. Such certificate shall be entitled to be recorded in the office of the Register of Deeds of the proper county without further acknowledgment, and the description of lots by number shall be sufficient for the purpose of record. The Council may limit the number of lots which may be owned by one person, corporation or association at the same time, and may prescribe rules for enclosing, adorning and erecting monuments and tombstones on cemetery lots, and shall prohibit any division of the use of lots, and any improper adornment thereof. No religious test shall be made as to the ownership of lots, the burial therein or the ornamentation of graves or lots. Lots sold to a corporation or association shall

be used only for the burial of their members or members of their families. All abandoned lots shall revert to the City.

SECTION 11-303. Cemetery Care Fund.

Not less than 12.5% of all monies received from the sale of lots and interments shall be segregated and set aside as a permanent fund to be known as the "The Cemetery Care Fund." The fund shall be expended as required by state law.

SECTION 11-304. Trusts for special care.

Donations, deposits or bequests may be made in trust for the special care of specified lots, monuments or mausoleums in any cemetery, and such funds shall be invested in like manner as the "Perpetual Care Fund"; but a separate account shall be kept of each amount so deposited, donated and bequeathed. Only the interest derived from the fund shall be used in the care, maintenance and repair of such lots, monuments and mausoleums, unless otherwise specified by the donor.

SECTION 11-305. Trustee of perpetual care fund; appointment; duties.

Twenty-five of the lot owners in such cemetery may petition the district court of the county where the cemetery is situated for the appointment of a trustee who shall be known as the trustee of the perpetual care fund whose duty it shall be to receive the perpetual care fund and such other funds as may be donated, deposited or bequeathed to such cemetery or any part thereof, as a perpetual care fund and to invest, manage and control such fund under the direction of the Judge of the district court.

SECTION 11-306. Acts prohibited within cemetery.

It is unlawful to ride or drive through any municipally owned cemetery except on the driveways therein, and at a speed of more than 15 miles per hour. It is unlawful for any person not acting in line of duty or within his own rights to injure or remove any tree, shrub or plant, or to pluck flowers from any lot, or to deface any monument, tombstone, ornament on any grave, or any fence, curbing or railing around any grave, lot or part of lot, or to remove any ornament at any grave, or to damage whatsoever in such cemetery.

SECTION 11-307. Ordinances of City extended to cemeteries.

The ordinances of the City are hereby extended to all City-owned cemeteries which may exist outside the corporate limits of the City and shall be in full effect therein insofar as they are applicable.

SECTION 11-308. Sexton's duties.

The sexton shall see that, before any opening is made of any grave, a permit has been obtained therefor from the City Clerk. He shall supervise all openings made and he shall look carefully to the location of every grave and see that it is placed on the particular property for which the permit is obtained, and he shall allow no error therein. He shall also look after the maintenance of the cemetery by cutting the weeds and grass at proper times and perform other duties as directed by proper authority.

SECTION 11-309. Sexton to see that charges have been paid.

The sexton shall see that all charges are fully paid in advance, before he shall permit any work to be done, and the payments shall be made to the City Clerk when the permit is obtained.

SECTION 11-310. Sexton to supervise opening of all graves.

It is unlawful for any grave to be prepared or opened, or for any gravestones, monuments or markers to be set, in any cemetery owned or controlled by the City, except under the supervision of the sexton of the cemetery.

SECTION 11-311. Fees.

Fees for placing a gravestone, monument or marker shall be paid to the City Clerk prior to any placement in the cemetery as set by the Council:

A. Any gravestone, monument or marker provided by the United States government and which is to be placed in that portion of the cemetery designated as the Soldier's Plot shall be charged a permit fee.

B. All individual-type mausoleums shall be charged a permit fee.

C. All other gravestones, monuments or markers shall be charged a permit fee.

SECTION 11-312. Permit required for opening graves; restrictions on weekend funerals.

A. No grave in any cemetery owned or controlled by the City shall be prepared or opened without a permit therefor first being obtained from the City Clerk of the City, the fees for which shall be as set by the Council for:

   1. Weekday grave opening requiring less than 40 cubic feet of excavation.

   2. Weekday grave opening requiring 40 cubic feet or more of excavation.

   3. Weekend (Saturday and Sunday) grave opening requiring less than 40 cubic feet of excavation.

   4. Weekend (Saturday and Sunday) grave opening requiring 40 cubic feet or more of excavation.

B. No funeral shall be permitted in any cemetery owned or controlled by the City on Saturday or Sunday, excepting only when an emergency exists, by reason of which immediate burial must occur. An emergency warranting such burial can be had only on certificate of a funeral director and a duly licensed and practicing physician that by reason of the condition of the body and for reasons of health immediate burial is required. The appropriate application shall be accompanied by certificates and must be submitted to the City Manager for approval. A funeral home must reimburse the City for manpower and equipment use for a weekend funeral.

SECTION 11-313. Military plot requirements.

It is unlawful for any person to be buried in the military plot at Memorial Park unless proof of an honorable discharge is

presented to the City Clerk. Only flat bronze plaques placed flush with ground will be permitted in the military plot.

SECTION 11-314. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction, be punished as provided in § 1-108 of this Code.

PART 12 - PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1. – BOARDS AND COMMISSIONS

ARTICLE A. - PLANNING COMMISSION

SECTION 12-101. City Planning Commission created; membership.

A City Planning Commission is hereby created. It shall consist of seven appointive members, all of whom shall be electors of the City, and of the Mayor and City engineer (if any) as ex officio members. The seven appointive members shall be nominated by the Mayor and confirmed by the Council and shall serve for terms of three years, the terms to end at 7:30 p.m. on the first Monday in May. Of the original appointive members, two shall serve until that time on the first Monday in May of the calendar year following their appointment; three shall serve until that time on the first Monday in May of the second year following their appointment; and two shall serve until that time on the first Monday in May of the third calendar year following their appointment. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The Council may remove a member of the Planning Commission for the good of the service.

SECTION 12-102. Organization; meetings; officers and employees.

The City Planning Commission shall elect a Chairman, a Vice Chairman and a Secretary, who shall serve until 7:30 p.m. on the first Monday in May after their election or until their successors are appointed. The Secretary need not be a member of the Commission. The commission shall conduct regular meetings. The Chairman, the Mayor or any three members may call special meetings of the Commission. The commission may employ engineers, attorneys, Clerks and other help deemed necessary, subject to the approval of the Council. Their salaries and compensation shall be fixed by the Council and shall be paid out of the City Treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the City Treasury as other legal expenses of the City government are paid.

SECTION 12-103. Powers and duties.

The City Planning Commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by law or ordinance.

SECTION 12-104. City Planning Commission to have power of a zoning commission.

A. The City Planning Commission is here by appointed the zoning commission of the City; and the City Planning Commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a Planning Commission or the powers of a zoning commission, it shall be legally one board known heretofore as the "City Planning Commission. "

B. Exercising the powers of a zoning commission, the City Planning Commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein and any changes there in which it may deem desirable from time to time. It shall have all the powers conferred up on a zoning commission by state statutes and all powers which in the future may be granted by applicable state law to such authorities.

SECTION 12-105. Notice of procedures for proposed zoning changes.

Any property owner who requests that the Planning Commission consider a zoning change to their property shall be required to provide the Planning Commission or its authorized representative with a certificate from a bonded abstractor listing the names and mailing addresses, as reflected by the current year's tax rolls in the office of the county treasurer , of all persons who own property within 300 feet of the property proposed to be rezoned.

SECTION 12-106 Through SECTION 12-109. (Reserved).

ARTICLE B. – BOARD OF ADJUSTMENT

SECTION 12-110. Board of adjustment.

A Board of Adjustment is here by created for this City and shall consist of five members appointed for terms of three years by the Council on nomination by the Mayor or any Council member. The terms shall end at 7:30 p.m. on the first Monday in May. Of the original members, one shall serve until 7:30 p.m. on the first Monday in the next May after appointment; two shall serve until 7:30 p.m. on the first Monday in May a year later; and two shall serve until 7:30 p.m. on the first Monday in May two years later. Vacancies shall be filled for the unexpired terms. The Council may remove a member for cause upon written charges and after public hearing. The members shall serve without compensation.

SECTION 12-111. Organization; meetings.

A. The Board of Adjustment shall elect a Chairman, a Vice Chairman and a Clerk, who shall serve until 7:30 p.m. on the first Monday of the next May after their election. The Clerk need not be a member of the Board. The board shall determine the time and place of its regular meetings, and the Chairman or any three members may call special meetings. All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to 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 Board and shall be a public record. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

B. The board may adopt rules of procedure and practice consistent with the provisions of any ordinance passed pursuant to state law.

SECTION 12-112. Powers.

The Board of Adjustment of this City shall have all of the powers prescribed for such boards by state law and all other powers now or hereafter prescribed for such boards by applicable state law.

SECTION 12-113. Appeals to board.

Appeals may be taken from the action of any administrative officer to the Board of Adjustment by any person aggrieved or by any officer, department or agency of the municipality affected by any decision of the administrative officer, as provided by law. Such appeal shall be taken within 10 days after the order or action appealed from has been made, and written notice of such appeal specifying the grounds thereof shall be filed with the Board of Adjustment.

SECTION 12-114. Appeals from board.

Appeals from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken to the District Court by any person or persons, jointly or severally aggrieved, or any taxpayer, or any officer, department or agency of the municipality, by filing with the City Clerk and with the Clerk of the Board of Adjustment, if there be one, within 10 days after the action of the Board, notice of the appeal. The notice shall specify the grounds of the appeal. Upon filing of the notice, the Board shall forthwith transmit to the court Clerk of the county the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board. The same shall be heard and tried de novo in the District Court, as provided by law.

CHAPTER 2. - ZONING REGULATIONS

SECTION 12-201. Zoning regulations.

Use Conditions:

A. The uses included in C-1, C-2 and C-3 Districts, when located on a lot which is abutting a residential district, shall be screened from the abutting Residential District by the erection and maintenance of a screening wall or fence along the lot line or lot lines in common with the Residential District.

B. The uses included in C-1, C-2 and C-3 Districts shall take place within a completely enclosed building except accessory outdoor display of merchandise is permitted, whether uncovered or covered by a tent or canopy, provided:

   1. The outdoor display area shall extend no closer to the street than the building setback line.

   2. The outdoor display area shall not occupy or use required parking spaces or access aisles.

   3. That such outdoor display area shall be considered floor area for the purposes of determining off street parking and loading requirements as set forth herein.

   4. In C-1, C-2 and C-3 Districts there shall be no open air storage or overnight display of merchandise offered for sale within six hundred feet (600') fro' an abutting Residential District.

CHAPTER 3. – SUBDIVISION REGULATIONS

SECTION 12-301. Subdivision regulations adopted.

The subdivision regulations of the City, contained in ordinance compiled and prepared by the City Planning Commission and adopted by the City, and as amended from time to time, are hereby adopted and incorporated herein by reference for the City. The regulations contained herein are necessary to encourage the most appropriate uses of land, to stabilize the value of property, to improve public safety and safeguard the public health, to decrease traffic congestion and its accompanying hazards, and to create a comprehensive and stable pattern of land development in subdivisions upon which to plan for the transportation of water, sewerage, schools, parks, public utilities and other facilities. In interpreting and applying the provisions of this chapter, they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare. This chapter shall be known as the "Subdivision Ordinance of the City" and may be cited as such.2

CHAPTER 4. – FLOOD DAMAGE PREVENTION

ARTICLE A. – STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION 12-401. Statutory authorization.

The Legislature of the State of Oklahoma has in 11 O.S. §§ 41-47, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the City of Henryetta, Oklahoma, ordains the following, to become effective immediately.

SECTION 12-402. Findings of fact.

A. The flood hazard areas of the City of Henryetta are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION 12-403. 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:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential buyers are notified that property is in a flood area.

SECTION 12-404. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

ARTICLE B. – TERMINOLOGY

SECTION 12-405. 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 Henryetta subject to a one-percent or greater chance of flooding in any given year.

C. BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year.

D. BASE FLOOD ELEVATION - The elevation in feet above mean sea level of the base flood or one-percent chance flood.

E. BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

F. BFE - Base flood elevation.

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 man-made 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 Henryetta Floodplain 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.
FIRM - Flood Insurance Rate Map.

P. FLOOD INSURANCE RATE MAP - An official map of the City of Henryetta on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Henryetta.

Q. FLOOD INSURANCE STUDY - The official report provided by FEMA for the City of Henryetta which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

R. 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.

S. FLOODPLAIN ADMINISTRATOR - A person accredited by the OWRB and designated by the City Council of the City of Henryetta to administer and implement laws, ordinances and regulations relating to the management of floodplains.

T. 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.

U. 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.

V. FLOODPLAIN or FLOOD-PRONE AREA- Any land area susceptible to being inundated by water from any source (see definition of "flood").

W. 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 Henryetta 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.

X. FLOODWAY- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Article C, § 12-407. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

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 ship-building 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 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 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 man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

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 44 CFR 60.3.

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 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 Henryetta's 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, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulations adopted by the

City of Henryetta City Council and includes any subsequent improvements to such structures.

II. NEW MANUFACTURED HOME PARK OR SUBDMSION - 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 management regulations adopted by the City of Henryetta City Council.

JJ. OWRB - The Oklahoma Water Resources Board.
RECREATIONAL VEIIICLE - A vehicle which is:

1. Built on a single chassis;

2. Four hundred 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.

KK. 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 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.

LL. STRUCTURE - A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

MM. 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 50% of the market value of the structure before the damage occurred.

NN. SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start 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 an historic structure, provided that the alteration would not preclude the structure's continued designation as an historic structure.

OO. VARIANCE - A grant of relief by the City of Henryetta 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 44 CFR 60.6.)

PP. VIOLATION - The failure of a structure or other development to be fully compliant with this flood damage prevention ordinance.

QQ. WATER SURFACE ELEVATION - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE C. – GENERAL PROVISIONS

SECTION 12-406. Lands to which this chapter applies.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Henryetta, Oklahoma.

SECTION 12-407. Basis for establishing 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 Okmulgee County, Oklahoma and Incorporated Areas" dated January 6, 2011, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted January 6, 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 Henryetta, dated December 3, 1991, shall be used for this purpose until January 6, 2011.

SECTION 12-408. Establishment of development permit.

A development permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

SECTION 12-409. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

SECTION 12-410. 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.

SECTION 12-411. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 12-412. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur, and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Henryetta or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

ARTICLE D. – ADMINISTRATION

SECTION 12-413. Designation of floodplain Administrator.

The City Council of the City of Henryetta designates The City Manager as Floodplain 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.

SECTION 12-414. Duties and responsibilities of Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

A. Become accredited by the OWRB in accordance with 82 O.S. §§ 1601-1618, as amended.

B. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Review, approve or deny all applications for development permits required by this chapter.

D. 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.

E. 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).

F. 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 FEMA.

G. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

H. Shall require the developer/applicant to determine and provide the base flood elevation on two FEMA elevation certificates, one pre and one post, as well as other data as required in order to administer the provisions of Article E.

I. 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 Okmulgee 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 at any point within the City of Henryetta.

J. After a disaster or other type of damage occurrence to structures in the City of Henryetta, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

K. Maintain a record of all actions involving an appeal from a decision of the City Council.

L. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

SECTION 12-415. Permit procedures.

A. 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 landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

   1. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and

   2. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the

provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. The relationship of the proposed use to the comprehensive plan for that area.

C. The Floodplain Administrator or City Council, as applicable, may approve certain development in Zones A or AE delineated on the Okmulgee County FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the applicant for the development permit in that case first complies with 44 CFR 65.12.

SECTION 12-416. Variances.

A. General provisions.

1. The City Council 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 compliance with this chapter will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and satisfies the pertinent provisions of this § 12-416. 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.

2. 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.

3. In no case shall variances be effective for a period longer than 20 years.

4. Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee of $25.

5. Variances may be issued for new construction and substantial improvements to be erected on a lot of 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 § 12-415 and provisions of § 12-416 of this Article D have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

6. 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 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 such construction below the base flood level increases risks to life and property.

7. 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 Okmulgee County at least 30 days prior to the hearing.

8. The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of this section. This appeals group shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.

9. Variances shall only be issued upon:

   i. A showing of good and sufficient cause;

   ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

   iii. 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

   iv. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10. Upon consideration of the factors stated in this section 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 Article A, § 12-403 of this chapter.

11. 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 15 days after issuance of the variance.

B. Special provisions.

1. 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.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. 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 an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

4. 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:

i. The criteria of§ 12-416A(5), A(9), B(2) and B(3) of this Article Dare met; and

ii. 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.

ARTICLE E. – PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 12-417. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-418. Specific standards.

In all areas of special flood hazards the following provisions are required:

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at a minimum of one foot 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.

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at a minimum of one foot 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.

C. 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:

1. A minimum of two 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 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 floodwaters.

D. Manufactured homes. Require that all manufactured homes to be placed anywhere within the City of Henryetta within Zones A and AE on the City of Henryetta 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 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.

E. Recreational vehicles. Require that recreational vehicles placed on sites within Zones A and AE on the Okmulgee County FIRM either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements of Article D, § 12-415, and the elevation and anchoring requirements for manufactured homes in Subsection D 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.

F. Accessory structure. Accessory structures to be placed on sites within Zones A and AE on the Okmulgee County FIRM shall comply with the following:

1. The structure shall be unfinished on the interior;

2. The structure shall be used only for parking and limited storage;

3. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or rest room use;

4. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;

5. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

6. The structure shall be designed to have low flood damage potential and constructed with flood-resistant materials;

7. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;

8. Floodway requirements must be met in the construction of the structure;

9. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and

10. The structure shall be located so as not to cause damage to adjacent and nearby structures.

SECTION 12-419. Standards for subdivisions.

A. The applicant for a development permit for any subdivision located in Zones A and AE which is 51 or more lots or greater than five acres shall generate the base flood elevation data for that subdivision.

B. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

C. 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 12-420. (Reserved).

RESERVED.

SECTION 12-421. Floodways.

The following provisions shall apply to floodways:

A. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City of Hemyetta during the occurrence of the base flood discharge.

B. If Article E, § 12-421A above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article E.

C. The City of Henryetta may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the development permit complies with all of 44 CFR 65.12.

ARTICLE F. – VIOLATIONS AND PENALTIES; FEE SCHEDULE; SEVERABILITY

SECTION 12-422. 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 misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of the City of Henryetta or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 12-423. Floodplain management fee schedule.

The City of Henryetta City Council establishes the following fee schedule, not to exceed $500 for any one service:

A. Notice of intent fee: $25 maximum.

B. Floodplain development permit application review: $100.

C. Floodplain development permit fee: $25.

D. Inspection fee, per inspection: $25.

SECTION 12-424. Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

PART 13 - PUBLIC SAFETY

CHAPTER 1. - FIRE PREVENTION

SECTION 13-101. Adoption of fire prevention code.

There is hereby adopted by the City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as "Fire Prevention Code" recommended by the Southern Building Code Congress, International, being particularly the latest edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this code. At least one copy of the Fire Prevention Code is on file in the office of the City Clerk. The Fire Prevention Code is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section shall initially take effect, the provisions thereof shall be controlling within the limits of the City.

SECTION 13-102. Fire Department to enforce code.

A. The Fire Prevention Code shall be enforced by the Fire Department of the City, under the supervision of the Chief of the Fire Department. The terms "Bureau of Fire Prevention" and "Chief of the Bureau of Fire Prevention," wherever found in the Fire Prevention Code, shall mean Fire Department and Chief of the Fire Department, respectively, of this City. Whenever the word "municipality" is used in the Fire Prevention Code, it means this City. Whenever the word "corporation counsel" is used in the code, it means the City Attorney of this City.

B. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as may from time to time be necessary.

C. The Fire Chief shall issue all permits required by this chapter except as may be otherwise provided.

SECTION 13-103. Limits for storage and manufacture of flammable liquids, gases and explosives.

A. The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as the City limits.

B. The limits referred to in the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as the City limits.

C. The limits referred to in the Fire Prevention Code, in which bulk storage of liquefied petroleum has been prohibited, are hereby established as the City limits. It is unlawful for any person to establish, erect, construct or enlarge a new plant or place of business within the City limits for manufacturing, distributing or handling liquefied petroleum gas or gases.

D. The limits referred to in the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the City limits.

SECTION 13-104. Modification of code provisions.

The City Manager and Fire Chief, with the approval of the City Council, shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Manager, Fire Chief and Council thereon shall be entered upon the records of the council, and a signed copy shall be furnished the applicant.

SECTION 13-105. New materials processes or occupancies which may require permits.

The City Manager, the Chief of the Fire Department and one person appointed by the City Manager shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the fire code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

SECTION 13-106. Appeals.

Whenever the Fire Chief or the City Manager shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the City Manager to the City Council within 30 days from the date of the decision appealed.

SECTION 13-107. Burning trash, wood or other combustible material.

A. It is unlawful for any person to bum, join in or assist in the burning of or to permit the burning of trash, wood, garbage, refuse, leaves or other combustible material in the City's fire limits. For the purpose of this section, "trash" shall be as defined by § 8-102 of this Code.

B. This section shall not apply to the burning of any such combustible as fuel in a properly constructed firebox, nor to any burning of trash, garbage or refuse within the confines of a building or as may be approved pursuant to state or City rules and regulations.

C. It is unlawful for any person, firm or corporation to bum refuse or other combustible material within the City, outside of the fire limits except:

   1. Fires purposely set for the instruction and training of public and industrial fire-fighting personnel when authorized by the Chief of the Fire Department.

   2. Fires set for the elimination of a fire hazard which cannot be abated by any other means when authorized by the Chief of the Fire Department.

   3. Fires set for the removal of dangerous or hazardous material where there is no other practical or lawful method of disposal, when authorized by the Chief of the Fire Department.

   4. Campfires and other fires used solely for recreational purposes, for ceremonial occasions or for outdoor noncommercial preparation of food.

SECTION 13-108. Transportation of nitroglycerine in or near city.

A. It is unlawful for any person, partnership or corporation to haul, transport or cause to be hauled or transported in any manner any nitroglycerine over, across or upon any street, alley or highway of the City, or any highway or lands within 1/4 mile of the City.

B. To use nitroglycerine for shooting a well located in the City, or within the prohibited distance prescribed in this section before the well is shot, or when any nitroglycerine is taken within any City or within the prohibited distance herein prescribed, permission to take a sufficient amount of nitroglycerin to shoot the well must first be obtained from the City Manager.

SECTION 13-109. Violations and penalties.

A. Any person who violates any of the provisions of the Fire Prevention Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in § 1-108 of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 13-110. Hazardous materials cleanup; recovery of costs.

A. The Fire Chief is authorized to clean up or abate the effects of any hazardous substance or waste unlawfully, accidentally or negligently released, discharged or deposited upon or into any property or facilities within the City. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of such cleanup or abatement activity:

1. The person or persons whose accidental, negligent or willful act or omission proximately caused such release, discharge or deposit.

2. The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge or deposit without regard to fault or proximate cause.

3. The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time or immediately prior to such release, discharge or deposit without regard to fault or proximate cause.

B. In the event that any person undertakes, either voluntarily or upon order of the Fire Chief or other City official, to clean up or abate the effects of any hazardous substance or waste negligently, unlawfully or accidentally released, discharged or deposited upon or into any property or facilities within the City, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in Subsection A of this section shall be liable to the City for all costs incurred as a result of such supervision or verification.

C. For purposes of this section, "hazardous material" means any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

D. For purposes of this section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including benefits and administrative overhead; cost of equipment operation; cost of any contract labor and materials.

E. The remedies provided by this section shall be in addition to any other remedies provided by law.

F. The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

CHAPTER 2. - FIRE DEPARTMENT AND SERVICE

ARTICLE A. - FIRE DEPARTMENT

SECTION 13-201. Fire Department; Chief of the department.

There shall be a Fire Department, the head of which shall be the Chief of the Fire Department appointed by the City Manager for an indefinite term. The Chief of the Fire Department shall be an officer of the City and shall have supervision and control of the Fire Department. There shall be such additional firefighters as may be authorized. All firefighters shall be officers of the City. It is the duty of the Fire Department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire and explosions in theaters, stores and other public buildings.

SECTION 13-202. Duties of Fire Chief.

The Chief shall be at the head of the Department, subject to the laws of the state, ordinances of the City and the rules and regulations adopted in this chapter. The Chief shall have the following powers and duties:

A. The Chief shall be responsible for the general condition and efficient operation of the Department, the training of members and the performance of all other duties imposed upon him.

B. The Chief may inspect or cause to be inspected by members of the Department the fire hydrants, cistern

and other sources of water supply at least twice each year.

C. The Chief shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members.

D. The Chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.

E. The Chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.

F. The Chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and preserve all possible evidence for future. use in the case.

G. The Chief is authorized to enter any building or premises in the City at any reasonable hour for the purpose of making inspections and to serve written notice on the owners or occupants to correct any hazards or violations that may be found.

H. The Chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the Department and shall make reports to the City Manager as he may require.

SECTION 13-203. Duties of Assistant Chief.

In the absence of the Chief, the Assistant Chief on duty shall command the Department and be held responsible therefor in all respects with the full powers and responsibilities of the Chief. The Assistant Chief shall be appointed by the City Manager. Other officers or employees as deemed necessary shall be appointed by the City Manager after consultation with the Fire Chief.

SECTION 13-204. Use of fire equipment; inventory of property.

A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department.

B. The Chief shall prepare and keep a complete inventory of all property belonging to the Fire Department and shall at the expiration of his term tum over such inventory and all such property to his successor, together with all books, records, reports and data of the department.

SECTION 13-205 Through SECTION 13-209. (Reserved).

ARTICLE B. – VOLUNTEER DEPARTMENT

SECTION 13-210. Requirements of company officers.

The company officers of the Volunteer Department shall be selected upon their ability to meet the following requirements:

A. Their knowledge of fire fighting;

B. Their leadership ability; and

C. Their knowledge of fire-fighting equipment.

SECTION 13-211. Secretary-treasurer.

One member elected by the Fire Department shall be secretary-treasurer. His duties shall consist of the following:

A. Calling the roll of the opening of each meeting.

B. Keeping the minutes of each meeting.

C. Collecting any money due the department by the members.

SECTION 13-212. New members of volunteer department.

A. All new members shall be on probation for one year after their appointment. New probationary members shall be recommended by majority of members of the full-time and volunteer Fire Department appointed by the City Manager or his designee.

B. New volunteer members upon completion of their probation period must be approved by the majority of the full-time and volunteer members of the Fire Department and appointed by the City Manager or his designee.

SECTION 13-213. Rules and regulations.

The Volunteer Fire Department shall be subject to the following rules and regulations which shall be incorporated in the bylaws of the department:

A. A volunteer fire fighter is required, when notified, to respond to alarms of fire and other emergencies.

B. A volunteer fire fighter is required to be present at all regular meetings, call meetings and schools presented for the benefit of the fire fighters.

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

D. Any volunteer fire fighter having two unexcused absences in succession or three unexcused absences in a period of three months will be dropped from the Fire Department rolls.

E. Volunteer fire fighters leaving the City for an extended period of time will be required to notify the Chief.

F. Any volunteer fire fighter refusing to attend training classes provided for him will be dropped.

G. Any volunteer member of the Fire Department shall be dropped from the rolls for the following offenses:

1. Conduct unbecoming a fire fighter;

2. Any act of insubordination;

3. Neglect of duty;

4. Any violation of rules and regulations governing the Fire Department; or

5. Conviction of a felony.

SECTION 13-214 Through SECTION 13-219. (Reserved).

ARTICLE C. – CALLS OUTSIDE LIMITS

SECTION 13-220. Contracts authorized outside City limits.

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 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.

SECTION 13-221. Contract terms; fees for service.

A. Okmulgee County citizens living and/or owning property outside the corporate limits of the City of Henryetta may purchase an annual subscription for fire protection and rescue services for the sum of $40 per year. The subscription will provide the subscriber to 3 fire protection or rescue calls per year for any given location. Nonsubscribers will continue to receive fire protection and rescue services but shall be charged $300 per truck and $50 per hour for each hour after the first hour during which services are being provided. In addition such citizens shall be charged a "crew fee" of $150 per unit other than command vehicles and $50 per command vehicle per incident.

B. The City of Henryetta reserves the right to submit all charges for fire protection and rescue services rendered to a citizen's insurance company. Otherwise covered subscribers will not be held liable for any amount over the sum paid by the insurance company. Citizens who are found to have caused the fire or incident which made services necessary through their own negligence will be held responsible for all charges incurred whether they are subscribers or not.

C. All funds received under the provisions of the above subsections shall go into a special capitol improvements fund in the Fire Department to be used for Fire Department equipment.

SECTION 13-222. Authority to answer calls.

The Fire Department of the City is hereby authorized and directed to answer all outside calls within a radius of six miles of the City limits unless, in the opinion of the Fire Chief, it is inexpedient to do so because of another fire in the City, broken apparatus, impassable or dangerous highways or other physical conditions.

SECTION 13-223. Firefighters serving in regular line of duty.

All fire fighters of the Fire Department of the City attending and serving at fires or doing fire prevention work outside the corporate limits of the City, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City. The fire fighters shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the City.

SECTION 13-224. Department 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, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

CHAPTER 3. - POLICE DEPARTMENT AND SERVICES

SECTION 13-301. Police Department created; Chief.

There is a Police Department, the head of which is the Chief of Police, or Police Chief, appointed by the City Manager for an indefinite term, and removable by the City Manager. The Chief of Police is an officer of the City and has supervision and control of the Police Department. All police officers are officers of the City.

SECTION 13-302. Duties of department.

It is the duty of the Police Department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the City; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The Police Department has charge of and operates the City jail.

SECTION 13-303. Police officers.

Police officers shall perform such duties as shall be required of them by the Chief of Police, City ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace. Employees or officers deemed necessary shall be appointed by the City Manager after consultation with the Chief of Police.

SECTION 13-304. Emergency duties in other cities.

A. Approval is hereby given for service of members of the regular Police Department of this City as police officers of any other City or town, in an emergency situation, in the state, not more than 100 miles distant from this City, when such service is requested by the Mayor or Chief of Police of the City or town.

B. Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the City Manager and, in his absence, the Mayor, who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this City, and after consultation with the Chief of Police, shall direct the Chief of Police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

CHAPTER 4. CIVIL DEFENSE

SECTION 13-401. Purpose of civil defense organization.

The purpose of this chapter is to create a civil defense organization for the City to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of such City. The duty of such civil defense organization shall be the protection of the lives and health of the citizens of the City and of property rights, both private and public, and to perform all functions necessary and incident thereto.

SECTION 13-402. Office of civil defense created; director.

There is hereby established under the executive branch of the government of the City an office of civil defense, which shall consist of:

A. A director of civil defense who shall be appointed by the Mayor of the City and serve at his pleasure.

B. A civil defense advisory committee. This committee shall consist of the Mayor as chairman and five members appointed by the Mayor and serving at his pleasure. The committee shall select from its members a vice chairman and secretary. The committee shall function in an advisory capacity on all matters pertaining to civil defense. It shall hold such meetings as are directed by the Mayor.

C. Such other volunteer civil defense advisory committees as may be created by the director for the evaluation of technical, professional or other phases of the work of the office of civil defense and which may provide advisory assistance on any matters pertaining to the City's civil defense.

SECTION 13-403. Director of civil defense; powers and duties.

The director of civil defense shall be the executive head of the office of civil defense and shall be responsible to the Mayor for carrying out the civil defense program of the City. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. He shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall coordinate the activities of all organizations for civil defense within the City and shall maintain liaison with and cooperate with civil defense agencies of other governmental units, both within and without the state, including the state and federal government. He shall have such additional authority, duties and responsibilities as may be authorized by this chapter or other law. The director shall have general direction and control of the office of civil defense. He is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the civil defense organization.

SECTION 13-404. Members of organization to serve without compensation; City not liable for injuries to members.

All members of the civil defense organization created pursuant to this chapter shall serve without compensation, and the City shall not be liable for any personal injury received by any member of such organization while acting in the line of duty.

SECTION 13-405. Emergency powers and duties of director and members of organization.

A. In the event of any enemy-caused emergency or emergency resulting from natural causes, the director of civil defense, after due authorization from the Mayor, shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or civil defense organizations and, if required by the Mayor, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the City.

B. The director of civil defense and other members of the civil defense organization shall have the power and authority to enforce the laws of the state and the ordinances of the City during the period of emergency and shall, at such times, have the further power to make arrests for violations of such laws or ordinances.

CHAPTER 5. - UNCLAIMED PROPERTY

SECTION 13-501. Complete record required.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the Chief of Police. The Chief shall, in a permanent record book kept for that purpose, make a record sufficient 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; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser and the amount for which it was sold.

SECTION 13-502. Disposition of unclaimed property.

Any unclaimed personal property, other than animals, which remains in the possession of the Chief of Police, unclaimed, or the ownership of which is not to him satisfactorily established, for a period of 30 days, shall be sold, and the proceeds of the sale shall be paid over to the City Clerk, who shall issue his receipt therefor, and deposit the same to the credit of the general fund of the City, except such personal property as in the opinion of the City Manager can be more advantageously used by some department or office of the City government. Ten days before a sale of such unclaimed property, the Chief of Police shall sign and have posted in a conspicuous place in the City Clerk's office, where it will be plainly visible to persons who visit that office, notice of the time, place and manner of such sale and general description of the property to be sold. However, if, in the opinion of the City Manager, all or any portion of the personal property may be more advantageously used in any City department or office, he shall so instruct the Chief of Police in writing, and the Chief shall thereupon deliver the personal property

designated to that department or office of City government and make a permanent record of its disposition.

SECTION 13-503. Property found by a private person.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within 30 days, shall, within IO additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional IO days, then the Chief of Police shall sell the property as if it had been found by a public official or employee, or on instruction by the City Manager deliver it to some department or office of the City government for its use.

SECTION 13-504. Recovery by owner.

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

CHAPTER 6. - FIREWORKS

ARTICLE A. – SALE OF FIREWORKS

SECTION 13-601. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FIREWORKS - Shall refer to consumer fireworks or Class C fireworks as defined in 68 O.S. § 1622 et seq.

SECTION 13-602. State permits and licenses.

The permit and fee required hereunder is in addition to and not in lieu of any permit or license required by the State of Oklahoma, including sales tax permits, licenses for the sale of fireworks and certificates for workers' compensation and insurance.

SECTION 13-603. Site.

The construction of the booth, stand or building from which fireworks are sold shall be subject to the statutory requirements and rules and regulations of the Oklahoma State Fire Marshal pertaining to sales of consumer fireworks. No fireworks shall be sold within 500 feet of a gas station or other location selling, storing or distributing flammable gases, including petroleum, propane or natural gas. No sale of fireworks shall take place on property owned by the City of Henryetta. The location of the booth, stand or building shall be placed in a manner to provide safe and reasonable ingress and egress for the public.

SECTION 13-604. Permit.

Any person, business or association selling fireworks within the City of Henryetta shall obtain an annual permit from the City of Henryetta by June I. Said permit shall include the location of the point of sale of the fireworks, the name and address of the persons responsible for the sale of the fireworks, a copy of the sales tax permit, a copy of the state retail license, and, if a corporation or limited liability company, the name and address of their registered agent. If the retail location is set up for a nonprofit purpose or fund-raiser, proof of the beneficiary(s) nonprofit status must also be submitted.

SECTION 13-605. Fees.

The annual fee for a permit shall be $100.

SECTION 13-606. Time.

Sales of fireworks shall be allowed within the City of Henryetta daily between the hours of 9:00 a.m. and 10:00 p.m. from June 15 to July 5.

SECTION 13-607. Littering and removal.

Proprietors shall immediately remove all debris from the sale of fireworks and shall remove any temporary stand or booth from the retail location by July 7 of each year.

SECTION 13-608. Violations and penalties.

Any person found to be in violation of the foregoing, including the sale or use of fireworks without a permit, sale or use of fireworks other than the time permitted, or sale or use of types of devices not allowed hereunder, shall be guilty of an offense.

SECTION 13-609 Through SECTION 13-620. (Reserved).

ARTICLE B. – USE OF FIREWORKS

SECTION 13-621. Definition.

The term "fireworks" as used in this article shall refer to consumer fireworks or Class C fireworks as defined in 68 O.S. § 1622, with the exception of any device which projects itself from the ground or from the initial ignition of the device for more than eight feet, including, but not limited to, aerials, rockets, "Roman candles," fountains or artillery shells.

SECTION 13-622. Adult supervision required.

A responsible adult over the age of 18 who is named on the permit must be present outdoors and within sight of the ignition of fireworks at all times that fireworks are in use.

SECTION 13-623. Site requirements.

No fireworks shall be used within 500 feet of a gas station or other location selling, storing or distributing flammable gases, including petroleum, propane or natural gas. No use of fireworks shall take place on property owned by the City of Henryetta, including streets and alleys. No fireworks shall be used within 20 feet of a structure or vehicle. The site must be mowed so that no weeds are ignited by the use of fireworks. A working water hose or fire extinguisher must be within 10 feet of the ignition location.

SECTION 13-624. Permit required.

Any person, business or association using fireworks within the City of Henryetta shall obtain an annual permit from the City of Henryetta before such use. Said permit shall include the location of the use of the fireworks, the name and address of the persons responsible for the use of the fireworks, and an affirmative statement that the permit holder shall be responsible for violations of this article at that address, by all

persons violating the article, whether or not such persons are related to him or her.

SECTION 13-625. Fee.

The annual fee for a permit shall be $15.

SECTION 13-626. Hours of sale.

Use of fireworks shall be allowed within the City of Henryetta daily between the hours of 10:00 a.m. and 10:00 p.m. on July 3 and July 5; and between the hours of 10:00 a.m. and 11:59 p.m. on July 4.

SECTION 13-627. Removal of debris.

Permit holders shall immediately remove all debris from the use of fireworks and deposit the debris safely in a noncombustible container.

SECTION 13-628 Through SECTION 13-649. (Reserved).

RESERVED.

SECTION 13-650. Violations and penalties.

Any person found to be in violation of the foregoing, including the sale or use of fireworks without a permit, sale or use of fireworks other than at the time permitted, or sale or use of types of devices not allowed hereunder, shall be guilty of an offense.

PART 14. STREETS AND PUBLIC WORKS

Chapter 1. – TREES; SHRUBBERY; PARKING

SECTION 14-101. Injury to trees, shrubbery and parking; powers of municipal authorities.

The owners of real estate abutting upon public streets and avenues shall, subject to the lawful supervision of the City over its streets, have such title to and property in growing trees situated in front of such real estate, but within the boundary line of the streets and avenues, and within the curbline, and also such title and right to property in the parking and ornamental shrubbery planted and cultivated within the curbline of such streets and avenues, as to enable them, in case of wrongful injury or destruction of such trees, shrubbery or parking, to recover from the person or corporation causing the injury or destruction the full damages which the abutting property in front of which they are situated may sustain by reason thereof, notwithstanding the fee title to the land in such streets and avenues may not be in the owner of such abutting property. Such abutting property owners shall also have, subject to the limitations herein specified, the right of action in any court of competent jurisdiction to enjoin wrongful injury to or destruction of such trees, shrubbery or parking. The necessary trimming of such trees, to permit the proper stringing and passage of electric light and power and other wires, shall not be considered as a wrongful injury. Nothing herein contained shall deprive the Mayor and Council of the ordinary supervision of its streets, or of the right to direct, by proper ordinance or resolution, the manner of planting or cultivating such trees, shrubbery or parking, on the part of the street where they shall be so planted and cultivated, and from exercising reasonable supervision of the same, and causing them to be trimmed and grown in such a manner, as not to interfere with public travel upon the streets and sidewalks or other public use. In no event shall the authorities of any city have power to permit any part of the parking or sidewalk to be maintained or encumbered above or below the grade line of such street by any building, terrace, retaining wall, walks, steps or driveway. Any citizen of such city or town shall have the right to maintain a suit for injunction to prevent or remove such encumbrance.

SECTION 14-102. Restrictions on encroachments and obstructions in streets.

The Council may prohibit and prevent all encroachments into and upon the sidewalks, streets, avenues, alleys and other property of the City and may provide for the removal of all obstructions from the sidewalks, curbstones, gutters and crosswalks at the expense of the owners or occupiers of the grounds fronting thereon, or at the expense of the person placing the same there. The Council may also regulate the planting and protection of shade trees in streets, the building of bulkheads, cellar and basement ways, stairways, railways, windows and doorways, awnings, hitching posts and rails, lampposts, awning posts and all other structures projecting upon or over and adjoining, and all other excavations through and under the sidewalks, or along any streets of the City.

SECTION 14-103. Abutting trees and shrubs to be trimmed and/or grass and weeds to be mowed; one-half adjacent alleys to be maintained.

The owner, lessee, resident and/or occupant of any lot, premises, tract, or parcel of land abutting on any street, road, alley or public way in this City shall trim all trees and/or shrubbery and/or mow, cut and/or trim all grass and/or weeds growing or located in the ditches, parking or other strip, between the sidewalks and the roadway, or adjacent to the roadway, of any such street, road, highway, alley or public way, and all trees, shrubbery and grass and/or weeds growing or located on any part of the lot, premises, tract or parcel of land adjacent to the roadway, sidewalks, or any street, road, highway, alley or public way, in a manner that the boughs, limbs, branches or foliage of such trees and shrubbery shall not delay, limit, block, hinder, or obstruct free, safe and convenient passage, travel, vision or sight along such streets, roads, highways, alleys and public ways. The owner, lessee, resident and/or occupant of any lot, premises, tract or parcel of land abutting on any alley within this City shall be responsible for mowing and maintaining, as above provided, 1/2 of the alley nearest abutting the subject lot, premises, tract or parcel of land. Such trees and shrubbery shall be trimmed and/or cut so that the lowest boughs, limbs, branches or foliage shall not be lower than 15 feet above the roadway of the street, road, highway or alley, nor lower than 10 feet above a sidewalk, and grass and weeds shall be mowed, cut and/or trimmed and shall at no time be allowed by the owner, lessee, resident or occupant to exceed a height of eight inches.

SECTION 14-104. Unlawful to injure trees and shrubbery.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the City, provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

Chapter 2. – USE AND OBSTRUCTION

SECTION 14-201. Business use of streets prohibited.

It is unlawful for any person, firm or corporation to construct, erect, place, operate, maintain or permit to exist any ice box, ice dock, gasoline pump, gasoline storage reservoir, tire rack, tire tools or equipment, water hose connection, any mercantile business or any tools, stand, equipment, merchandise or appurtenances thereof, aerials, poles or wires therefor, whether permanent or temporary, or any other obstruction, upon any part of any street, alley, boulevard, parkway, curbing or parking within the City.

SECTION 14-202. Unlawful to obstruct unduly sidewalks and streets.

It is unlawful for any person to use or obstruct the sidewalks of the City in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the City in any manner so as to interfere unduly with lawful traffic and parking thereon.

SECTION 14-203. Unlawful to deposit trash upon streets or sidewalks.

It is unlawful for any person to deposit, throw or sweep into or upon a street, alley, parking or sidewalk of the City any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

SECTION 14-204. Unlawful to play on sidewalks and in streets.

It is unlawful for any person to play on the sidewalks or upon the main traveled portion of the streets and alleys of the City, except as may be authorized by ordinance.

SECTION 14-205. Water and mud from vehicle not to drain onto street.

No automobile or other vehicle shall be washed at any place within the City where the water, dirt, mud or other substances removed therefrom by or during the washing thereof will drain into or upon any street or sidewalk of the City.

SECTION 14-206. Drainage of water and other liquids from filling stations and other businesses.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

SECTION 14-207. Sidewalks to be kept in good condition.

The owner or other person in charge of real property, which adjoins a sidewalk or sidewalk area, shall keep the adjoining sidewalk or sidewalk area in good condition and safe for pedestrian use. It is unlawful for such owner or person in charge to fail to do so. In repairing any sidewalk constructed in sections, such as the recently reconstructed main street sidewalks, sidewalks will be repaired in sections and not partial patches.

SECTION 14-208. Unlawful to obstruct.

It is unlawful for any person, firm or corporation to obstruct, damage or endanger any street, sidewalk, alley or storm sewer within the City by placing any object, obstruction or substance whatever in an approach driveway, bar ditch, street gutter or other drain that will obstruct or prevent the natural flow of surface water in and into storm sewers, street gutters, bar ditches and water drains, or to dam any stream or flow of surface water so as to back any water upon the streets, alleys, sidewalks, storm sewers or street gutters of the City.

Chapter 3. – STREET AND PAVING

SECTION 14-301. Permit required; fees.

A. Only gravel and dirt roads in the City limits may be cut. Any person, firm or corporation desiring to cut, alter or change in any way or any manner or for any purpose any traveled portion of any gravel or dirt street or alley in the City shall before doing so procure a permit from the City Clerk and shall for such purpose at the time pay the fees as set by the Council.

    1. Dirt or gravel excavation - minimum fee for the first square yard or any fraction thereof, and for each additional square yard or fraction thereof.

B. In the event that the permit authorizes more than one opening, alteration or cut, the fee hereinabove set forth shall be computed separately for each such alteration, opening or cut.

SECTION 14-302. Barricades, lights and walkways.

The person, firm or corporation to whom a permit is issued shall be responsible for furnishing and placing all barricades, lights and walkways necessary for the proper protection and safety of the work and the public.

SECTION 14-303. Backfilling.

The person, firm or corporation to whom a permit is issued shall be responsible for backfilling the excavation with gravel and compacting the same. Backfilling must be completed to 95% maximum density, paying particular attention to optimum moisture and grading of the fill material so that there is a minimum of voids. The casing requirements for improved street specified in § 14-306 below apply where streets are cut. In addition to the above, where any public way is cut the trench should be lined with filter fabric.

SECTION 14-304. Debris to be moved from area.

Any person, firm or corporation to whom a permit is issued shall remove surface dirt or other material from the area following completion of such work, and the premises, including the street surface and parking, shall be left perfectly clean.

SECTION 14-305. City clerk to be notified on completion.

Any person, firm or corporation who shall have altered, cut or changed any street or alley pursuant to a permit issued by the city clerk shall, upon completion of the work, according to regulations hereinabove prescribed, notify the city clerk of the completion of such. work.

SECTION 14-306. All roads except for gravel and dirt road must be bored.

All roads except for gravel and dirt roads may not be cut but must be bored. The minimum length of bore (and casing if needed) shall be at least five feet on either side beyond the width of the proposed or existing pavement and shoulder. The casing should be steel (used casing pipe is acceptable) with a wall thickness of at least 1/4 inch. The bore must be at least 24 inches below the lowest top of paving except for bores performed with a wet bore machine which should be at least 36 inches deep. Typical utility piping and minimum casing is shown on the table below. Casing pipe is measured by outside diameter, not inside diameter.

Utility Pipe	Minimum Casing Size
¾ inch water service line or gas line	Nat cased, bored only (if cased, 3 inches)
1 inch water line	Not cased, bored only (if cased, 3 inches)
Electric, cable or telephone wiring	Sch. 80 conduit sired as per NEC to serve as casing
3 inch sewer line	Not cased, bored only (if cased, 6 inches)
4 inch sewer line	8 inches casing
Other line sizes	Standard size casing with inside diameter 3 inches greater than outside diameter of the bell

SECTION 14-307. Violations and penalties.

Any person or entity who or which violates the provisions of the above sections of the city code shall, in addition to possible civil damages, be considered to have committed an offense punishable as specified in § 1-108 of this code.

Chapter 4. – CLOSING OF PUBLIC WAYS OR EASEMENTS

SECTION 14-401. Authority to close public ways.

The city council by ordinance may close to the public use any public way or easement within the city, whenever deemed necessary or expedient, all in accordance with procedure hereinafter set forth.

SECTION 14-402. Procedure.

The procedure for closing of a public way or easement shall be as follows:

A. Written notice of the proposed closing of a public way or easement shall be given to the holder of any franchise or others determined by the city council to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement, which notice shall be given at least 30 days prior to the passage of any ordinance providing for the closing of such public way or easement.

B. Notice to the public shall be given by one publication in any legal newspaper published in the city or, if no paper, then any legal newspaper published in Okmulgee County, with such notification being published at least 14 days prior to the hearing.

SECTION 14-403. Rights retained; reopening.

The city retains the absolute right to reopen the public way or easement without expense to the municipality, and without notice, by the passage of appropriate ordinance by the city council, and without request from any person or party. Should the property owners owning more than l /2 in area of the property abutting on the public way or easement previously closed make application therefor, then the city council shall enact appropriate ordinance reopening the public way or easement without the necessity for notice; however, in its discretion, the city council may require that notice be given to the public in the same manner and for the same length of time as that provided for the closing of the public way or easement.

SECTION 14-404. Closing not to affect utilities.

The closing of the public way or easement shall not affect the right of the city, and any public service corporation or transmission company having facilities located therein, to maintain, repair, reconstruct, operate or remove such installations.

Chapter 5. – PENALTIES

SECTION 14-501. Violations and penalties.

Any person who violates any provision of this part is guilty of an offense and, upon conviction thereof, shall be punished as provided in § 1-108 of this code.

PART 15. TRAFFIC AND VEHICLES

Chapter 1. – GENERAL PROVISIONS

SECTION 15-101. Citation of chapter.

This chapter and all amendments hereto may be cited or referred to as the "Traffic Code, City of Henryetta," and may so appear upon all official documents, records or instruments.

SECTION 15-102. Traffic code controlling.

Except as specifically provided by law as set forth in this chapter, the traffic code shall be controlling and apply to the use of city streets, alleys, thoroughfares, parks, parkways, public parking lots, school driveways, streets, parking lots or any other public right-of-way or municipally owned land, including streets and other ways that form the boundary line of the city, by pedestrians and by vehicles of every kind whether self-propelled or otherwise and whether moving or at rest.

SECTION 15-103. Definitions.

As used herein, the following terms shall have the meanings indicated:

A. ALLEY - Any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings or buildings.

B. AMBULANCE - A motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick or injured persons.

C. BICYCLE - A device propelled by human power upon which any person may ride, having two tandem wheels.

D. BUS - Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation

E. BUSINESS DISTRICT - The territory contiguous to, and including a highway if there are buildings within 600 feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

F. CENTER LANE - Any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles be parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles.

G. COMMERCIAL VEHICLES - Every vehicle designed, maintained or used primarily for the transportation of property.

H. CONTROLLED ACCESS HIGHWAY - Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

I. CROSSWALK - That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Crosswalk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

J. DOUBLE PARK - Parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway.

K. DRIVER or OPERATOR - A person who drives or is in actual physical control of a vehicle.

L. EMERGENCY - An unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot or spontaneous assembly of large numbers of pedestrians, in such a manner as to impede the flow of traffic.

M. EMERGENCY VEHICLE - Vehicles of the fire department, police vehicles and ambulances.

N. HIGHWAY - See "street."

O. INTERSECTION -

1. The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadway of two streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or

2. Where a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways 30 feet or more apart, then every crossing of two roadways of such streets shall be regarded as separate intersections.

P. LANED ROADWAY - A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Q. LIMITED ACCESS HIGHWAY - See "controlled access highway."

R. LIMIT LINES - Boundaries of parking areas, loading zones and nontraffic areas and lines indicating the proper place for stopping where stops are required.

S. LOADING ZONE - A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A "freight curb loading zone" is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a "passenger curb loading zone" is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers.

T. MOTORCYCLE, MOTOR SCOOTER AND MOTOR BICYCLE - A motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

U. MOTOR VEHICLE - Every vehicle which is self-propelled.

V. OFFICIAL TIME - Whenever certain hours are named herein they shall mean Central standard time or daylight saving time, as may be in current use in the city.

W. OFFICIAL TRAFFIC CONTROL DEVICE - All signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

X. PARK OR PARKING - The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, provided that such loading and unloading is in an authorized place.

Y. PEDESTRIANS - Any person afoot.

Z. POLICE OFFICER - Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

AA. PRIVATE ROAD OR ROADWAY - A way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.

BB. PUBLIC PARKING LOT - A parking lot or right-of-way dedicated to public use or owned by the state or a political subdivision thereof.

CC. RAILROAD - A carrier of persons or property upon cars other than streetcars operated upon stationary rails.

DD. RAILROAD TRAIN - A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

EE. RESIDENCE DISTRICT - The territory contiguous to and including a highway not comprising a business district.

FF. RIGHT-OF-WAY - The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

GG. ROADWAY - That portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event that a street includes two or more separate roadways, the term "roadway," as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively.

HH. SAFETY ZONE - The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone.

II. SCHOOL ZONE - All streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of 300 feet in each direction.

JJ. SIDEWALK - That portion of a street between the curblines or at lateral lines of the roadway and adjacent property lines, intended for use of pedestrians.

KK. ST AND or STANDING - Any stopping of a vehicle whether occupied or not. STOP- The complete cessation from movement.

LL. STOP OR STOPPING - When prohibited, any halting even momentarily of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal.

MM. STREET or HIGHWAY - The entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel.

NN. THROUGH STREET OR HIGHWAY - A street, or boulevard or highway or portion thereof at the entrances to which:

1. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and

2. Stop signs are erected as provided in this part.

OO. TRAFFIC - Pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel.

PP. TRAFFIC CONTROL DEVICES OR SIGNALS - Any device legally authorized and used for the purpose of regulating, warning or guiding traffic.

QQ. URBAN DISTRICT - The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter mile or more.

RR. U-TURN - A turn by which a vehicle reverses its course of travel on the same street.

SS. VEHICLE - Every device in, upon or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 15-104. Adoption of state traffic code.

The provisions of the State Motor Vehicle Code, § 1-101 et seq. of Title 47 of the Oklahoma Statutes, the Rules of the Road, § I0- IO1 et seq. of Title 47 of the Oklahoma Statutes, and all of Title 47 of the Oklahoma Statutes and as may be amended from time to time, are hereby adopted and incorporated herein by reference and are enforceable by the city within the city limits as fully as if set out at length herein.

Chapter 2. – ENFORCEMENT AND GENERAL PROVISIONS

SECTION 15-201. Enforcement of traffic laws.

It is the duty of the officers of the police department or any officers that are assigned by the chief of police to enforce all street traffic laws of this city and all the state vehicle laws applicable to street traffic in this city. Officers of the department shall make arrests for traffic violations, investigate accidents and cooperate with other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the department by this part and any other traffic ordinances of this city. Officers may issue written· notice to appear to any driver of a vehicle involved in an accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under the provisions of the traffic code in connection with the accident. (Prior Code, Chapter 20)

SECTION 15-202. Direction of traffic by hand or voice.

A. Officers of the police department or any officers designated by the chief of police are hereby authorized to direct traffic by voice, hand or signal in conformance with traffic laws and ordinances. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws and ordinances.

B. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic in the immediate vicinity.

SECTION 15-203. Direction of traffic by unauthorized persons.

No unauthorized person shall direct or attempt to direct traffic, except in case of emergency where no officer is present.

SECTION 15-204. Obedience to police and fire officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

SECTION 15-205. Emergency, temporary and experimental regulations.

A. The city manager, subject to any directions which the council may give by motion or resolution, is empowered to adopt regulations necessary to make effective the provisions of the traffic ordinances of this city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

B. The city manager may have traffic control devices tested under actual conditions of traffic.

SECTION 15-206. Compliance by those using pushcarts, riding animals or driving animal-drawn vehicles.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle, except those provisions of this part which by their very nature can have no application.

SECTION 15-207. Use of coasters, roller skates and similar devices restricted; play streets.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk; and when so crossing, such person shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinances of this city.

SECTION 15-208. Public officers and employees to obey traffic regulations.

The provisions of this part shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, city or governmental unit or agency, as well as to other vehicles. It is unlawful for any such driver to violate any of the provisions of this part, except as otherwise permitted in this part by state statute. This part shall not apply to the military forces of the United States and organizations of the National Guard when performing any military duty.

SECTION 15-209. Exceptions for persons working on streets.

Unless specifically made applicable, the provisions of this part, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities. All street or highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagpersons. The provisions of this part shall apply to any of the persons and vehicles exempted by this section when traveling to and from such work.

SECTION 15-210. Maintenance and construction zones.

A. City personnel or contractors, while repairing or improving the streets of the city, and city personnel and utility companies, when installing, improving or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the city clerk, to close any street or section thereof to traffic during such repair, maintenance or construction. In exercising this authority, the appropriate personnel, contractor or utility company shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over or around such traffic control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons entering the closed area or zone for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the city personnel, contractor or utility company concerned shall erect, or cause to be erected, traffic control devices to warn and guide the public. Every person using the street shall obey all signs, signals, markings, flagpersons or other traffic control devices which are placed to regulate, control and guide traffic through the construction or maintenance area.

SECTION 15-211. Exemptions for authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this part;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and visual signals as required by law, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SECTION 15-212. Operation of vehicles on approach of authorized emergency vehicles.

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION 15-212.1. Passing stationary emergency vehicles.

A. The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle that is displaying a flashing combination red or blue light or any combination of red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

2. If traveling on a highway other than a highway described in Subsection A(I) of this subsection, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

B. This section does not relieve the operator of a stationary authorized emergency vehicle from the consequences of reckless disregard for the safety of all persons and property upon the highway.

SECTION 15-213. Following emergency vehicles prohibited.

The driver of any vehicle other than one on official business shall not follow any police vehicle, ambulance, civil defense vehicle, fire apparatus or other emergency vehicle traveling in response to an emergency call or request closer than 500 feet, or drive into or park such vehicle within the block where the emergency vehicle has stopped in answer to an emergency call.

SECTION 15-214. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire or alarm of fire, without the consent of the fire department official in command.

SECTION 15-215. Possession of valid driver's license required; compliance with restrictions placed on license.

A. No person shall operate any motor vehicle on the highways without having in his possession at all times, when operating such motor vehicle, an unrevoked or unsuspended operator's or chauffeur's license as required by the laws of the state, unless such person is specifically exempted from such laws by the provisions thereof. No person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license issued to him and valid at the time of his arrest.

B. No person shall operate a motor vehicle in any manner in violation of any restriction that may be imposed in a restricted license issued to him with respect to the type of or special mechanical control devices required on a motor vehicle or any other restriction applicable to the licensee as the state may determine.

SECTION 15-216. Operation of vehicle on invalid license prohibited.

No person shall operate a motor vehicle when his privilege to do so is canceled, suspended, revoked or denied. Any person convicted of violating this section shall be punished by a fine as provided in § 1-108 of this code. Each act of driving on the streets or highways as prohibited by this section shall constitute a separate offense.

SECTION 15-217. Unlawful to operate vehicle without state vehicle license.

It is unlawful to operate a vehicle of any kind upon a street of the city without a state vehicle license as may be required by law or to fail to display the state vehicle license as may be required by law.

SECTION 15-218. Permitting unauthorized person to drive prohibited.

No person shall authorize or knowingly permit any vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of the laws of the state to operate such vehicle.

SECTION 15-219. Duty to stop at accident; leaving scene of accident.

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and sha11 render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop sha11 be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of $100 sha11, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.

C. Any person failing to stop or to comply with any of the requirements of this section sha11 be guilty of a misdemeanor and, upon conviction thereof, sha11 be fined as provided in § 1-108 of this code.

SECTION 15-220. Issuance of citation tags.

A. Police officers are hereby authorized to give notice to persons violating provisions of this part by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this chapter, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags, among other things, shall bear briefly the charge, shall bear the registration number of the vehicle and shall direct the violator to present the tag at the police station or other designated place within the time as may be specified thereon.

B. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

C. The city manager may require that the police officers use citation tags furnished by the city clerk and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

SECTION 15-221. Procedure for police officers.

A police officer who holds a person for such violation other than for. the purpose of giving him a warning or warning notice and does not take a person into custody under arrest shall take the name, address and operator's license number of such person, license number of the motor vehicle involved and such other pertinent information as may be necessary and shall issue to him in writing on a form provided by the city clerk a traffic citation containing a notice to answer to the charge against him before the municipal judge of the city at a time certain to be shown on the citation. The officer upon receiving the written promise of the alleged violator to answer as specified in such violation shall release such person from custody, but the officer, if in his discretion he does not believe such person shall answer the citation, within the time specified, or will flee the jurisdiction of the municipal court, shall take the person into custody, who shall have the privilege of posting bond as provided herein; otherwise he shall be committed to the city jail.

SECTION 15-222. Disposition and records of traffic citations and complaints.

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of this traffic ordinance shall deposit the original and a duplicate copy of the citation to an immediate superior officer who shall cause the original to be delivered to the municipal court of the city and the duplicate copy to the central records section of police department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the city clerk together with such book when all traffic citations therein have been issued.

B. Upon the filing of such original citation in the municipal court of this city, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including the settlement of bail or the payment of a fine, or may be dismissed by the judge if, in his opinion, the actions complained of do not constitute a violation of traffic ordinances.

C. The chief of police shall require the return to him of each traffic citation and all copies thereof except that copy required to be retained in the book as provided herein, which has been spoiled or upon which an entry has been made, and has not been issued to an alleged violator.

D. The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the municipal court of the city.

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

F. It is unlawful and official misconduct for any member of the police department or other officer of public employ to dispose of, alter or deface any traffic citation or any copy thereof or the record of issuance of any traffic citation, complaint or warrant in any manner other than is required in this section.

SECTION 15-223. When copy of citation deemed a lawful complaint.

In the event that the form of citation provided herein includes information and is sworn to, then such citation, when filed with the municipal court, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

SECTION 15-224. Failure to obey citation.

It is unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued.

SECTION 15-225. Failure to comply with traffic citations attached to parked vehicle.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of days as specified on the citation, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that, in the event such letter is disregarded for the specified period of days, a warrant of arrest may be issued. On any occasion where two or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section.

SECTION 15-226. Presumption in reference to illegal parking.

A. In any prosecution charging a violation of any Jaw or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in Subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed.

SECTION 15-227. Illegal cancellation of traffic citations.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

SECTION 15-228. Court records; abstract to be sent to state department of public safety.

A. The municipal judge shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within 10 days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways, the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the state department of public safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The abstract must be made upon a form furnished by the state department of public safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited and the amount of the fine or forfeiture.

SECTION 15-229. Insurance or certificate required.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the city's boundaries shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the state department of public safety, which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the department of public safety which reflect a deposit, bond, self-insurance or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the interstate commerce commission, or the Oklahoma corporation commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

C. Definitions. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in 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 Article VI, Chapter 7, and§ 7-606 of Title 47 of the Oklahoma Statutes.

2. OPERATOR'S POLICY - An operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

3. OWNER'S POLICY - An owner's policy of liability insurance which:

i. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;

ii. Shall insure the person named therein and insure any other person, except as provided in 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 § 7-204 of Title 47 of the Oklahoma Statutes.

4. SECURITY-

i. A policy or bond meeting the requirements of§ 7-204 of Title 47 of the Oklahoma Statutes;

ii. A deposit of cash or securities having the equivalency of limits required under § 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

iii. Self-insurance, pursuant to the provisions of§ 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under § 7-204 of Title 47 of the Oklahoma statutes as acceptable limits for a policy or bond.

5. SECURITY VERIFICATION FORM - A form, approved by the state board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, provided that the operator is not excluded from coverage thereon; or an equivalent form issued by the state department of public safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in § 1-108 of this code.

F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

H. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the state department of public safety within IO days reflecting the action taken by the court.

SECTION 15-230. Operators and front seat passengers required to wear safety belts.

A. Every operator and front seat passenger of a passenger car operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be

installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purpose of this section, "passenger car" shall mean "automobile" as defined in § 12-417 of Title 47 of the Oklahoma Statutes, pickup trucks, truck tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons.

C. This section shall not apply to an operator of a motor vehicle who is a route carrier of the United States Postal Service.

D. This section shall not apply to any passenger vehicle which was manufactured or assembled commencing with the 1966 models, unless such vehicle is now equipped with a properly adjusted and fastened safety belt system.

E. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this section.

F. Any person convicted of violating this section shall be punished by a fine of $10 and shall pay court cots of $15 or the maximum allowed by state law, whichever is greater.

SECTION 15-231. Child passenger restraints.

A. Every driver when transporting a child under four years of age in a motor vehicle operated on the roadways, streets or highways of this city shall provide for properly secured seat belt in the rear seat of the motor vehicle. For purposes of this section, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation.

B. Children four or five years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

1. A nonresident driver transporting a child in this city.

2. The driver of a school bus, taxicab, moped, motorcycle or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws.

3. The driver of an ambulance or emergency vehicle.

4. A driver of a vehicle if all of the seat belts in the vehicle are in use.

5. The transportation of children who for medical reasons are unable to be placed in such devices.

D. 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 the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.

E. Any person convicted of violating Subsection A or B of this section shall be punished by a fine of $10 and shall pay a maximum of $15 court costs thereof or the maximums allowed by state law, whichever is greater. This fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by the loan of a child passenger restraint system.

SECTION 15-232. Unlawful Operation of Motor Vehicle While Texting.

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within this state while using a hand-held electronic communication device to manually compose, send or read any electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00).

C. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:

1. An emergency response operator;

2. A hospital, physician’s office or health clinic;

3. A provider of ambulance services;

4. A provider of firefighting services; or

5. A law enforcement agency.

D. For the purpose of this section:

1. “Cellular telephone” means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency reserved for cellular telephones;

2. “Compose”, “send”, or “read” with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. “Electronic communication device” means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include:

i. A device that is physically or electronically integrated into a motor vehicle;

ii. A voice-operated global positioning or navigation system that is affixed to a motor vehicle;

iii. A hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function,

iv. An ignition interlock device that has been installed on a motor vehicle; and

4. "Text Message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

Chapter 3. – VEHICLE EQUIPMENT; INSPECTION

SECTION 15-301. Certain vehicle prohibited; vehicles injurious to streets.

No vehic1e or object which injures or is likely to injure the surface of a street shall be driven or moved on any street.

SECTION 15-302. Obstructive and dangerous vehicles.

No person shall drive any vehic1e in such condition, so constructed, or so loaded, as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the chief of police and in accordance with the terms of such permit.

SECTION 15-303. Proper use of equipment.

Every vehicle operated upon the streets of the city shall be equipped as required by law. It is unlawful to operate a vehicle upon a street of the city which is not equipped as required by law. It is unlawful to fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law. It is unlawful to operate a vehicle which has equipment prohibited by law upon a street of the city.

SECTION 15-304. Mufflers, cut outs, vehicles and cycles.

A. No motor vehicle with an internal-combustion engine shall be operated within the city unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler cut out or exhaust or vacuum whistle shall be used on any motor vehicle while operating within the city, except that exhaust whistles may be used on authorized emergency vehicles.

B. It is unlawful for any person to operate a motorcycle or motor scooter which is not equipped with a muffler or other noise-reduction control device.

SECTION 15-305. Width, height, length, weight and load.

No person shall drive or convey through any street any vehicle, the width, height, length, weight or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

SECTION 15-306. Inspection of vehicles.

A. No person shall drive or move on any road, street or highway of this city any motor vehicle, including motorcycles, trailers, semitrailers or pole trailers, which are licensed by the Oklahoma tax commission and operated on the streets or highways, of this city, or any combination thereof, unless the vehicle is:

1. In good working order and adjustment and is in such safe mechanical condition as not to endanger the driver or other occupants; and

2. Bearing a valid official inspection sticker issued by an official inspection station licensed by the state department of public safety.

B. The provisions of this section shall not apply to any house trailer, which requires a permit to be moved upon the highways of this state.

C. Any person who violates the provisions of this section shall, upon conviction thereof, be subject to punishment as provided in § 1-108 of this code.

Chapter 4. – SPEED REGULATION

SECTION 15-401. Speed limits generally; exceptions.

A. No vehicle shall be driven at a greater speed than 25 miles per hour upon any street or highway within the city except:

1. Emergency vehicles being lawfully driven as provided in this code;

2. When a different speed limit is otherwise designated and posted; or

3. When a different speed limit is established in this code.

B. The city manager, subject to such direction as the council may give by motion or resolution, may reduce or increase the speed limits provided in this code, and when he does so, appropriate signs shall be placed on such streets or parts of streets indicating the lower or higher speed limit.

SECTION 15-402. School zones.

No vehicle shall be driven at a greater speed than that posted speed per hour between the hours posted on any street adjacent to any school in a designated school zone on days when school is in session, unless a different speed limit or time is otherwise designated and posted.

SECTION 15-403. Speed never to exceed that which is reasonable or prudent for existing conditions; specific limits.

No person shall drive a vehicle at a speed greater or less than is reasonable or prudent under the conditions then existing, taking into consideration, among other things, the conditions of the vehicle, the traffic, roadway surface or width, the amount of light or darkness, the presence of pedestrians in or near the roadways and the obstruction of views. No person shall drive any vehicle at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

SECTION 15-404. Minimum speed requirements; exception.

No vehicle shall be driven at such an unreasonably slow speed in relation to the effective maximum speed allowed as to constitute a hazard or to interfere with the normal movement of other traffic except when the slow speed is unavoidable.

SECTION 15-405. Obedience to maximum and minimum speed limits.

Where official signs and markings give notice of both maximum and minimum speed limits in effect on any street, no vehicle shall be driven at rates in excess of the maximum nor slower than the minimum except as required by an authorized officer or in obedience to posted official signs.

Chapter 5. – SPEED REGULATION

SECTION 15-501. Changing lanes.

A. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, in addition to all other rules consistent with this subsection, a vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and has signaled for a change of course.

B. Where streets or roadways do not have marked traffic lanes, vehicles shall nevertheless keep in line or follow a straight course as nearly as practical and shall not weave in and out or turn from side to side unnecessarily. Vehicles shall move to the right or left only as necessary in slowing or stopping adjacent to the curb, in passing slow moving vehicles or making a proper approach for a turn, and this only after the driver has first ascertained that such movement can be made safely and has signaled for a change of course.

C. Upon a roadway which has been divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

D. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every such sign.

SECTION 15-502. Driving on right side of roadway required; exceptions.

A. Upon all roadways of sufficient width, a vehicle shall be driven to the right of the center of the roadway, except as follows:

   1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

   2. When the right half of a roadway is closed to traffic while under construction or repair.

   3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

   4. Upon a roadway designated and signposted for one-way traffic.

B. AH vehicles shall keep to the right roadway on all streets or highways which are divided into two roadways.

C. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

SECTION 15-503. When overtaking on the right is permitted.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the fo1lowing conditions:

   1. When the vehicle overtaken is making or about to make a left turn.

   2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction.

   3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

SECTION 15-504. Overtaking a vehicle on the left.

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street or roadway until safely clear of the overtaken vehicle.

B. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 15-505. Limitations on overtaking on the left; exceptions.

A. No vehicle shall be driven to the left side of the center of the street or roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the completion of the overtaking and passing without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every instance the overtaking vehicle must return to the right-hand side of

the roadway before coming within l 00 feet of any vehicle approaching from the opposite direction.

B. No vehicle at any time shall be driven to the left side of the roadway under the fo11owing conditions:

1. When approaching the crest of a grade, or upon a curve in the street or highway where the driver's view along the street or highway is obstructed.

2. When approaching within l 00 feet of any bridge, viaduct or tunnel or when approaching within 50 feet of or traversing any intersection or railroad grade crossing.

SECTION 15-506. Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having a width for not more than one line of traffic in each direction, each driver shall give to the other at least 1/2 the main-traveled portion of the roadway as nearly as possible.

SECTION 15-507. One-way roadways and rotary traffic islands.

A. The city manager, subject to any directions given by the council by motion or resolution, may designate any road, street, alley or highway or any separate roadway under their jurisdiction for one-way traffic and shall cause appropriate signs giving notice thereof to be erected.

B. Whenever the city manager designates any street or alley or part thereof as a one-way street or alley, the city manager shall have placed and maintained signs giving notice thereof; and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

C. Upon those streets and parts of streets and in those alleys and parts of alleys so designated as one-way streets and alleys, vehicular traffic shall move only in the direction indicated when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

D. Upon roadways designated and sign posted for one-way traffic a vehicle shall be driven only in the direction designated.

E. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

SECTION 15-508. Following too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

SECTION 15-509. No-passing zones.

A. The state department of transportation, as regards state and federal highways, and the city manager, as regards all other streets, are hereby authorized to determine those portions of any highway where overtaking and passing to the left would be especially hazardous, and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver shall obey the directions thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this section, no driver shall at any time drive to the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

SECTION 15-510. Driving through funeral or other procession prohibited; exceptions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

SECTION 15-511. Drivers in a procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

SECTION 15-512. Funeral processions to be identified.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of such identifying insignia as may be determined and designated by the police department.

SECTION 15-513. Overtaking and passing in school zones.

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone between the hours posted on all days when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

SECTION 15-514. Overtaking and passing school bus.

A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, shall stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

B. The driver of any vehicle when passing a school bus sha11 use due caution for the safety of school children and other occupants of the school bus.

C. Occupants of the school bus shall have the right-of-way when crossing the roadway immediately upon leaving the school bus.

SECTION 15-515. School bus requirements; lights; signs; painting.

A. The provisions of § 15-514 of this code shall be applicable only if the school bus is painted yellow and bears upon the front and rear thereon a plainly visible sign containing the words "SCHOOL BUS" in letters not less than eight inches in height which can be removed or covered when the vehicle is not in use as a school bus.

B. The school bus shall be equipped with four red alternately flashing warning signal lights, two of which shall be located high on the front and two high on the rear of the vehicle. The lights shall be a minimum of four inches in diameter and shall be widely separated.

SECTION 15-516. Driving of vehicles on sidewalk prohibited.

No person shall drive any vehicle within or upon any sidewalk area except at a permanent or temporary driveway.

SECTION 15-517. Limitations on backing vehicle.

The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with any other traffic. No vehicle shall be backed into an. intersection.

SECTION 15-518. Limitation on use of motorcycles, bicycles and motor scooters.

A. No driver of a two-wheel or three-wheel motor vehicle or bicycle shall carry any other person upon or within such vehicle on any street or highway, except as provided in this section:

1. If any two-wheel or three-wheel motor vehicle with a wheel diameter of 12 inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, then it shall be permissible for an operator who has attained the age of 16 or older to carry a passenger.

2. A demonstration ride by a licensed dealer or his employee is permissible.

B. No motorcycle or motor scooter shall be ridden upon any sidewalk of the city.

C. No rider of a motorcycle, bicycle or motor scooter shall hold on to any moving vehicle for the purpose of being propelled.

D. A person operating a motor scooter, motorcycle, motor-driven cycle or motor bicycle shall ride only upon the permanent and regular seat attached thereto.

E. No driver of a motorcycle or motor scooter shall pass other vehicles in between lanes of traffic traveling in the same direction. Authorized emergency vehicles are excepted from the provisions of this subsection.

F. No person under the age of 16 shall operate any motorcycle, motor bicycle or motor scooter within the city between the hours of 10:00 p.m. and 4:00 a.m. on any day.

SECTION 15-519. Required motorcycle equipment; headgear.

A. In addition to all other requirements, motorcycles and motor scooters shall be equipped with the following:

1. Handle bars which do riot exceed 12 inches in height, measured from the crown or point of attachment.

2. Two mirrors, containing a reflection surface of not less than three inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of 200 feet to the rear of his vehicle.

3. Brakes adequate to control the movement of the vehicle, to stop and hold the vehicle, including two separate means of applying the brakes. One means for applying the brakes shall be to effectively apply the brakes to the front wheel, and one means shall be to effectively apply the brakes to the rear wheel. AH such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight, and which shall be activated upon application of the service brake.

4. A properly operating speedometer capable of registering at least the maximum legal speed limit for that vehicle shall be provided.

5. A fender over each wheel. All fenders shall be of the type provided by the manufacturer.

6. One lighted headlamp capable of showing a white light visible at least 300 feet in the direction in which the vehicle is proceeding, and one tall lamp mounted on the rear which, when lighted, shall emit a red light plainly visible from at least 300 feet to the rear. The lights required by this subsection shall be burning whenever the vehicle is in motion during the period from 1/2 hour after sunset to 1/2 hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least 500 feet ahead.

7. A windshield of sufficient quality, size and thickness to protect the operator from foreign objects. In lieu of the windshield, the operator shall wear goggles or face shield of material and design to protect him from foreign objects.

B. No person under 18 years of age shall operate or ride upon any vehicle covered under this section unless the person is equipped with and wearing on the head a crash helmet of the type and design manufactured for use by the operators of such vehicles. All crash helmets shall

consist of lining, padding and chin straps and be of the type as not to distort the view of the driver.

C. No person may operate a motorcycle or motor scooter with the exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturers of the vehicle.

SECTION 15-520. Clinging to vehicles prohibited.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any moving vehicle upon a roadway.

SECTION 15-521. Entering and leaving controlled-access highway.

No person shall drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

SECTION 15-522. Reckless driving; penalty.

Any person who drives any vehicle in a wanton manner without regard for the safety of persons or property is guilty of reckless driving and, upon conviction thereof, shall be fined as provided in § 1-108 of this code.

SECTION 15-523. Careless or negligent driving, stopping or parking.

It is unlawful for any person to drive, use, operate, park, cause to be parked, or stop any vehicle:

A. In a careless manner.

B. In a negligent manner.

C. In such a manner as to endanger life, limb, person or property.

D. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.

SECTION 15-524. Full time and attention required.

The operator of every vehicle while driving upon the streets and highways of the city shall devote full time and attention to such driving.

SECTION 15-525. Operation of vehicles in a careful and prudent manner.

Any person driving a vehicle on a public road or way shall drive the same in a careful and prudent manner and at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the public way and any other conditions then existing.

SECTION 15-526. Driving while under the influence of drugs; penalty.

A. No person shall drive, operate or be in actual physical control of any motor vehicle upon any highway who is under the influence of any substance included in the Uniform Controlled Dangerous Substance Act. The fact that any person charged with a violation of this provision is or has been lawfully entitled to use such controlled substance shall not constitute a defense.

B. Any person who violates this section shall be guilty of an offense and, upon conviction thereof, shall be fined as provided in § 1-108 of this code.

SECTION 15-527. Driving while under the influence of alcohol; penalty.

A. It is unlawful for any person who is under the influence of intoxicating drugs or liquor to drive, operate or be in actual physical control of any motor vehicle in the city.

B. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be subject to a fine as provided in § 1-108 of this code.

C. Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of alcohol or intoxicating liquor, or operating a motor vehicle while his ability is impaired by the consumption of alcohol, evidence of the amount of alcohol in the person's blood as shown by a chemical analysis of his blood or breath is admissible. For the purpose of this section:

1. Evidence that there was 5/100 of 1% or less by weight of alcohol in his blood is prima facie evidence that the person was not under the influence of alcohol or intoxicating liquor;

2. Evidence that there was more than 5/100 of 1 % by weight of alcohol in the person's blood is relevant evidence of operating a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol or intoxicating liquor; however, no person shall be convicted while his ability to operate such vehicle is impaired by consumption of alcohol or intoxicating liquor solely because there was more than 5/100 of I% by weight of alcohol in the person's blood in the absence of additional evidence that such person's driving was affected by the consumption of alcohol to the extent that the public health and safety was threatened or that the person had violated a state statute or local ordinance in the operation of a motor vehicle; and

3. Evidence that there was 10/100 of I% or more by weight of alcohol in his blood shall be admitted as prima facie evidence that the person was under the influence of alcohol or intoxicating liquor.

D. The percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood. The provisions of this subsection do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol or intoxicating liquor.

SECTION 15-528. Speed contest prohibited.

A. No person shall engage in, aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway.

B. No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon any street or highway, in any manner obstruct or place any barricade or obstruction upon any street or highway.

C. When three or more persons assemble to witness or participate in an unlawful speed contest, such assembly is unlawful assembly, and any person who participates in such unlawful assembly is guilty of an offense.

SECTION 15-529. Permits required for parades and processions.

No funeral, procession or parade containing 200 or more persons or 50 or more vehicles except the military forces of the United States and the military forces of this state shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

SECTION 15-530. Driving through safety zone.

No vehicle shall at any time be driven through or within a safety zone or island.

SECTION 15-531. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

SECTION 15-532. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so; nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 15-533. Obstructions to river's view or driving mechanism.

A. No person shall drive a vehicle when it is so loaded or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

SECTION 15-534. Boarding or alighting from vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 15-535. Unlawful riding.

No person shall ride on any such vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

SECTION 15-536. Railroad trains not to block streets.

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. This section shall not app]y in case of engine failure or train accidents within the city limits.

SECTION 15-537. Service drives.

It is unlawful for any person to operate any vehicle through a service drive situated at a street intersection within the city unless the operator of such vehicle transacts business on the premises where such service drive is located.

SECTION 15-538. Truck driving and route restrictions.

The city manager may prescribe routes through the city for the use of trucks in general, trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles, passing through the city. Appropriate and adequate signs shall be placed along such routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the city, shall keep on such route and shall not deviate therefrom except in case of emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the city and not merely through the city.

SECTION 15-539. Loads on vehicles.

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders or other loose material susceptible to blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

C. This section shall apply to trucks loaded with livestock, poultry or agricultural products only except baled agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

SECTION 15-540. Vehicle approaching or entering intersection.

A. When two vehicles enter or approach an uncontrolled intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right as

otherwise stated in this chapter; however, the driver of vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

B. The right-of-way rule declared in Subsection A of this section is modified as through highways as otherwise stated in this chapter.

SECTION 15-541. Vehicle turning left at intersection.

The driver of a vehicle within an intersection intending to tum to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. After so yielding and having given signal when and as required by this code, the driver may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

SECTION 15-542. Vehicle approaching a yield right-of-way sign.

The driver of a vehicle approaching a yield right-of-way sign shall slow to a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to all vehicles on the intersecting street or highway which have entered the intersection or which are so close as to constitute an immediate hazard.

SECTION 15-543. Vehicle entering through highway.

Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle shall stop as required by this code at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the through highway as to constitute an immediate hazard.

SECTION 15-544. Vehicles facing stop, slow, warning or caution signal.

If two or more vehicles face stop, slow, warning or caution signs or signals at an intersection and are approaching as to enter the intersection at the same time, the following rules shall apply: If each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. If each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. If one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not entered the intersection.

SECTION 15-545. Through streets.

A. The city manager, subject to such direction as the council may give, may designate any street or part of a street a through street.

B. Whenever the city manager designates and describes a through street, the stop sign, or yield sign if deemed more appropriate, shall be placed and maintained on every street intersecting a through street, or intersecting that portion thereof, unless traffic at such intersection is controlled at all times by traffic control signals.

C. At the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the city manager if deemed desirable.

SECTION 15-546. Intersections where stop or yield required.

The city manager, subject to any directions given by the council by motion or resolution, is hereby authorized to determine and designate intersections upon other than through streets where particular hazards exist and to determine whether:

A. Vehicles shall stop at one or more entrances to any such stop intersection, in which event he shall cause to be erected a stop sign at every such place a stop is required; or

B. Vehicles shall yield the right-of-way to vehicles on a different street as provided in this part in which event he shall cause to be erected a yield sign at every place where yield is required.

SECTION 15-547. Stop or yield sign construction and placement.

Every stop or yield sign erected pursuant to this chapter shall bear the word "Stop" or "Yield" in letters not less than eight inches in height for a stop sign and not less than seven inches in height for a yield sign. Every stop or yield sign shall at night be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign or by efficient reflecting elements on the face of the sign. Every stop or yield sign shall be located as close as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then the sign shall be located at the nearest line of the intersecting roadway.

SECTION 15-548. Vehicle entering stop intersection.

Except when directed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection. In the event that there is no crosswalk, the driver shall stop at a clearly marked stop line before entering the intersection. If there is no marked stop line, then the driver shall stop at the point nearest the intersecting road where the driver has a view of approaching traffic on an intersecting roadway before entering the intersection. A driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or road, or which is approaching so close as to constitute immediate hazard; but the driver having so yielded may then proceed and the driver of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

SECTION 15-549. Vehicle entering yield intersection.

The driver of a vehicle approaching a yield sign shall, in observance to such sign, slow down to a speed reasonable for the existing condition or shall stop if necessary and shall

yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another road so closely as to constitute an immediate hazard. The driver having so yielded may then proceed and drivers of all other vehicles approaching the intersection shall yield to the vehicle o proceeding. A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian at a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The provisions of this section shall not release the drivers of other vehicles approaching the intersection at such a distance as not to constitute immediate hazard from the duty to drive with due care to avoid a collision. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection before entering the intersection; if there is no crosswalk, the driver shall stop at a clear]y marked stop 1ine or, if there is no stop 1ine, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

SECTION 15-550. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter,]eave or cross a highway from or into a private road or driveway shall yield the right-of-way to all vehicles approaching on the highway.

SECTION 15-551. Vehicle entering traffic from parking.

Any vehicle attempting to reenter traffic while parked at the curb shall yield the right-of-way to oncoming traffic in the street approaching from the rear. The parked vehicle shall proceed into the line of traffic only after the driver has given the appropriate signal] which indicates his intention of turning from the curb and into the line of traffic. The vehicle shall in no event enter the line of traffic until the driver has ascertained that no hazard exists.

SECTION 15-552. Emerging from alley, driveway or building.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediate]y prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

SECTION 15-553. Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SECTION 15-554. Obedience to signal.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

   1. A dearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

   2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

   3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

   4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

SECTION 15-555. Certain vehicles to stop at all railroad grade crossings.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or traffic control signal directs traffic to proceed.

Chapter 6. – TRAFFIC CONTROL DEVICES

SECTION 15-601. Authority to install traffic control devices.

The city manager, subject to any directions given by the council by motion or resolution, shall have placed and maintained traffic control signs, signals and devices when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances and may have placed and maintained such additional traffic control signs, signals and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

SECTION 15-602. Uniform requirements.

A. All traffic control signs, signals and devices shall conform to the Manual of Uniform Traffic Control Devices approved by the state department of public safety.

B. All signs, signals and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the city. All traffic control devices erected and not inconsistent with the provisions of state law or this chapter shal1 be official traffic control devices.

SECTION 15-603. Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this part.

SECTION 15-604. When official traffic control devices required for enforcement purposes.

No provision of this chapter for which official traffic control devices are required sha11 be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. If a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

SECTION 15-605. Traffic control signal legend.

The display of signal lights, arrows and words shall be deemed to have the following meanings and requires the appropriate response on the part of vehicular traffic and pedestrians:

A. Green alone, "go":

1. Vehicular traffic facing the signal, except when prohibited, may proceed straight through or turn right or left unless an official sign at such place prohibits such turn, but any vehicle and any pedestrian lawfully within the intersection or adjacent crosswalk at the time the signal displays green shall have the right-of-way over such vehicular traffic.

2. Pedestrian traffic facing a green signal may proceed across the roadway within any marked or unmarked crosswalk unless a "walk" signal indicator is operating.

B. Steady yellow or amber alone, "caution":

1. The showing of such signal color following green shall constitute a warning that the "red" or "stop" signal will be exhibited immediately thereafter.

2. Vehicles facing the signal shall stop before entering the near side crosswalk or at the limit line, if it is marked, unless the vehicle is so near the limit line when the "caution" signal first flashes that a stop cannot be made in safety, in which event vehicles may proceed cautiously through the intersection and clear the same before the "red" signal flashes.

C. Red alone, "stop":

1. Vehicular traffic facing the signal shall stop before entering the crosswalk and shall remain standing until green or "go" is shown alone. Except where official signs are erected prohibiting such turns, vehicles in the right traffic lane, after making a full stop as required, may enter the intersection cautiously and make a right turn, but such vehicles shall yield the right-of-way to any pedestrians or other traffic in the intersection and the turn shall be made so as not to interfere in any way with traffic proceeding on a green signal indication on the cross street.

2. Pedestrians facing the signal shall not enter or cross the roadway when such movement interferes with traffic proceeding on a green signal indication on the cross street or when the movement cannot be made in safety. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized to do so by a pedestrian "walk" signal.

D. Steady red with green arrow:

1. Vehicular traffic facing such signal when in the proper traffic lane may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. If the movement indicated by the green arrow is a left turn, the left turn shall be made only on the red with green arrow signal.

2. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal.

E. Green arrows alone. Whenever vehicular traffic movements are controlled by green arrows alone and not displayed with any other signal indication, vehicles facing such signals may make the movements indicated by the green arrows, and the movements shall be made only when the green arrows are displayed.

SECTION 15-606. Pedestrians; signal indicators; regulations.

Special pedestrian control signals exhibiting the words "walk," "wait" or "don't walk" shall regulate pedestrian movement as follows:

A. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

B. "Wait" or "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety zone while the "wait" signal is showing.

SECTION 15-607. Flashing signals.

A. Whenever a flashing red or yellow signal is illuminated, it shall require obedience by vehicular traffic as follows:

1. "Flashing Red." When a red light is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. "Flashing Yellow." When a yellow light is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

B. This section shall not apply at railroad grade crossings.

SECTION 15-608. Pedestrian-activated school crossing signals.

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

A. "Flashing yellow":

1. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or pass such signal only with caution.

2. Pedestrians shall not proceed in conflict with traffic, but may activate the signal control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal.

B. "Steady yellow alone":

1. Vehicular traffic facing the signal is thereby warned that the red of "stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or pass the signal when the red or "stop" signal is exhibited.

2. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown.

C. "Steady red":·

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection and shall remain standing until flashing yellow is shown alone.

2. Pedestrians may proceed across the road controlled by the signal and shall be given the right-of-way by the drivers of all vehicles.

D. "Steady red and steady yellow combined":

1. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter and that such vehicular traffic shall remain standing until the flashing yellow is shown alone.

2. Pedestrians are thereby warned that the flashing yellow signal is about to be shown and shall not enter the signal-controlled roadway or intersection or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island and shall be given the right-of-way by the drivers of all vehicles.

SECTION 15-609. Unauthorized traffic control devices prohibited.

A. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal or device bearing thereon any commercial advertising.

C. This section shall not prohibit the erection upon private property adjacent to highways of signs giving useful directional information which are of a type that cannot be mistaken for official signs.

D. Every prohibited sign, signal, marking or device may be removed without notice.

SECTION 15-610. Defacement of traffic control devices.

A. No person shall without lawful authority attempt to or in fact alter, destroy, deface, molest, interfere, tamper, injure, knock down, remove or have in his possession any traffic control device or any railroad sign or signal or an inscription, shield or insignia thereon, or any part thereof.

B. This chapter shall not apply to any of the following persons when acting within the scope and duty of their employment:

1. Any officer, agent, independent contractor, employee, servant or trustee of any governmental agency.

2. Any officer, agent, independent contractor, employee, servant or trustee of any contractor, public utility or railroad company.

SECTION 15-611. Authority to establish play streets.

The city manager, subject to any directions given by the council, shall have authority to declare any street or part thereof a play street and to have placed appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 15-612. Restrictions on use of play streets.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area; and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 15-613. Designation of crosswalks and safety zones.

The city manager, subject to any directions given by the council, may:

A. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

B. Establish safety zones or islands of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

SECTION 15-614. Traffic lanes.

A. The city manager, subject to any directions given by the council, may be authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

Chapter 7. – STOPPING, STANDING AND PARKING GENERALLY

SECTION 15-701. Illegal parking declared public nuisance.

Any vehicle in violation of any regulation contained in this chapter governing, limiting or prohibiting the parking or standing of a vehicle on any street or public thoroughfare is hereby declared to constitute a public nuisance, and each separate traffic citation issued as authorized herein for such violation shall constitute a separate notice thereof to the owner or operator of such vehicle.

SECTION 15-702. Application of standing or parking regulations.

The provisions of this chapter shall not be applicable when it is necessary for a vehicle to stop to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

SECTION 15-703. Establishment of parking time limits; signs; regulations.

A. The city manager, subject to any directions given by the council by motion or resolution, may establish parking time limits or prohibit parking on designated streets or parts of streets and have appropriate signs placed on the streets. When the signs are in place, it is unlawful for any person to park a vehicle in violation of the sign. No such time limits shall be effective unless a sign is erected and in place at the time of the alleged violation.

B. Leaving a vehicle parked in a regulated parking zone for a period of time in excess of that established by the city manager for such zone shall constitute a misdemeanor and shall be punishable by a fine. Each separate violation of the time limit shall constitute a separate violation. In no event shall the fine for parking a vehicle in a regulated parking zone exceed an amount set by the city in any one twenty-four-hour period.

C. The chief of police, under directions from the city manager, shall have charge of the enforcement, supervision and control of the parking regulations established by the city manager and shall be responsible for the enforcement of all ordinance and code provisions relating to parking in regulated zones, and is hereby authorized to adopt and implement procedures necessary to supervise and enforce the parking limits established by the city manager, including the marking of tires of vehicles parked in a regulated parking zone.

D. Any person who interferes with the enforcement of the parking regulations established by the city manager, including the removal, erasure or defacing of any markings made on the tires of a vehicle while parked in a regulated parking zone, shall be guilty of a misdemeanor.

E. Notwithstanding other provisions of this code, unless otherwise designated by the city manager, vehicles may be parked in regulated parking zones for a period not to exceed 24 hours on Sundays and other holidays, and on other days before 9:00 a.m. and after 6:00 p.m.

SECTION 15-704. Parking more than 48 hours.

No person shall park a vehicle on any street for a period of time longer than 48 hours. The parking of a vehicle for more than 48 hours shall constitute prima facie evidence of abandonment of the vehicle.

SECTION 15-705. Brakes to be set while parked; motor no to be left running.

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked.

SECTION 15-706. Signs or markings indicating angle parking.

The city manager, subject to any directions given by the city council by motion or resolution, shall determine upon what streets and parts of streets angle parking shall be permitted and shall have such streets marked or signed.

SECTION 15-707. Obedience to angle-parking signs or markings.

On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

SECTION 15-708. Parking in spaces marked off.

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off, and not on or over a line delimiting a space.

SECTION 15-709. Permits for loading or unloading at an angle to the curb.

A. The city manager is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading· merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The city manager may revoke such permits at any time.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

SECTION 15-710. Stopping, standing or parking in hazardous or congested places.

A. The city manager is hereby authorized to determine and regulate by proper signs the stopping, standing or parking of vehicles when such stopping, standing or parking would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places, as authorized in Subsection A of this section, no person shall violate such signs.

SECTION 15-711. Stopping, standing or parking prohibited in specified places.

A. No person shall stop, stand or park a vehicle, except in emergencies or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer} or traffic control device, in any of the following places:

1. On a sidewalk, sidewalk area or between the sidewalk and the street.

2. In front of a public or private driveway.

3. Within an intersection.

4. Within 15 feet of a fire hydrant except in a parking space officially marked.

5. On a crosswalk.

6. Within 20 feet of a crosswalk at an intersection.

7. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length has been indicated by signs or markings.

9. Within 50 feet of the nearest rail of a railroad crossing.

10. Within 20 feet of the driveway entrance to any fire station, and on the side of street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted.

11. Alongside or opposite any street excavation or construction when stopping, standing or parking would obstruct traffic.

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

14. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any prohibited area or an unlawful distance away from a curb.

SECTION 15-712. Blocking of intersection or crosswalk prohibited.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SECTION 15-713. Standing or parking on one-way roadway.

A. If a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit such standing or parking.

B. The city council may determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

SECTION 15-714. Standing or parking on left side of one-way streets.

The city manager may have signs erected upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When the signs are in place, no person shall stand or park a vehicle in violation of any such signs.

SECTION 15-715. Parking adjacent to schools.

A. The city manager may have signs erected indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. No person shall park a vehicle in violation of any such signs.

SECTION 15-716. Parking prohibited at intersections.

The parking of vehicles at the curb where streets intersect shall be prohibited 15 feet in advance of the crosswalk on the near side of such intersection.

SECTION 15-717. Parked vehicles not to extend too far into street.

No vehicle shall be parked at an angle on a street so that it or its load will extend more than 15 feet from the curb or edge of the roadway towards the center of the roadway. No vehicle shall be parked parallel to the curb or edge of the roadway so that it or its load shall extend more than nine feet from the curb or edge toward the center of the roadway.

SECTION 15-718. Parking prohibited on narrow streets.

A. The city manager is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

B. When such signs are so erected and in place, no person shall park a vehicle upon any such street in violation of any such sign.

SECTION 15-719. Parking in alleys; blocking driveways.

No person shall park a vehicle within a street or alley in such a manner or under such conditions as to]eave available Jess than 20 feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or a1ley in such position as to block a driveway entrance to any abutting property.

SECTION 15-720. Entry on private property; trespass; evidence; burden of proof.

A. No person shall make an entry with any vehic1e upon real property owned or legally occupied by another without the owner's or occupant's consent except where such private property is provided as public parking and the general use of the property is not restricted by signs or proper markings.

B. Where entry is made upon real property owned or legally occupied by another without the owner's or occupant's consent, except on unrestricted public parking, and is complained of by the owner or legal occupant of the premises, the burden is put upon the person making the entry to show that permission for such entry was given.

SECTION 15-721. Truck parking restricted in certain areas.

It is unlawful to park any truck, bus, trailer or any other commercial vehicle any of which exceeds 30 feet in length in any area of the City of Henryetta zoned residential except while actually engaged in the loading or unloading of persons or materials or when said vehicle is otherwise lawfully parked on private property.

SECTION 15-722. Double parking.

A. No driver shall double park or double stop a vehicle under the following conditions:

   1. Within 50 feet of an intersection except alley intersections, or within 10 feet of an alley intersection.

   2. Opposite a double parked or double stopped vehicle across the street.

   3. When such double parking or double stopping would or does block or interfere materially with the normal movement of traffic.

   4. When parking space adjacent to the curb is available.

   5. When directed by a police officer to move on.

   6. In any position other than parallel to the curb and within two feet of the adjacent vehicle parked next to the curb.

B. A driver may double park or double stop a vehicle only as authorized in this section. There must be a licensed driver in any vehicle while it is double parked or double stopped.

C. A driver may double stop for the purpose of, but only while actually engaged in, the expeditious loading or unloading of passengers, subject, however, to all the general conditions hereinabove set out.

D. A driver may double park for the purpose of, but only while actually engaged in, the expeditious loading or unloading of merchandise, subject, however, to all the general conditions hereinabove set out. No such vehicle shall be double parked longer than 10 minutes.

SECTION 15-723. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the purpose of:

A. Displaying the vehicle for sale.

B. Displaying advertising or displaying merchandise or other things for sale or selling merchandise or other things.

C. Washing, cleaning or repairing the vehicle, except for repairs necessitated by an emergency.

SECTION 15-724. Method of parking, standing or parking close to curb.

Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb. Any vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within 18 inches of the left-hand curb.

SECTION 15-725. Negligent parking.

No person shall park,_ cause to be parked, stop or leave unattended any vehicle as follows:

A. In a careless or negligent manner.

B. In such a manner as to endanger life, limb, person or property.

C. In such manner as to endanger or interfere with the lawful traffic or use of the streets.

SECTION 15-726. Right-of-way to parallel parking space.

A. The driver of any vehicle intending to occupy a parallel parking space where a backing movement is necessary and which is being vacated by another vehicle shall stop his vehicle to the rear of the parking space until the vacating vehicle has cleared and entered normal traffic. He then shall be deemed to have the right-of-way to such parking space over any other vehicle attempting to park therein.

B. The first of two or more vehicles to reach the rear boundary of an unoccupied parallel parking space where a backing movement is necessary to occupy shall be deemed to have the right-of-way to such parking space.

SECTION 15-727. Enforcement of handicapped parking regulations; penalty.

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of a motor vehicle of a physically disabled person unless such person has a physical disability insignia as under the provisions of § 15-112 of Title 47 of the Oklahoma Statutes and such insignias are displayed as provided in § 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be punishable by a fine as provided in § 1-108 of this code.

C. Pursuant to 47 O.S. § 11 -1008,1 city law enforcement officers are hereby specifically authorized to investigate accidents on private property where the public is invited as we11 as on public property. [Added 12-16-1997 by Ord. No. 882]

Chapter 8. – LOADING

SECTION 15-801. Definitions.

As used in this chapter, the fo1lowing terms shall have the meanings indicated:

A. COMMERCIAL VEHICLE -

1. A truck designated for delivery purposes with the name of the owner or his business painted on both sides of the vehic1e, regularly used during normal business hours for the delivery and handling of merchandise or freight and which bears a regular state commercial license tag;

2. A passenger vehic1e used regularly and actually engaged during normal business hours in the delivery and handling of merchandise or freight, and which bears a special numbered license plate issued by the city at the rear of the vehicle attached to the state license plate together with an identical1y numbered decal, issued vehic1e.

B. FREIGHT LOADING ZONES - AH curb loading zones authorized and regularly used exc1usive1y for the loading and unloading of merchandise for storage, trade, shipment or resale.

C. PASSENGER LOADING ZONES - A11 loading zones authorized and used regularly and exc1usively for the loading and unloading of passengers except bus stops, taxicab stands and stands for other passenger common carrier vehic1es.

SECTION 15-802. Designation of curb loading zones; city to be reimbursed.

A. The city manager, subject to any directions given by the council by motion or resolution, may determine the location of passenger and freight curb loading zones and shall have placed and maintained appropriate signs indicating the zones and stating the hours during which the provisions of this section are applicable.

B. No person shall stand or park a vehicle in violation of signs erected in accordance with this section.

C. If any loading zone is established on request of any person, the signs shall not be placed until the applicant pays to the city an amount of money estimated by the city counci1 to be adequate to reimburse the city for all costs of establishing and signing the same.

SECTION 15-803. Loading zones to be used only for designated purpose.

No curb loading zone authorized and established as a passenger loading zone shall be used as a freight loading zone, and no freight loading zone shall be used as a passenger loading zone except as may be specifically provided by law.

SECTION 15-804. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle in a passenger curb loading zone for any purpose or period of time other than for the expeditious loading or unloading of passengers, during the hours when the regulations applicable to such curb loading zones are effective, and then only for a period not to exceed three minutes.

SECTION 15-805. Stopping, standing or parking in commercial curb loading zone.

A. No person shall stop, stand or park a vehicle in a commercial curb loading zone for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes. Vehicles using any commercial loading zone shall be subject to the licensing requirements and regulations provided by this chapter.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not

interfere with any commercial vehicle which is waiting to enter the zone.

SECTION 15-806. Designation of public carrier stops and stands.

The city manager may establish loading zones for common carriers, including but not limited to bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles, on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such loading zone shall be designated by appropriate signs.

SECTION 15-807. Use of bus and taxicab stands restricted.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and the appropriate signs are in place. The driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

SECTION 15-808. Stopping, standing and parking of buses and taxis.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage except in a bus stop, stand or loading zone designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall. not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Chapter 9. – TURNING MOVEMENTS

SECTION 15-901. Turning markers or indicators.

A. The city manager, subject to any directions given by the council by motion or resolution, is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The course to be traveled, as so indicated, may conform to or be other than as prescribed by law.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 15-902. Designation of restricted turns.

The city manager is hereby authorized to determine those street intersections at which drivers of vehicles shall not make right, left or U-turns, and shall have proper signs placed at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours. Where turns are restricted during certain hours pursuant to this section, the same shall be plainly indicated on the signs, or they may be removed when turns are permitted.

SECTION 15-903. Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, the driver of a vehicle shall not disobey the directions of any such sign.

SECTION 15-904. U-Turns.

A. The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in the city at the fol1owing locations:

1. At intersections control1ed by traffic control devices or signals unless such turns are specifical1y authorized.

2. Where a police officer is directing traffic except at the latter's direction.

3. At any other location where an official "no-U-turn" has been placed and is maintained.

B. Manner of making U-turns. A U-turn may be made only when it can be made in safety and without interfering with other traffic. No person shall make a U-turn except in the following manner:

1. By approaching the intersection as closely as practical to the right curb or edge of the roadway, the driver giving and continuing to give a signal for a left turn until the turn is completed, proceeding to make the turn across the intersection;

2. In one continuous movement without stopping or backing the vehicle;

3. By yielding the right-of-way at all times to all vehicles until such turn is completed; and

4. Without constituting a hazard to or interfering with any other vehicle.

C. It is unlawful for any person operating a vehicle to make a U-turn on Main Street in the city.

SECTION 15-905. Position and method of turning.

The driver of a vehicle intending to turn at an intersection shall do as follows:

A. Right turns. Both the approach for a right turn and the execution of a right turn shall be made as close as

practicable to the right-hand curb or edge of the roadway.

B. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, the approach for a left turn shall be made in that portion of the right half of the street nearest the center thereof by passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

C. Left turns, on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearby as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon roadway being entered.

SECTION 15-906. Turning movements and required signals.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in § 15-905 of this code, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left, slow or stop when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning or stopping.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

SECTION 15-907. Means of giving turn signals.

A. Any stop or turn signal when required herein shall be given either by means of hand or arm, or by a signal lamp or lamps, or mechanical device of a type approved by the Oklahoma department of public safety, except as provided in Subsection B of this section.

B. A vehicle shall be equipped with, and the required signal given by, signal lamps or devices when:

1. The body or cab of a vehicle or the load of any vehicle projects 24 inches or more to the left of the center of the steering wheel;

2. Under any condition where a hand and arm signal would not be visible both to the front and rear of the vehicle; or

3. The rear limit of the body of a vehicle or the load of any vehicle projects 14 feet or more beyond the center top of the steering post.

SECTION 15-908. Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

A. Left turn: hand and arm extended horizontally.

B. Right turn: hand and arm extended upward.

C. Stop or decrease speed: hand and arm extended downward with palm to the rear.

SECTION 15-909. Turns into or from alleys.

A. No vehicle shall turn left when proceeding into or proceeding out of an alley except when necessary to enter a one-way street, and no vehicle shall cross any street or highway when proceeding into or proceeding out of any alley except as provided in Subsection B of this section.

B. Left turns may be made when proceeding out of an alley if a traffic survey conducted by the traffic engineer shows that such turn may be made safely and official signs are erected authorizing such turns.

C. The foregoing provisions of this section shall not apply to bus terminals used by licensed and authorized bus lines.

Chapter 10. – PEDESTRIANS

SECTION 15-1001. Pedestrian subject to traffic control signals.

Pedestrians shall be subject to traffic control signals as provided for in this code of ordinances, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

SECTION 15-1002. Pedestrians' right-of-way at crosswalks.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when:

1. The pedestrian is upon the half of the roadway upon which the vehicle is traveling; or

2. The pedestrian is approaching so closely from the opposite edge of the roadway as to be in danger.

The provisions of this subsection are not applicable under conditions where pedestrians are required to yield pursuant to this chapter.

B. No pedestrian shall suddenly leave a curb or other place of safety or walk or run into the path of the vehicle which is so close that it is impossible for the driver to yield.

C. Whenever any vehicle is stopped at a marked crosswalk, or any unmarked crosswalk, or at an intersection to permit a pedestrian to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake to pass such stopped vehicle.

SECTION 15-1003. Pedestrians to use right half of crosswalk.

Pedestrians, when crossing the street at a crosswalk, shall move, whenever practicable, upon the right half of the crosswalk.

SECTION 15-1004. Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

SECTION 15-1005. When pedestrians shall yield.

A. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. The provisions of this section are not applicable where pedestrian crossings are prohibited.

SECTION 15-1006. Pedestrians walking along roadways.

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practical, walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction, and shall yield to approaching vehicles.

SECTION 15-1007. Pedestrians prohibited from soliciting rides, business or donations from vehicle occupants.

A. No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.

B. No person shall:

1. Stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions or the watching or guarding of any vehicle while parked or about to be parked on a street.

2. Sell or attempt to sell anything to any person in any vehicle.

3. Hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift.

4. In any other manner, while standing in the street or roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

SECTION 15-1008. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this chapter, every driver shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person on the roadway.

SECTION 15-1009. Use of crosswalk required.

Between adjacent intersections, at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. Pedestrians shall not cross any divided highway having a median in the center thereof except in a crosswalk.

SECTION 15-1010. Obedience of pedestrians to railroad signals.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

Chapter 11. – BICYCLES

SECTION 15-1101. Application of bicycle regulations.

The provisions of this chapter shall apply whenever a bicycle is operated upon any street or upon any public way; or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

SECTION 15-1102. Application of traffic laws to bicycles.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state and the traffic provisions of this code applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature are inapplicable to such persons.

SECTION 15-1103. Obedience to traffic control devices.

A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to the pedestrians.

SECTION 15-1104. Riding on bicycles.

A. No person operating a bicycle shall ride other than astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

SECTION 15-1105. Riding on roadways and bicycle paths.

A. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. If usable paths for bicycles are provided adjacent to a roadway, bicycle riders shall use such paths and shall not use the roadway.

SECTION 15-1106. Speed of bicycle.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 15-1107. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or sidewalk area extending across the alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway, the bicycle operator shall yield the right-of-way to all vehicles approaching on the roadways.

SECTION 15-1108. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand on the handle bars.

SECTION 15-1109. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against the building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

SECTION 15-1110. Riding on sidewalks.

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. The city council, by motion or resolution, is authorized to have erected signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person; and when such signs are in p]ace, no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signa1 before overtaking and passing such pedestrian.

SECTION 15-1111. Lamps and equipment on bicycles.

A. Bicycles in use at nighttime shall be equipped with a]amp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from 500 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehic1e. A]amp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.

C. A bicycle shall not be equipped with, nor shall any person use, any siren or whistle.

D. Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

Chapter 12. – (RESERVED)

Chapter 13. – IMPOUNDMENT OF VEHICLES

SECTION 15-1301. Purpose and effect of impoundment provisions.

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights and for safeguarding and protecting recovered sto1en vehicles.

SECTION 15-1302. Place of impoundment.

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the city and to no other place.

SECTION 15-1303. Duration of impoundment.

A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

SECTION 15-1304. Police granted authority to impound vehicles.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter.

SECTION 15-1305. Disabled vehicles.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

A. If left unattended and improperly parked on a street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic.

B. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

SECTION 15-1306. Vehicles on bridges or tunnels.

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

SECTION 15-1307. Arrest and detention of driver of vehicle.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded.

SECTION 15-1308. Vehicle constitutes traffic hazard.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

SECTION 15-1309. Illegal trespass by vehicle.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

SECTION 15-1310. Vehicles parked overtime.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code, regarding more than 48 hours, shall be impounded.

SECTION 15-1311. Vehicles blocking fire exits or hydrants.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

SECTION 15-1312. Vehicles parked in intersection.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

SECTION 15-1313. Stolen vehicles; recovery by police.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment, and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified, the vehicle may be impounded.

SECTION 15-1314. Vehicles with outstanding traffic citations.

Any vehicle for which two or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part.

Chapter 14. – PENALTIES

SECTION 15-1401. Obedience to traffic code.

A. It is an offense against the city for any person to do any act forbidden or to fail to perform any act required by this part.

B. It is an offense against the city for the parent of any child or for the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this part.

C. It is an offense for any person to authorize or knowingly to permit any vehicle registered in his or her name to be driven or to stand or to be parked in violation of any of the provisions of this part.

SECTION 15-1402. Violations and penalties.

Except as otherwise provided in this part, any person violating any of the provisions of this part containing the traffic laws of the city, or who performs any unlawful act as defined in this part, or who fails to perform any act required by this part, shall be guilty of an offense and, upon conviction thereof, shall be fined or punished as provided in § 1-108 of this code.

PART 16. TRANSPORTATION

Chapter 1. – RAILROADS

SECTION 16-101. Railroads to improve streets and alleys.

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the council by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain and grade such alley and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the council by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the council by motion or resolution may approve. When more than one track crosses a street within a distance of 100 feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain and curb the street area between its tracks, and surface or pave it with the same material which the city is to use or has used, on the street Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

SECTION 16-102. Sidewalks to be constructed by railroads.

Railway companies shall construct sidewalks crossing their rights-of-way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

SECTION 16-103. Climbing on moving trains.

It is unlawful for any person to climb upon, hold to or in any manner attach himself to any railway train, locomotive or railway car, while such is in motion within the city, unless such person is acting in line of duty, or to board any train or railroad car, including a passenger, freight or other car, except with a proper ticket or the permission of the person in charge of the train or car or in line of duty.

SECTION 16-104. Speed of trains.

It is unlawful for any person to operate or drive a train or railroad engine at a speed greater than 25 miles per hour within the city.

Chapter 2. – TAXICABS

SECTION 16-201. License required for taxicab operators.

A. It is unlawful for any person, firm or corporation to operate one or more taxicabs in the city without securing a taxicab operator's license. Upon application, the city clerk will issue such license upon the following conditions:

   1. That the applicant pay a license tax in an amount to be established by motion or resolution of the city council;

   2. That the applicant file with the city clerk a proof of financial responsibility as required by state law; and

   3. That the applicant applying for a taxicab license must appear in person before the city council for a hearing.

B. The applicant must be of good moral character. The council may approve or disapprove the issuance of a license and so direct the city clerk.

C. A taxicab license shall expire on April 30 annually.

SECTION 16-202. Violations and penalties.

Any person, firm or corporation who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 1-108 of this code. Each day's continuation of any such violation shall be a separate offense.

Chapter 3. – AIRPORT DEPARTMENT

SECTION 16-301. Airport department created.

An airport department is hereby created for this city, the head of which shall be a superintendent appointed by the city manager for an indefinite term, and removable by the city manager. He shall be an officer of the city and shall have supervision and control of the airport department.

SECTION 16-302. Duties.

It is the duty and responsibility of the airport department to have charge of, control, operate, maintain and improve the airport and all other aviation facilities under the control of the city. It shall enforce and administer all airport or aviation regulations of the city and, where applicable and appropriate, of the federal and state government.

SECTION 16-303. Airport board created; appointment; terms; compensation.

There shall be an Airport Board, which shall consist of five members, all of whom shall be adult citizens of Okmulgee County, Oklahoma, and appointed by the city manager with the approval and confirmation of the City Council. The board shall be appointed and perform its functions whether the city is operating the airport or leasing the same. Members shall serve until their respective successors have been appointed and qualify. After the appointment of the initial membership of such board as hereinabove provided, all subsequent appointments, whether for complete terms or to fill vacancies,

shall be made as follows: The members of the existing board whose terms are not expiring or who remain following the existence of a vacancy shall submit a list of five names for each term or vacancy to the city manager, who shall then make the appointment from such list with the approval of the council. The city manager or the council may reject all names on the list, in which event a new list of five names shall be submitted in the same manner and the process continued, if necessary, until the terms or vacancies on the board are filled. Members of the board shall serve without compensation. The terms of members shall be three years expiring on the third Monday in June of the respective year, except of those initially appointed, two shall serve for one-year terms, two shall serve for two-year terms and one shall serve for a three-year term.

PART 17. UTILITIES

Chapter 1. – WATER AND SANITARY SEWER SYSTEMS

SECTION 17-101. Henryetta municipal authority.

The city has leased its water, sanitary sewage, refuse and collection systems to the Henryetta municipal authority, a public trust. The trust has power to set water and sewer rates and otherwise to regulate the water and sewer systems. The motions and resolutions adopted by the trust replace ordinances which the city has relating to these matters. For the motions and resolutions passed by the public trust please refer to the minutes of the Henryetta municipal authority. For ordinances adopted by the city related to water and sewer systems, see the ordinance table. A copy of the trust indenture for the Henryetta municipal authority appears in this code in the appendix.

SECTION 17-102. Adjustments to water bills.

A. The city manager of the city is authorized to adjust those water bills incurred by purchasers of city water in such instances as he may in his discretion determine have been materially increased by reason of errors in reading meters or by reason of a substantial leak unknown to the customer until after the increased bill was incurred and which the customer had no opportunity to repair.

B. Any customer requiring relief under this section should submit a written application to the city manager by delivering same to the city clerk, which application should be on a form prepared by the city manager and furnished to the customer who requested the same. Any application for relief filed by a water purchaser by reason of an undiscovered and substantial leak on his premises must be supported by a statement from a licensed plumber or a representative of the city substantiating existence of leak and giving his expert opinion as to the length of time such leak had existed.

C. If high usage is detected by City, customer will be notified and given five working days following notification to repair leak. Adjustment for leaks will only be figured on one-half (1/2) amount of water and sewer above average usage and only up to and including time allowed to repair leak.

Chapter 2. – REFUSE COLLECTION AND DISPOSAL

SECTION 17-201. Definitions.

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

1. GARBAGE - Every accumulation of animal or vegetable matter, or both, or refuse made from kitchens, pantries, dining rooms or other parts of hotels, restaurants, boardinghouses, dwelling houses, market houses, public institutions, private hospitals, butcher shops, . poultry stores and fish stores.

2. HAZARDOUS MATERIAL - Includes anything determined by law or regulation to be a hazard to persons or environment and anything deemed hazardous to public safety by the city council.

3. REFUSE - Ashes, cinders, paper boxes and other combustible and inflammable material, shoes, clothing, tin cans, iron or other metallic vessels or metallic scraps, and ordinary waste accumulated by family residents.

4. RESIDENTS, OWNER or RENTAL AGENT - Includes any person, firm or corporation having charge or supervision for the maintenance of any dwelling house, apartment house, boardinghouse or business of any nature in the city.

5. TRASH - Leaves, grass and excessive boxes, papers and other combustible material, industrial wastes, debris from construction or refuse or waste that is not properly contained or bundled.

B. The terms "garbage," "refuse" or "trash," as previously defined, shall be considered to mean the same for reference purposes.

SECTION 17-202. City to be divided into districts; transfer station; use of garbage containers required.

The sanitation department shall divide the city into routes or districts and operate garbage and trash trucks over the routes or districts to pick up garbage and trash of the residents of the city which are placed in proper cans or facilities as prescribed by this chapter. The department shall operate, or cause to be operated, the city transfer station. It shall report to the police department the names and addresses of any persons who fail to comply with the ordinances of the city on providing containers and utilizing the trash and garbage services.

SECTION 17-203. Use of collection services mandatory; fees; payment.

A. Each and every owner, tenant, occupant or lessee of any family dwelling, separate apartment, building, office or premises within the corporate limits of the city is required to accept and use the refuse or garbage services provided by the city and to pay to the city clerk the prescribed fee, or fees, for such refuse and garbage services.

B. Rates for the refuse or garbage service shall be as set by the city council from time to time by motion, resolution or ordinance. A copy of the current schedule shall be kept in the office of the city clerk.4

C. The charge made for sanitation service is an integral part of the utility charge made by the city, and the bills submitted which are for all such services, including water, sewage and sanitation, must be paid in full, and a failure to pay for any service thus furnished shall result in all service being promptly discontinued.

SECTION 17-204. Suitable weatherproof receptacles required.

Every resident, owner, rental agent or occupant in this city shall have the following option for refuse containers:

A. One ninety-five-gallon maximum polycart as specified by the city; or

B. Businesses may use one or more two-yard or three-yard dumpsters.

SECTION 17-205. Authorization to collect; frequency of service.

The sanitation department shall collect from any premises in the city all refuse placed in proper containers. Pickup for residences shall be once each week, Monday through Friday. Pickup for businesses shall occur Monday through Friday, except those weekends where a holiday occurs. On those weekends, the sanitation department will pick up on Friday or Monday only those businesses that have requested a holiday pickup at least one week in advance.

SECTION 17-206. Placement of refuse for pickup; loose refuse; tree limbs; investigation of services.

A. All refuse shall be placed entirely within approved containers. Overfilling containers beyond capacity is prohibited. Allowing refuse to pile up around containers or to be scattered by animals or wind is prohibited. If it becomes necessary to place additional refuse out for pickup, it shall be placed in a heavy-duty plastic bag and tightly secured. Bags shall not be left out overnight if there is a possibility bags may be tom open or scattered. City employees will not pick up loose refuse scattered before their arrival. Tree limbs must be cut into a minimum of four-foot lengths and securely tied in bundles with heavy-duty string, twine or rope. Bundles shall not exceed 50 pounds.

B. The sanitation department supervisor shall, upon giving notice or upon receipt of application, investigate services rendered and expense involved in furnishing service to any entity. Upon completion of such investigation, the department supervisor may order a change in frequency and method of rendering such service and the monthly charge to be made therefor. The supervisor shall notify the utility office of any changes for proper billing.

SECTION 17-207. Authorization required to transport garbage or refuse.

It is unlawful for any person, firm or corporation to remove from any premises in the city or to transport through the streets, alleys or public places any garbage, refuse or trash, except as may be authorized by the city council.

SECTION 17-208. Improper disposal of hazardous material prohibited.

A. There are numerous materials which have been identified as being a hazard to people and the environment if disposed of improperly. Some products provide proper disposal instructions but many do not. The Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA) and the Oklahoma State Department of Health (OSDH) have all compiled lists of hazardous material.

B. It shall be unlawful to improperly dispose of any material deemed to be a hazard by any of the aforementioned agencies. It shall be unlawful to improperly dispose of any material deemed to be a hazard to public safety by the city council.

C. The city council may, by motion or resolution, adopt, establish or amend a listing of materials requiring proper disposal. Such. listing shall be kept on file by the city clerk and copies made available to the public.

D. Improper disposal of needles and other sharps specifically prohibited.

1. Specifically prohibited is the improper disposal of needles and other sharp objects which may have been in contact with human body fluids. Proper disposal containers may be purchased locally and, when full, may be brought to the fire station and turned in for proper disposal. Placing these items in trash containers, the sanitary sewer system or discarding them where any person may be injured by them constitutes improper disposal.

2. Once discarded, there is no way to determine whether needles or sharps may have been in contact with human body fluids; therefore, this requirement shall extend to all persons who use needles or sharps for purposes such as vaccinating or operating on animals.

SECTION 17-209. Designation of refuse collection point; alternatives to curbside collection.

All collection of residential refuse shall be conducted from curbside along established streets. Those persons physically unable to place containers at curbside may request arrangements be made to pick up containers from other than curbside; however, no arrangement may be made that would significantly impede the timely completion of service routes. The sanitation supervisor shall determine arrangements for other than curbside pickup.

SECTION 17-210. Violations and penalties.

Any entity found guilty of failing to comply with the prov1s10ns of this chapter shall be punished as provided in § 1-108 of this code. Each twenty-four-hour period where such failure exists shall be and constitute a separate offense.

Chapter 3. – WATER SERVICE AND PAYMENT

SECTION 17-301. Collection of water service; termination for nonpayment.

A. The city has leased its water system to the Henryetta Municipal Authority, a public trust. The city wishes to establish a procedure for the collection of delinquent water bills and to terminate service for nonpayment.

B. Water bills for the previous months' service shall be due and payable on the 16th day of the month, and any bill not paid by this date shall be considered past due. Any customer failing to pay by this date shall be subject to a penalty in the amount of 5% of the sum due.

C. Any customer who has a bill which is past due shall receive a notice that, if the bill is not paid in full by the ninth day of the following month, service will be disconnected and, if service is disconnected, it will not be restored until the bill is paid in full and a reconnection fee of $18 is paid. Any customer receiving the above disconnect notice has the right to appeal the cutoff to the city manager and to have a hearing as to why the service should not be disconnected. The request for an appeal shall be made to the city manager no later than five working days prior to the date for disconnection. All customers may be represented by an attorney or other representative at the hearing.

D. After service has been disconnected, the city may pull the meters if it has reason to believe that the meter has been reconnected without the payment of the past due bill. After the meter has been pulled, it will not be reset until the customer pays all bills in full and a fee of $30 for resetting the meter.

E. When water service has been terminated at any premises, whether by application, request of the owner thereof or for the nonpayment of the water service, including all charges included in any such water bill, or for any other cause, it shall be unlawful for any person to connect or reconnect such water service except when duly authorized by Authority. In the event the water service is connected or reconnected without such authorization, the person responsible shall be guilty of an offense against the city and upon conviction thereof shall be punished by a fine of $500, plus court costs, for each day such violation, offense occurs or continues to occur. In addition, the Henryetta Municipal Authority may then shut off the water service at the main or remove a portion of the service connection at the cock. Service to said premises shall not therefore be reconnected until all unpaid charges, including any municipal fine(s) and court costs have been paid, or adequate arrangements made for such payment with the Municipal Judge and the Municipal Authority Manager.

F. No new water service will be provided to a residence or commercial building until all outstanding water bills and associated penalties for that location are paid in full.

Chapter 4. – SANITARY SEWER SYSTEMS

SECTION 17-401. Policy and objectives.

A. This chapter sets forth uniform requirements for users of the publicly owned treatment works for the City of Henryetta and enables the City of Henryetta to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.). The objectives of this chapter are:

1. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.

2. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.

3. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

4. To promote reuse and recycling of wastewater and sludge from the publicly owned treatment works.

5. To enable the City of Henryetta to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other federal or state laws to which the publicly owned treatment works is subject.

B. This chapter shall apply to all users of the publicly owned treatment works. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

SECTION 17-402. Administration.

The city council of the City of Henryetta shall appoint a city manager, hereinafter referred to as the "manager." Except as otherwise provided herein, the manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the manager may be delegated by the manager to others.

SECTION 17-403. Definitions and word usage.

A. For the purpose of this chapter, certain terms and words are to be used and interpreted as defined hereinafter:

1. ACT - The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

2. AU1HORIZED REPRESENTATIVE OF THE USER:

i. If the user is a corporation:

a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal function, or any other person who performs similar policy or decision making functions for the corporation; or

b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

ii. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

iii. If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

iv. The individuals described in Subsections (1) through (3) of this definition, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written

authorization is submitted to the City of Henryetta.

3. BIOCHEMICAL OXYGEN DEMAND or BOD5 - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° C., usually expressed as a concentration (e.g., mg/1).

4. BYPASS - The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

5. CFR - The most recent publication of the Code of Federal Regulations published by the Office of the Federal Register, National Archives and Records Administration.

6. CITY MANAGER - The city manager appointed by the city council of the City of Henryetta.

7. COMPOSITE SAMPLE - A sample collected as specified under Subsection (1), (2) or 3 of the definition of "maximum concentration for any one day."

8. DOMESTIC SEWAGE- Liquid wastes:

   i. From preparation, cooking and handling of food, from individual dwelling units or any private living quarters;

   ii. Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions; or

   iii. Collected by floor drains located in commercial establishments that generate only floor washdown water that does not normally contact significant .amounts of any substance or wastes containing either toxic pollutants defined under 40 CFR Part 401.15, or oil and grease.

9. ENVIRONMENTAL PROTECTION AGENCY or EPA- The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

10. GRAB SAMPLE - A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

11. INDIRECT DISCHARGE or DISCHARGE - The introduction of pollutants into a POTW from any nondomestic source.

12. INDUSTRIAL SEWAGE - Wastewater that is not domestic sewage.

13. INDUSTRIAL USER or USER - A source of indirect discharge.

14. INFLOW - Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, cleanouts, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stream waters, surface runoff, street wash waters, open service lines or drainage.

15. INTERFERENCE - A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

   i. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

   ii. Therefore is a cause of a violation of any requirement of the POTW' s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following use statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the "Resource Conservation and Recovery Act" (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

16. MAXIMUM ALLOWABLE DISCHARGE LIMIT- . The highest acceptable concentration of pollutants or characteristics of a waste discharged to the POTW as established by the most stringent requirements of this chapter or National Pretreatment Standard.

17. MAXIMUM CONCENTRATION FOR ANY ONE DAY- The concentration of pollutants in:

   i. A flow proportional composite sample obtained through a twenty-four-hour period. Sampling may be done manually or automatically, and discreetly or continuously. If discrete sampling is employed, at least 12 aliquots should be composited. However, if the facility only operates and generates the majority of the wastewater during one eight-hour shift, then the requirements of Subsection (2) of this definition below apply.

   ii. A flow proportional composite sample obtained through six-hour period. Sampling may be done manually or automatically, and discreetly or continuously. If discrete sampling is employed, at least four aliquots should be composited. If the facility does not have provisions for instantaneous flow measurement, then the requirements of Subsection (3) of this definition below apply.

   iii. A mixture of at least four grab samples collected over equally spaced periods covering a total time period of at least eight hours.

iv. For sampling conducted by the City of Henryetta, a single grab sample.

18. MONTHLY AVERAGE- The sum of the results of all sampling and analysis of a particular substance divided by the number of sampling and analysis events for a calendar month. If only one sample is collected in a calendar month, that single sample result will be the monthly average.

19. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT -A permit issued to a POTW pursuant to Section 402 of the Act.

20. OIL and GREASE - Substances measured in a laboratory procedure defined in 40 CFR Part 136.

21. PASS THROUGH - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

    i. Discharges a daily pollutant loading in excess of that allowed by permit with the POTW or by federal, state or local law;

    ii. Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;

    iii. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or

    iv. Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's violations.

22. pH - A measure of the acidity or alkalinity of a solution, expressed as the logarithm of the reciprocal of the hydrogen ion concentration in gram equivalents per liter of solution.

23. POLLUTANT - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, mtmitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, TSS, turbidity, color, BOD, COD, toxicity or odor).

24. POTW TREATMENT PLANT- That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

25. PRETREATMENT- The reduction of the amount of pollutants, the eliminations of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 403.6(e). The use of dilution as a substitute for pretreatment is prohibited, see Section 29-61 paragraph B item 6.

26. PUBLICLY OWNED TREATMENT WORKS or POTW - A treatment works as defined by Section 212 of the Act, which is owned by a state or municipality [as defined by Section 502(4) of the Act]. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal, sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

27. SEVERE PROPERTY DAMAGE - Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

28. SLUG LOAD or SLUG - Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards. The discharge is a nonroutine, episodic nature, including but not limited to an accidental spill, or a noncustomary batch discharge.

29. STORMWATER- Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

30. SUSPENDED SOLIDS or TSS - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.

31. WASTEWATER- Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

B. In this chapter, use of the term "shall" is a mandatory requirement. The term "may" is permissive or discretionary.

SECTION 17-404. Prohibited discharges.

A. General prohibitions. A user may not introduce into a POTW any pollutant(s) or wastewater which causes pass through or interference. These general prohibitions and the specific prohibitions in this section apply to each user introducing wastewater into a POTW whether or not the user is subject to other National Pretreatment Standards or any national, state or other pretreatment requirements. A user (either a domestic or nondomestic source) may not contribute the following to the POTW:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process or facility, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of sewage treatment plant effluent.

3. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.

4. Pollutants which will result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

5. Any septic tank waste that does not comply with all provisions listed below:

   i. Septic tank waste may be introduced into the POTW only at locations designated by the manager and at such times as are established by the manager. Such waste shall not violate the provisions of this chapter or any other requirements established by the City of Henryetta. The manager may require septic tank waste haulers to provide copies of their state authorization to haul wastes.

   ii. No load may be discharged without prior consent of the manager. The manager may collect samples of each hauled load to ensure compliance with applicable standards. The official may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.

   iii. Septic tank waste haulers must have available for review a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the septic tank waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes. The manager may require copies of the waste-tracking form.

6. Solid viscous or liquid substances in quantities or of such size as to cause or be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper products such as dishes, cups, milk containers, etc., either whole or ground by garbage grinders, slops, chemical residues or bulk solids.

7. Any unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

8. Any substance that may pass through the treatment plant without being effectively treated or otherwise reduced to acceptable concentrations by normal treatment methods such that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

9. Any waters or wastes containing substances in excess of the limits established in § 17-404B(8).

10. Any garbage that has not been properly shredded. The installation and operation of any garbage shredder equipped with a motor of ¥4 horsepower (0.76 HP-metric) or greater shall be subject to review and approval of the manager. All shredded garbage shall be flushed into the sewer system with enough water to prevent the clogging of the sewer system.

11. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits to be established by the manager on a case-by-case basis in compliance with and after consultation with the appropriate regulatory agencies.

12. Any water or wastes containing excessive discoloration or causing excess discoloration of the effluent including but not limited to dye wastes and vegetable tanning solutions.

13. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

14. Any pollutani including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

15. Any source of inflow.

B. Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140° F. or 60° C. using the test method specified in 40 CFR 261.21.

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges

with pH lower than 5.0 or higher than 11.0, provided that the pH at the POTW treatment plant remains between 6.5 and 9.0. Should the pH at the POTW treatment plant at any time be below 6.5 or above 9.0, then pollutants shall not be introduced to the POTW with a pH lower than 6.5 or higher than 9.0;

3. Any substance with a BOD, or TSS, or oil and grease concentration in amounts individually or in combination with other discharges which may result in interference or pass through.

4. Any waters or wastes with total dissolved solids concentrations greater than 3,000 mg/l plus the dissolved solids in the city water supply.

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 29.4° C. (85° F.), or exceeds 120° F. at the point of discharge. Should the temperature at the POTW treatment plant exceed 29.4° C. (85° F.) at any time, then pollutants shall not be introduced to the POTW with a temperature that exceeds 40° C. (104° F.).

6. No industrial user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The manager may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

7. Hazardous wastes as defined by 40 CFR Part 261.

8. No industrial user shall discharge wastes containing greater than the following total concentration of pollutants (includes both dissolved and suspended portions):

Pollutant	Monthly Average (mg/l)	Daily Maximum (mg/l)	
Cadmium	0.062	0.10	
Chromium		0.46	0.75
Copper	0.07	0.11	
Lead	0.23	0.47	
Nickel	0.72	1.20	
Silver	0.74	1.77	
Zinc	0.11	0.19	
Phenol		12.0	
Oil and grease			164

The limits specified above apply at the point of discharge to the POTW. National Pretreatment Standards apply at the end of the process generating the waste.

9. Pollutants which contain more than 25 mg/l of settleable solids in a thirty-minute settleability test as per Standard Methods for the Examination of Water or Wastewater, latest edition.

10. Pollutants which contain solids that are too large to pass a screen with one-and-one- half-inch openings.

SECTION 17-405. Reports of potential problems.

A. In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the manager of the incident This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall submit a detailed written report describing the cause(s) of the occurrences. Such notification ·shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this chapter.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

SECTION 17-406. Access for sampling.

The manager shall be granted access at all times for purposes of observing and sampling an indirect discharge of an industrial user. The manager may require that the industrial user construct or install a structure(s) to provide access to sampling the indirect discharge.

A. Monitoring facilities.

1. The city may 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.

2. 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.

3. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the manager.

B. Inspection and sampling.

1. The manager or their duly authorized agent bearing credentials and identification, an employee of the United States Environmental Protection Agency or Oklahoma Department of Environmental Quality shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any industrial pretreatment permit or order issued hereunder. Users shall allow the manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The manager 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.

2. 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 manager will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

3. The manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as directed by the manager to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the manager and shall not be replaced. The costs of clearing such access shall be borne by the user.

5. Unreasonable delays in allowing the manager access to the user's premises shall be a violation of this chapter.

6. If the manager has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder,· or to protect the overall public health, safety and welfare of the community, then the manager may seek issuance of a search warrant from the state district court of competent jurisdiction.

SECTION 17-407. Volume and sampling of industrial waste.

A. The manager may collect samples or require the user to collect samples in order to determine whether or not the provisions of this chapter are being complied with. Failure to sample or report as directed by the manager shall be a violation of this chapter. All monitoring data obtained and supplied in compliance with this requirement must conform to 40 CPR 136 methods. A report shall be prepared. and submitted to the manager within 30 working days after the sample is collected. The report shall be signed and shall contain a statement assuring that the sample was collected and composited in such a manner as to be representative of the maximum hourly discharge rate.

   1. The report shall also include the:

      i. Starting and ending time of the sampling period.

      ii. Hourly rate of flow observed during the sampling period.

      iii. Concentrations of BOD and TSS.

      iv. Total pounds of BOD and TSS discharged. during the sampling periods.

      v. Concentrations of other pollutants listed in this chapter or directed to be tested by the manager.

   2. All cost associated with collection, compositing, analysis and reporting of these samples shall be borne by the user. The city may or may not give prior notice of its intent to collect a sample(s).

B. Sample collection.

   1. Except as indicated in § 17-407B(2) (below), the user must collect wastewater samples using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the manager may authorize the use of time proportional sampling or a minimum of up to four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

   2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

C. Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Henryetta, or where the user has been specifically notified of a longer retention period by the manager.

SECTION 17-408. Enforcement authorities of city manager.

The city retains all rights, powers and authorities; however, the city manager shall have the authority listed below in addition to the authority provided elsewhere in this chapter:

A. The city manager may require the users of the POTW to submit necessary information about the discharge to the POTW; or appear at a meeting to discuss the status of compliance with the provisions of this chapter. If the user of the POTW fails to submit necessary information regarding the discharge to the POTW or appear at the meeting with a satisfactory proposal to achieve compliance, the manager may notify the user of the intent to terminate water and/or sewer service and set show cause hearing. Pursuant to the finding of the show cause hearing, the manager may terminate water and/or sewer service.

B. Notice of violation. When the manager or their duly authorized agent finds that a user has violated, or continues to violate, any provision of this chapter, the manager or their duly authorized agent may serve upon that user a written notice of violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the official or their duly authorized agent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

C. Consent orders. The manager may enter into consent order, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 17-408E of this chapter and shall be judicially enforceable.

D. Show cause hearing. The city manager may order a user which has violated, or continues to violate, any provision of this chapter, an industrial pretreatment permit or order issued hereunder or any other pretreatment standard or requirement to appear before the city manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

E. Compliance orders. When the city manager finds that a user has violated, or continues to violate, any provision of this chapter, or order issued hereunder, or any other pretreatment standard or requirement, the city manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued after show cause hearing unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order does not relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Emergency suspensions. The city manager may immediately suspend a user's discharge or discontinue water service, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city manager may also immediately suspend a user's discharge, after informal notice, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment; or which constitutes a gross violation of this chapter.

1. Any user notified of a suspension of its discharge or discontinuation of water service shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city manager that the period of endangerment has passed, unless the termination proceedings in § 17-408G of this chapter are initiated against the user.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the official prior to the date of any show cause or termination hearing under Subsections D and F of this section.

3. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

G. Termination of discharge and/or water service.

1. In addition to the provisions in Subsection F of this section, any user who violates the following conditions is subject to discharge termination and/or termination of water service:

i. Violation of conditions of this chapter.

ii. Failure to accurately report the wastewater constituents and characteristics of its discharge.

iii. Failure to report significant changes in operations or wastewater volume constituents, and characteristics prior to discharge.

iv. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

v. Violation of the pretreatment standards as defined in§ 17-403 of this chapter.

vi. Failure to supply information requested by the manager.

2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Subsection D of this section why the proposed action should not be taken. Exercise of this option by the city manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 17-409. Violations and penalties.

A. When the city manager finds that a user has violated, or continues to violate, any provision of this chapter, or order issued, then the city manager may petition the state district court of competent jurisdiction through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit issued by the official, an order issued under § 17-408 or other requirement imposed by this chapter on activities of the user. The city manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. Any person who shall violate any of the provisions of this chapter and the section thereunder shall, upon conviction thereof, be punished by a fine of not more than $100 per violation per clay or the jurisdictional limits of the municipal court and costs; provided that each clay such violation shall continue shall constitute a separate offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

C. Any person who shall make a false statement or misrepresent the facts on any reports, correspondence or other information provided by the official shall, upon conviction thereof, be punished by a fine of not more than $100 per violation per day or the jurisdictional limits of the municipal court and costs.

D. In addition to the fines provided herein, the city may recover reasonable attorney's fees, court cost, court reporter's fees and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

E. Filing a suit for penalties under this section shall not be a bar against, or a prerequisite for, taking any other action against a user, including emergency suspension or termination of sewer and/or water service.

SECTION 17-410. Affirmative defenses to violations.

A. An affirmative defense to violations of this chapter is an upset as described below:

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection A(3) below are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and the user can identify the cause(s) of the upset

ii. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

iii. The user has submitted the following information to the manager or their duly authorized representative within 24 hours of becoming aware of the upset; if this information is provided orally, a written submission must be provided within five days:

a) A description of the indirect discharge and cause of noncompliance.

b) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue.

c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with

categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

B. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 17-403, definitions of "city manager," "domestic sewage" and "maximum concentration for any one day" if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A limit exists for each pollutant discharged in Section 5.8 and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City of Henryetta was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Under the stipulations below, an affirmative defense in the event of bypass is:

1. For the purposes of this section, the following terms shall have the meanings indicated:

i. BYPASS - The intentional diversion of waste streams from any portion of a user's treatment facility.

ii. SEVERE PROPERTY DAMAGE - Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A user may allow tiny bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are to subject to the provisions of Subsection C(3), (4), (5) and (6) of this section.

3. If a user knows in advance of the need for a bypass, it shall submit prior notice to the manager or their duly authorized representative at least 10 days before the date of the bypass, if possible.

4. A user shall submit oral notice to the manager or their duly authorized representative of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduced, eliminate and prevent reoccurrence of the bypass.

5. Bypass is prohibited, and the manager and their duly authorized representative may take an enforcement action against a user for a bypass, unless:

i. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The user submitted notices as required under Subsection C(3) and (4) of this section.

6. The manager or their duly authorized representative may approve an anticipated bypass, after considering its adverse effects, if the manager or their duly authorized representative determines that it will meet the three conditions listed in Subsection C(5) of this section.

SECTION 17-411. Right of revision.

The city reserves the right to establish by ordinance more stringent limitations or requirements on indirect discharges if deemed necessary to comply with the objectives of§ 17-401 of this chapter.

SECTION 17-412. Liability for loss and damage.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned to the city by reason of such violation.

SECTION 17-413. New sewers and connections.

A. The connection of the building sewer into the public sewer shall conform to the requirements of the 1997 edition of the International Plumbing Code and its applicable rules and regulations to the city.

B. All new sanitary sewerage works shall be designed and constructed in accordance with the requirements of the Oklahoma state department of environmental quality regulations.

C. When a public sewer becomes available (within 200 feet), the building sewer shall be connected to said sewer within 60 days.

SECTION 17-414. Grease, oil and sand interceptors required.

Grease, oil and sand interceptors shall be provided on existing facilities when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the manager and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 17-415. Maintenance of grease, oil and sand interceptors.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

SECTION 17-416. Special agreements.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city, Oklahoma state department of environmental quality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

SECTION 17-417. Connections restricted.

All connections of any industrial wastewater sewer shall be made at a manhole on the public sewer. No connections shall made direct to the pipe of any outfall interceptor, relief or main collector sewer as specified in the city Plumbing Code.

SECTION 17-418. User charge system.

The user charge system shall take precedence over any terms or conditions of agreements or contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding user charge systems.

APPENDIX 1. SUPPLEMENTAL ORDINANCES AND RESOLUTIONS

Appendices can be found online at codemgmt.net.

ORDINANCE NO. 1047

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-3 MANUFACTURED HOMES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential to R-3 Manufactured Home Residential, which real property is more specifically described as follows:

Lots 19 to and including 24; Block 9 (SE corner of Wise & Genevieve); Wilson Addition, City of Henryetta, Oklahoma, Okmulgee County.

PASSED AND APPROVED THIS 20TH DAY OF SEPTEMBER, 2016.

Jennifer Clason

Jennifer Clason, Mayor

Attest:

Donna White

Donna White, City Clerk

ORDINANCE NO. 1050

AN ORDINANCE CLOSING A PUBLIC WAY OR EASEMENT

BE IT ORDEAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

Section 1. The following public way and/or easement in the City of Henryetta, Oklahoma, shall be and the same is hereby closed to the public use, to wit:

The South 615 feet by 50 feet of North 8th Street, North of Elm Street
Sunset Place TRS 15 & 16
Buena Vista LTS 65 TO & INCL. 68

Section 2. The closing of the public way or easement shall not affect the right of the City, and any public service corporation or transmission having facilities located therein, to maintain, repair, construct, operate or remove such installations.

Section 3. The City retains the absolute right to reopen the public way or easement without expense to the municipality, and without notice, by passage of appropriate ordinance by the city council, and without request from any person or party.

Section 4. This ordinance shall take effect thirty (30) days after its final passage.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 21st day of March, 2017.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 21st day of March, 2017.

ATTEST:

CITY CLERK

MAYOR

APPROVED:

City Attorney

ORDINANCE NO. 1051

AN ORDINANCE CLOSING A PUBLIC WAY OR EASEMENT
AND DECLARING AN EMERGENCY

BE IT ORDEAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

Section 1. The following public way and/or easement in the City of Henryetta, Oklahoma, shall be and the same is hereby closed to the public use, to wit:

Seventeenth (17th) Street between Division & Gentry
Westlawn LTS 24 & 25 BLK 7
Unplatted 11-11-12 HYA NW NE & SW NE
LESS 1.21 AC RD & 2.10 ACS For HENRYETTA SCHOOL ADDITION

Section 2. The closing of the public way or easement shall not affect the right of the City, and any public service corporation or transmission having facilities located therein, to maintain, repair, construct, operate or remove such installations.

Section 3. The City retains the absolute right to reopen the public way or easement without expense to the municipality, and without notice, by passage of appropriate ordinance by the city council, and without request from any person or party.

Section 4. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 21st day of March, 2017.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 21st day of March, 2017.

ATTEST:

CITY CLERK

MAYOR

APPROVED:

City Attorney

ORDINANCE NO. 1054

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-3 MANUFACTURED HOMES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential to R-3 Manufactured Home Residential, which real property is more specifically described as follows:

East ½ West ½ and East ½ of Lot 4 to and including 10 and East 223' of Lot 11; Wrights 1 Addition, City of Henryetta, Oklahoma, Okmulgee County.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 15th day of August, 2017.

Jennifer Clason, Mayor

Attest:

Donna White, City Clerk

APPROVED:

John M. Insabella, City Attorney

CITY OF HENRYETTA ORDINANCE NO. 1061

AN ORDINANCE OF THE CITY OF HENRYETTA, OKLAHOMA, ADOPTING AND ENACTING THE (2018) "HENRYETTA CODE OF ORDINANCES"; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE COUNCIL FOR THE CITY OF HENRYETTA, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE CITY OF HENRYETTA; ALSO REPEALING ALL ORDINANCES OF A PERMANENT AND GENERAL NATURE NOT INCLUDED IN THE CODE; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE CODE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled "Henryetta Code of Ordinances" is hereby adopted and enacted for the City of Henryetta, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the City, adopted on or before the 20 day of November, 2018, to the extent provided in Sections 2 and 3 hereof. Said Code may also be cited as the "Henryetta Code" or other appropriate title.

SECTION 2. Ordinance Provisions Adopted.

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

SECTION 3. Certain Permanent and General Ordinances Are Repealed.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code but not included in this Code, are hereby repealed at the time this Code goes into effect.

SECTION 4. Temporary or Special Ordinances Omitted from Code Remain Effective.

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

SECTION 5. Addition and Amendments to Code.

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Henryetta, Oklahoma, City Council to make the same a part of such Code, shall be deemed to be incorporated in such so that reference to the " Henryetta Code of Ordinances," or any other appropriate title, shall be understood and intended to include such additions and amendments.

SECTION 6. Emergency.

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

PASSED, ADOPTED AND APPROVED THIS 20 DAY OF November, 2018.

City of Henryetta

By: Jennifer Munholland

Title: Mayor

(SEAL)

ATTEST:

Donna Price

City Clerk/Treasurer

ORDINANCE NO. 1063

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE - FAMILY RESIDENTIAL DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real properties from R-1 Single Family Residential District to R-3 Manufactured Homes Residential District, which real property is more specifically described as follows:

1) UNPLATTED 13-11-12-HYA BEG 726' E OF NW COR E&W 100' X 245' S & N

2) UNPLATTED 13-11-12-HYA N 10 ACRES NW NW LESS HYW .78 ACRES & LESS 3.37 ACS

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 20th, day of August, 2019.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

APPROVED:

John M. Insabella, City Attorney

ORDINANCE NO. 1264

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY DESCRIBED FROM R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Residential Single Family District to R-3 Manufactured Homes Residential District, which real property is more specifically described as follows:

Unplatted 14-11-12 HYA E 5 Acres of N 10 Acres NE NE located in Okmulgee County, State of Oklahoma

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 19th, day of November, 2019.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

John Insabella

John Insabella, City Attorney

ORDINANCE NO. 1265

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM I-1 LIGHT INDUSTRIAL DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real properties from I-1 Light Industrial District to R-3 Manufactured Homes Residential District, which real property is more specifically described as follows:

1) UNPLATTED 6-11-13 HENRYETTA BEGINNING @ PT 500' N SW CORNER NE SE N & S 545' E & W 635'

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 19TH, day of November, 2019.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

APPROVED:

John M. Insabella

John M. Insabella, City Attorney

ORDINANCE NO. 1266

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY DESCRIBED FROM R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Residential Single Family District to R-3 Manufactured Homes Residential District, which real property is more specifically described as follows:

McKAY HENRYETTA LOTS 33 TO & INCLUDING 36 BLOCK 2

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 19th, day of November, 2019.

Jennifer Munholland, Mayor

Attest:

Donna White, City Clerk

John Insabella, City Attorney

ORDINANCE NO. 1267

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR THE CITY OF HENRYETTA, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF HENRYETTA, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF HENRYETTA, OKLAHOMA:

Section 1. That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of **January 1, 2020**, the amended and restated Plan designated "Employee Retirement System of the City of Henryetta, Oklahoma, Defined Benefit Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joinder Agreement) and Exhibit "B" (amended and restated plan) and attached hereto as part hereof.

Section 2. FUND. A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City. Such Fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

Section 3. APPROPRIATIONS. The City of Henryetta, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City of Henryetta, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Benefit Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the Fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

Section 4. EXECUTION. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as Exhibit "A" and Exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Committee is hereby authorized and directed to proceed immediately on behalf of the City of Henryetta, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

Section 5. REPEALER. Any Ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 6. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A" and Exhibit "B", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

Section 7. EMERGENCY. Whereas, in the judgment of the City Council of the City of Henryetta, Oklahoma, the public peace, health, safety, and welfare of the City of Henryetta, Oklahoma, and the inhabitants thereof demand the immediate passage of this Ordinance, an emergency is hereby declared, the rules are suspended, and this Ordinance shall be in full force and effective on its passage, approvals and publication.

*****END*****

The undersigned hereby certifies that the foregoing Ordinance was introduced before the City Council of the City of Henryetta on the 19th day of November, 2019, and was duly adopted and approved by the Mayor and City Council, on the 19th day of November, 2019, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).

City of Henryetta

By Jennifer Munholland
Mayor

ATTEST:

Donna White
Clerk

Approved as to form and legality on November 19, 2019.

John Ridell
CITY ATTORNEY

ORDINANCE NO. 1268

AN ORDINANCE CLOSING A PUBLIC WAY OR EASEMENT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

Section 1. The following public way and/or easement in the City of Henryetta, Oklahoma, shall be and the same is hereby closed to the public use, to wit:

The North 100' of South Second Street Located Between the following properties described by legal property descriptions:

(1) HOMESTEAD PARK HENRYETTA NORTH 13' LOT 17 TO & INCLUDING THE SOUTH 40' OF LOT 19 BLOCK 27 AND (2) HOMESTEAD PARK HENRYETTA ALL BLOCK 5.

Section 2. The closing of the public way or easement shall not affect the right of the City, and any public service corporation or transmission having facilities located therein, to maintain, repair, construct, operate or remove such installations.

Section 3. The City retains the absolute right to reopen the public way or easement without expense to the municipality, and without notice by passage or appropriate ordinance by the city council, and without request from any person or party.

Section 4. This Ordinance shall take effect thirty (30) days after its final passage.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 17th, day of December, 2019.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 17th, day of December, 2019.

ATTEST: Donna White Jennifer Munholland

City Clerk Mayor

APPROVED:

City Attorney

ORDINANCE NO. 1269

AN ORDINANCE CLOSING A PUBLIC WAY OR EASEMENT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

Section 1. The following public way and/or easement in the City of Henryetta, Oklahoma, shall be and the same is hereby closed to the public use, to wit:

A portion of West Spruce Street situated between North Woodland Drive and the south boundary/property line of Lot 85, Buena Vista 2 Addition on the North side of said street and North Woodland Drive and W ½ of Lot 8, Block 108 Buena Vista Addition on the South side of said street.

Section 2. The closing of the public way or easement shall not affect the right of the City, and any public service corporation or transmission having facilities located therein, to maintain, repair, construct, operate or remove such installations.

Section 3. The City retains the absolute right to reopen the public way or easement without expense to the municipality, and without notice by passage or appropriate ordinance by the city council, and without request from any person or party.

Section 4. This Ordinance shall take effect thirty (30) days after its final passage.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 17th, day of December, 2019.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 17th, day of December, 2019.

ATTEST: Donna White — City Clerk

Jennifer Munholland — Mayor

APPROVED:

City Attorney

ORDINANCE NO. 1270

AN ORDINANCE AMENDING ORDINANCE NO. 781 FOR THE PURPOSE OF REQUIRING A MANUFACTURED HOME TO BE NEWLY MANUFACTURED, AND NOT PRVIOUSLY OWNED OR OCCUPIED, IN ORDER TO BE ALLOWED PLACEMENT IN AN R-3 DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 781, be amended as follows: Section 2A.3. E. Only a newly manufactured home, not previously owned or occupied, shall be allowed placement in an R-3 District.

All other provisions of Section 781 remain in effect as presently written.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 24th day of March, 2020.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

APPROVED:

John M. Insabella

John M. Insabella, City Attorney

RESOLUTION No. 1265

A RESOLUTION OF THE CITY OF HENRYETTA, OKLAHOMA, NOTIFYING THE RESIDENTS OF SAID CITY OF THE ADOPTION OF A NEWLY COMPILED "CODE OF ORDINANCES" FOR SAID CITY OF HENRYETTA, OKLAHOMA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF OKLAHOMA.

WHEREAS, Section 14-109, Title 11, Oklahoma Statutes, requires the City of Henryetta to compile and publish copies of its penal ordinances every ten (10) years; and

WHEREAS, the City Council of the City of Henryetta, Oklahoma, has caused to be prepared and printed copies of a new "Code of Ordinances" for Henryetta, Oklahoma; and

WHEREAS, said City Council has, on the 20 day of November, 2018, by Ordinance, duly adopted said Code as its new Code of Ordinances, effective the 20 day of November 2018; and

WHEREAS, said City Council shall cause copies of this Resolution to be forwarded to the Office of the County Clerk of the applicable County; and shall cause copies of said Code of Ordinances to be forwarded for filing with the County Law Library; and has copies available at the City Hall of Henryetta for sale.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Henryetta, Oklahoma, that said City Council does hereby notify the residents of the City of Henryetta, Oklahoma, that it has fulfilled its statutory duties with respect to the compilation of Ordinances.

PASSED, ADOPTED AND APPROVED THIS 20 DAY OF November, 2018.

City of Henryetta

By: Jennifer Munholland
Title: Mayor

(SEAL)

ATTEST:

Donna Price
City Clerk/Treasurer

ORDINANCE NO. 1273

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY LOCATED AT 400 N HWY 75 FROM C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from C-2 Highway Commercial and Commercial Recreation District to I-1 Light Industrial District, which real property is more specifically described as follows:

Hollywood Henryetta TR 94&TR95 Lying E of HWY and all TR96

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 20th, day of October, 2020.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

ORDINANCE NO. 1274

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY LOCATED AT 1201 WEST MOORE FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MANUFACTURED HOMES DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to R-3 Manufactured Homes District, which real property is more specifically described as follows:

Keys two (2) Henryetta, Lots one (1) to and including six (6) and Lots nineteen (19) to and Including twenty four (24), Block forty-four (44)

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 17th, day of November, 2020.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

John Insabella, City Attorney

CITY OF HENRYETTA ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF HENRYETTA, OKLAHOMA, ADOPTING AND ENACTING THE (2020) "HENRYETTA CODE OF ORDINANCES"; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE COUNCIL FOR THE CITY OF HENRYETTA, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE CITY OF HENRYETTA; ALSO REPEALING ALL ORDINANCES OF A PERMANENT AND GENERAL NATURE NOT INCLUDED IN THE CODE; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE CODE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled "Henryetta Code of Ordinances" is hereby adopted and enacted for the City of Henryetta, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the City, adopted on or before the 17th day of November, 2020, to the extent provided in Sections 2 and 3 hereof. Said Code may also be cited as the "Henryetta Code" or other appropriate title.

SECTION 2. Ordinance Provisions Adopted.

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

SECTION 3. Certain Permanent and General Ordinances Are Repealed.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code but not included in this Code, are hereby repealed at the time this Code goes into effect.

SECTION 4. Temporary or Special Ordinances Omitted from Code Remain Effective.

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

SECTION 5. Addition and Amendments to Code.

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Henryetta, Oklahoma, City Council to make the same a part of such Code, shall be deemed to be incorporated in such so that reference to the "Henryetta Code of Ordinances," or any other appropriate title, shall be understood and intended to include such additions and amendments.

SECTION 6. Emergency.

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

PASSED, ADOPTED AND APPROVED THIS 17th DAY OF November, 2020.

City of Henryetta

By: Jennifer Munholland

Title: Mayor

(SEAL)

ATTEST:

Donna White

City Clerk/Treasurer

ORDINANCE NO. 1276

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY LOCATED AT 506 E DIVISION FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MANUFACTURED HOMES DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to R-3 Manufactured Homes District, which real property is more specifically described as follows:

Wrights Two (2) Addition Henryetta Lots Ten (10) to and including Twelve (12) Block Six (6)

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 16th, day of February, 2021.

Jennifer Munholland, Mayor

Attest:

Donna White, City Clerk

John Insabella, City Attorney

ORDINANCE NO. 1277

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT TO R-2 GENERAL RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real properties from C-2 Highway Commercial and Commercial Recreation District to R-2 General Residential District, which real property is more specifically described as follows:

1) OT Henryetta Lots 4 to & Include 6 Block 23 located in Okmulgee County, State of Oklahoma (Street Address of this property is 411 West Division Street)

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 17th, day of August, 2021.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

APPROVED:

John M. Insabella, City Attorney

ORDINANCE NO. 1278

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2 GENERAL RESIDENTIAL DISTRICT LOCATED AT 2105 WEST MAIN STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real properties from R-1 Single Family Residential District to R-2 General Residential District located at 2105 West Main Street, which real property is more specifically described as follows:

1) West HYA Section BB Henryetta BEG 5' East of NE Corner Lot 17, S & N 200' X W & E 105' to POB Block 5 (2105 W Main)

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 18th, day of January, 2022.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

ORDINANCE NO. 1281

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF HENRYETTA, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF HENRYETTA, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENTS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF HENRYETTA, OKLAHOMA:

Section 1. That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of **April 1, 2022,** the amended and restated Plan designated "Employee Retirement System of the City of Henryetta, Oklahoma, Defined Contribution Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joinder Agreement) and Exhibit "B" (amended and restated plan) and attached hereto as part hereof.

Section 2. FUND. A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City. Such Fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

Section 3. APPROPRIATIONS. The City of Henryetta, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City of Henryetta, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Contribution Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the Fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

Section 4. EXECUTION. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument,

and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as Exhibit "A" and Exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Committee is hereby authorized and directed to proceed immediately on behalf of the City of Henryetta, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

Section 5. REPEALER. Any Ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 6. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A" and Exhibit "B", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

Section 7. EMERGENCY. Whereas, in the judgment of the City Council of the City of Henryetta, Oklahoma, the public peace, health, safety, and welfare of the City of Henryetta, Oklahoma, and the inhabitants thereof demand the immediate passage of this Ordinance, an emergency is hereby declared, the rules are suspended, and this Ordinance shall be in full force and effective on its passage, approvals and publication.

END

The undersigned hereby certifies that the foregoing Ordinance was introduced before the City Council of the City of Henryetta on the 22nd day of March, 20 22, and was duly adopted and approved by the Mayor and City Council, on the 22nd day of March, 20 22, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).

City of Henryetta

By _____
Mayor

ATTEST:

_____
Clerk

Approved as to form and legality on March 22, 2022.

_____
CITY ATTORNEY

CITY OF HENRYETTA ORDINANCE NO. 1282

AN ORDINANCE OF THE CITY OF HENRYETTA, OKLAHOMA, ADOPTING AND ENACTING THE (2022) "HENRYETTA CODE OF ORDINANCES"; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE COUNCIL FOR THE CITY OF HENRYETTA, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE CITY OF HENRYETTA; ALSO REPEALING ALL ORDINANCES OF A PERMANENT AND GENERAL NATURE NOT INCLUDED IN THE CODE; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE CODE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled "Henryetta Code of Ordinances" is hereby adopted and enacted for the City of Henryetta, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the City, adopted on or before the 15 day of November 2022, to the extent provided in Sections 2 and 3 hereof. Said Code may also be cited as the "Henryetta Code" or other appropriate title.

SECTION 2. Ordinance Provisions Adopted.

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

SECTION 3. Certain Permanent and General Ordinances Are Repealed.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code but not included in this Code, are hereby repealed at the time this Code goes into effect.

SECTION 4. Temporary or Special Ordinances Omitted from Code Remain Effective.

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

SECTION 5. Addition and Amendments to Code.

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Henryetta, Oklahoma, City Council to make the same a part of such Code, shall be deemed to be incorporated in such so that reference to the "Henryetta Code of Ordinances," or any other appropriate title, shall be understood and intended to include such additions and amendments.

SECTION 6. Emergency.

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

PASSED, ADOPTED AND APPROVED THIS 15 **DAY OF** November **, 2022.**

City of Henryetta

By: Jennifer Munholland

Title: Mayor

(SEAL)

ATTEST:

Donna Reed

City Clerk/Treasurer

ORDINANCE NO. 1283

AN ORDINANCE VACATING AND CLOSING THE PORTIONS OR PARTS OF THE FOLLOWING STREET RIGHTS OF WAY: EAST MAIN STREET BETWEEN U.S. HIGHWAY 75 AND EAST HILL DRIVE AND H STREET AND VALLEY DRIVE AS SHOWN ON THE PLAT OF THE MARTIN & O'HORNETT SECOND ADDITION TO THE CITY OF HENRYETTA, DATED 27 APRIL 1918 AND FILED FOR RECORD ON 30 APRIL 1918 IN THE OFFICE OF THE COUNTY CLERK OF OKMULGEE COUNTY, RECORDED IN PLAT BOOK 6 AT PAGE 9. AS MORE PARTICULARLY DESCRIBED BELOW: DECLARING REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY

WHEREAS, the City of Henryetta believes it is necessary and expedient to vacate and close portions or parts of East Main between U.S.. Highway and East Hill Drive and Valley Drive as shown on the Plat of the Martin & O'Hornett. Second Addition to the City of Henryetta, Dated 27 April 1918 and filed for record on 30 April 1928 in the Office of the County Clerk of Okmulgee County, recorded in Plat Book 6 at Page 9 that are situated within the part of the Southeast Quarter (SE/4) of Section Seven (7). Township Eleven (11) North. Range Thirteen (13) East of the Indian Base and Meridian. Okmulgee County, State of Oklahoma. according to the United States Government Survey thereof, described as follows:

Beginning at a point on the South right of way line of Trudgeon Road (extended), said point being 460 feet South and 742.11 feet East of the center of said Section Seven (7); thence North 89°00'31" East along the South right of way line of said Trudgeon Road a distance of 261.49 feet; thence South 00°34'11" East a distance of 374.14 feet; thence South 07°46'32" East a distance of 364.42 feet; thence South 11°45'02" East a distance of 131.21 feet; thence South 01°38'58" East a distance of 317.38 feet; thence South 04°39'13" East a distance of 248.67 feet; thence South 88°47'26" West a distance of 356.35 feet; thence North 00°34'11" West a distance of 1,431.81 feet to the Point of Beginning, containing 434,958 square feet or 9.99 acres.

Legal description basis of bearings is the South right of way line of Trudgeon Road being North 89°00'31" East.

WHEREAS, the City does not currently occupy the streets rights of way for any purposes.

WHEREAS, at least 30 days written notice of the proposed closing was given to any franchise or others determined by the city council to have a special right or privilege to use the public way; and notice to the public was given by publication in a newspaper published in Okmulgee County at least 14 days prior to the hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION 1: ENACTMENT.

The City of Henryetta, Oklahoma, hereby closes and vacates the portions or parts of the following street rights of way: East Main Street between U.S. Highway 75 and East Hill Drive and H Street and Valley Drive as shown on the Plat of the Martin & O'Hornett Second Addition to the City of Henryetta, which is more particularly described above.

SECTION 2: REPEALER

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY..

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: EMERGENCY

It being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED by the Council of the City of Henryetta, Oklahoma, on the 15th day of November, 2022.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on the 15th day of November, 2022.

Jennifer Munholland, Mayor

ATTEST:

Donna White, City Clerk

[SEAL]

Approved as to Form:

John M. Insabella, City Attorney

ORDINANCE NO. 1284

AN ORDINANCE VACATING AND CLOSING THE FOLLOWING EASEMENTS: (1) PERPETUAL EASEMENT AND RIGHT OF WAY FOR A PIPE LINE OR LINES WITH FITTINGS AND OTHER RELATED APPLIANCES, TOGRTHER WITH ANY RELATED TRANSMISSION LINES FOR ELECTRIC AND/OR TELEPHONE, DESCRIBED IN EASEMENT AND RIGHT OF WAY AGREEMENT DATED 23 DECEMBER 1960 IN FAVOR OF THE CITY OF HENRYETTA, OKLAHOMA, FILED FOR RECORD ON 3 FEBRUARY 1961 IN THE OFFICE OF THE COUNTY CLERK OF OKMULGEE COUNTY, OKLAHOMA, RECORDED AS DOCUMENT NO. 356486 IN BOOK 861 AT PAGE 585:

(2) EASEMENT OR RIGHT OF WAY FOR PIPELINE PURPOSES DESCRIBED AS "TRACT B" IN REPORT OF COMMISSIONERS DATED AND FILED ON 6 FEBRUARY 1961 IN THE SUPERIOR COURT OF OKMULGEE COUNTY, OKLAHOMA (HENRYETTA DIVISION), CASE NO. 8422, STYLED "THE CITY OF HENRYETTA, OKLAHOMA, PLAINTIFF, VS. WILLIAM E. ROBNETT AND HAZEL H. ROBNET, DEFENDANTS," RECORDED IN THE SUPERIOR COURT'S CIVIL JOURNAL AT BOOK 16, PAGES 361-362, A CERTIFIED COPY OF WHICH WAS FILED FOR RECORD ON 6 FEBRUARY 1961 IN THE OFFICE OF THE COUNTY CLERK OF OKMULGEE COUNTY, OKLAHOMA, RECORDED AS DOCUMENT NO. 356516 IN BOOK 862 AT PAGE 26:

(3) EASEMENT OR RIGHT OF WAY FOR PIPELINE PURPOSES DESCRIBED IN REPORT OF COMMISSIONERS DATED 28 FEBRUARY 1973 AND FILED ON 1 MARCH 1973 IN THE DISTRICT COURT OF OKMULGEE COUNTY, OKLAHOMA (HENRYETTA DIVISION) CASE NO. C73-11, STYLED "THE CITY OF HENRYETTA, OKLAHOMA, PLAINTIFF, VS. WILLIAM E. ROBNETT AND HAZEL H. ROBNET, DEFENDANTS:'

(4) GAS, SEWAR AND WATER EASEMENTS REFERRED TO PERIPHERALLY IN WARRANTY DEED DATED 14 SEPTEMBER 1977, BY WILLIAM E. ROBNETT AND HAZEL H. ROBNETT IN FAVOR OF JAMES A. RUTH, FOR RECORD ON 28 SEPTEMBER 1977 IN THE OFFICE OF THE COUNTY CLERK OF OKMULGEE COUNTY, OKLAHOMA, RECORDED AS DOCUMENT NO. 458854 IN BOOK 1126 AT PAGE 777.

WHEREAS, the City of Henryetta, Oklahoma, believes it is necessary and expedient to close/vacate the foregoing easements.

WHEREAS, at least 30 days written notice of the proposed closing was given to any franchise or others determined by the city council to have a special right or privilege to use the public way; and notice to the public was given by publication in a newspaper published in Okmulgee County at least 14 days prior to the hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION 1: ENACTMENT.

The City of Henryetta, Oklahoma, hereby closes and vacates the following easements:

(1) Perpetual Easement and Right of Way for a pipe line or lines with fittings and other related appliances, together with any related transmission lines for electric and/or telephone, described in **Easement and Right of way agreement** dated 23 December 1960 in favor of the City of Henryetta, Oklahoma, filed for record on 3 February 1961 in the Office of the County Clerk of Okmulgee County, Oklahoma, recorded as Document No. 356486 in Book 861 at Page 585:

> A strip of land 50 feet in width in the SW1/4 SE1/4 of Section 7, Township 11 North, Range 13 East, the center line of which is described as follows: Beginning at a point on the East boundary of said SW1/4 SE1/4 422.20 feet South of the Northeast corner thereof, thence in a Northwesterly direction to a Point on the North boundary of said SW1/4 SE1/4 380.66 feet West of the Northeast corner thereof.

(2) Easement or right of way for pipeline purposes described as "Tract B" in **Report of Commissioners** dated and filed on 6 February 1961 in the Superior Court of Okmulgee County, Oklahoma (Henryetta Division), Case No. 8422, styled "The City of Henryetta, Oklahoma, Plaintiff, vs. William E. Robnett and Hazel H. Robnett, Defendants," recorded in the Superior Court's Civil Journal at Book 16, Pages 361-362, a certified copy of which was filed for record on 6 February 1961 in the Office of the County Clerk of Okmulgee County, Oklahoma, recorded as Document No. 356516 in Book 862 at Page 26:

> A strip of land 25 feet in width in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section Seven (7), Township Eleven (11) North, Range Thirteen (13) East, the center line of which is described as follows: Beginning at a point on the South boundary of said NW1/4 SE1/4 380.66 feet West of the Southeast corner thereof, thence in a Northwesterly direction to a point in the said NW1/4 SE1/4, said point being 210.00 feet East and 513.96 feet South of the Northwest corner of said NW1/4 SE1/4.

(3) Easement or right of way for pipeline purposes described in **Report of Commissioners** Dated 28 February 1973 and filed on 1 March 1973 in the District Court of Okmulgee County, Oklahoma (Henryetta Division), Case No. C-73-11, styled "The City of Henryetta, Oklahoma, Plaintiff, vs. William E. Robnett and Hazel H. Robnett, Defendants:"

> A part and parcel of the NW1/4 SE1/4 of Section 7, Township 11 North, Range 13 East, more particularly described as follows: Beginning at a point on the South Right-of-Way line of Trudgeon Road at its Intersection with the East Right-of-Way line of U.S. Highway No. 75; thence East along the South Right-of-Way line of said Trudgeon Road a distance of 30 feet; thence Southerly on a line parallel to and 30 feet Easterly of the East Right-of-Way line of U.S. Highway No. 75 to a point 785 feet South of the center line of Trugeon Road; thence West 30 feet to the East Right-of-Way line of U.S. Highway No. 75; thence North along the East Right-of-Way line of said U.S. Highway No. 75 to the point of beginning.

(4) Gas, Sewer and Water Easement referred to peripherally in **Warranty Deed** dated 14 September 1977, by William E. Robnett and Hazel H. Robnett in favor of James A. Ruth, for record on 28 September 1977 in the Office of the County Clerk of Okmulgee County, Oklahoma, recorded as Document No. 458854 in Book 1126 at page 777, to which Easement the following parcel was identified as subject:

> A part of the Northwest One-Quarter (NW1/4) of the Southeast One-Quarter (SE1/4) of Section Seven (7), Township Eleven (11) North, Range Thirteen (13) East, the center line of which is described as follows: Beginning at a point 25 feet South of Henryetta Main Street Center Line extended East and a distance of 150 feet East of U.S. Highway 75 Center Line or East Right-of-Way-Line of Highway or a distance of 735.3 Feet South and 802 Feet East of Center of said Section Seven (7), thence South 113.25 Feet along said East Highway Right-of-Way Line, thence East 150 Feet; thence North 83.32 Feet to South Right-of-Way Line of County Road; thence West-Northwest along said South Right-of-Way Line 136.13 Feet; thence West along said South Right-of-Way Line 17.2 feet to Point of Beginning (containing .34 acre, more or less).

SECTION 2: REPEALER

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: EMERGENCY

It being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED by the Council of the City of Henryetta, Oklahoma, on the 20th day of December, 2022.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on the 21st day of December, 2022.

Jennifer Munholland, Mayor

ATTEST:

Donna White, City Clerk

[SEAL]

Approved as to Form:

John M. Insabella, City Attorney

ORDINANCE NO. 1285

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT LOCATED AT 413 E TUTT STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to R-3 Manufactured Homes District, located at 413 E Tutt Street, which real property is more specifically described as follows:

1) Wilson Henryetta Lots Fourteen (14) to and include Thirty-Five (35), Block Six (6)

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 20th, day of December, 2022.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

John Insabella

John Insabella, City Attorney

ORDINANCE NO. 1286

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2 GENERAL RESIDENTIAL DISTRICT LOCATED AT FARNHAM STREET AND DOWNING STREET (ON THE NORTHWEST CORNER).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real properties from R-1 Single Family Residential District to R-2 General Residential District located at Farnham Street & Downing Street (on the Northwest corner), which real property is more specifically described as follows:

1) Clayton Place Henryetta Lots twenty-seven (27) to and include thirty-three (33), Block Two (2)

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 20th, day of December, 2022.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

APPROVED:

John M. Insabella

John M. Insabella, City Attorney

ORDINANCE NO. 1287

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT LOCATED AT 0 TUTT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to C-2 Highway Commercial and Commercial Recreation District, located at 0 Tutt, which real property is more specifically described as follows:

UNPLATTED 6-11-13-HYA BEG 36.5' W & 380' S OF NE COR SEC 6 W 600' S 280' E 550' N 132' E 50' N 148' VAC OF LOTS 1 TO & INCL 46 BLK 4 WILSON ADDN & LT 47 & 48

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 21st, day of February, 2023.

Jennifer Munholland

Jennifer Munholland, Mayor

Attest:

Donna White

Donna White, City Clerk

John Insabella, City Attorney

AN ORDINANCE OF THE CITY OF HENRYETTA, OKLAHOMA

ORDINANCE NO. 1288

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY MANAGER OF THE CITY OF HENRYETTA, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF HENRYETTA, OKLAHOMA; PERTAINING TO PLAN DESIGN; PROVIDING FOR EMPLOYER PICKUP OF REQUIRED CONTRIBUTIONS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA.

Section 1. **AMENDATORY.** The Employee Retirement System, Defined Contribution Plan, of the **City of Henryetta**, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **November 1, 2023** .

Section 2. **EXECUTION AUTHORIZATION.** The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. **SPECIAL INCOME TAX TREATMENT FOR CONTRIBUTIONS UNDER IRC414.** The Plan contains provisions which are intended to constitute a pick-up program by the Employer which satisfies the requirements of section 414(h)(2) of the Internal Revenue Code of 1986 (the "Code"); and the Plan, be, and it is, approved and adopted as of the date therein stated; and required contributions described in Section 5 of the Joinder are designated as "picked-up" by the employer so as to not be included in Plan Participants' gross income for Federal income tax purposes as provided in Section 414(h)(2) of the Code. All such required contributions are to be paid by the employer in lieu of contributions by the Plan Participant. No Participant in the Plan shall have the option of choosing to receive the amounts of required Contributions directly in lieu of having such amounts paid by the employer to the Trustees of the Plan.

Section 4. **SEVERABILITY.** If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 5. **REPEALER.** Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6. **EMERGENCY.** Whereas, in the judgment of the City Council of the City of Henryetta, Oklahoma, the public peace, health, safety, and welfare of the City of Henryetta, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the City Council on the 21st day of November, 2023, and was duly adopted and approved by the Mayor and City Council on the 21st day of November, 2023, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on November 21, 2023.

CITY ATTORNEY

ORDINANCE NO. 1289

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2 GENERAL RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to R-2 General Residential District, which real property is more specifically described as follows:

Clayton Place Henryetta Lots 8 To & Incl 15 BLK 2
Located in Okmulgee County, State of Oklahoma from
R-1 Single Family Residential District to R-2 General
Residential District.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 21st, day of November, 2023.

Michael Dickey, Mayor

Attest:

Donna White, City Clerk

John Insabella, City Attorney

ORDINANCE NO. 1290

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTY DESCRIBED FROM A-1 GENERAL AGRICULTURAL DISTRICT TO C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from A-1 General Agricultural District to C-2 Highway Commercial and Commercial Recreation District, which real property is more specifically described as follows:

(1) HIGHLAND HTS HYTA LOT 20 (20 HIGHLAND HTS HYTA E1.2 LOT 15 (3) HIGHLAND HTS HYTA E 250' OF W ½ LOT 15 & E 250' OF LOT 19 LESS HWY Located in Okmulgee County, State of Oklahoma from A-1 General Agricultural District to C-2 Highway Commercial and Commercial Recreation District.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 21st, day of November, 2023.

Michael Dickey, Mayor

Attest:

Donna White, City Clerk

John Insabella, City Attorney

ORDINANCE NO. 1291

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM I-1 LIGHT INDUSTRIAL TO C-2 COMMERCIAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

That Ordinance No. 702 be amended by rezoning the hereinafter real property from I-1 Light Industrial to C-2 Commercial, which real property is more specifically described as follows:

(1) LOT 4 BLOCK 3 IN WISE ADDITION TO THE CITY OF HENRYETTA LOCATED IN OKMULGEE COUNTY, STATE OF OKLAHOMA (2) LOTS 5 & 6 BLOCK 3 IN WISE ADDITION TO THE CITY OF HENRYETTA, OKMULGEE COUNTY, STATE OF OKLAHOMA (3) LOT 7 BLOCK 3 IN WISE ADDITION TO THE CITY OF HENRYETTA, OKMULGEE COUNTY, STATE OF OKLAHOMA (4) LOT 8 BLOCK 3 IN WISE ADDITION TO THE CITY OF HENRYETTA, OKMULGEE COUNTY, STATE OF OKLAHOMA (5) LOTS 10 TO & INCLUDING 12 BLOCK 2 LYING SOUTH OF HIGH WAY AND LOTS 9 TO & INCLUDING 16 BLOCK 3 IN WISE ADDITION TO THE CITY OF HENRYETTA, OKMULGEE COUNTY, STATE OF OKLAHOMA (6) ALL THAT PART OF THE NORTH 275 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (W/2 NE/4 SE/4) LYING EAST AND SOUTH OF THE RIGHT OF WAY OF THE MAIN LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD, AND ALL THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTERQUARTER (SE/4 NE/4) LYING WEST OF WISE ADDITION TO THE CITY OF HENRYETTA, AND BETWEEN THE SPUR OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD LEADING TO THE CENTRAL MINE AND THE MAIN LINE OF SAID ST. LOUIS AND SAN FRANCISCO RAILROAD LEADING TO THE CENTRAL MINE AND THE MAIN LINE OF SAID ST. LOUIS AND SAN FRANCISCO RAILROAD, ALL IN SECTION 6 TOWNSHIP 11 NORTH, RANGE 13 EAST OF THE INDIAN MERIDIAN, OKMULGEE COUNTY, STATE OF OKLAHOMA (O7) 3/10 OF AN ACRE IN THE SOUTHWEST CORNER OF BLOCK 3 IN WISE ADDITION TO THE CITY OF HENRYETTA, OKMULGEE COUNTY, STATE OF OKLAHOMA FROM I-1 LIGHT INDUSTRIAL TO C-2 COMMERCIAL.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 21ST, day of November, 2023.

Michael Dickey, Mayor

Attest:

Donna White, City Clerk

APPROVED:

John M. Insabella, City Attorney

ORDINANCE NO. 1305

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to R-3 Manufactured Homes Residential District, which real property is more specifically described as follows:

Northeast Corner of NE 1st and John legally described as EASTSIDE HENRYETTA LOTS 5 & 6 BLOCK 5 located in Okmulgee County, State of Oklahoma from R-1 Single Family Residential District to R-3 Manufactured homes Residential District.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 19th, day of March, 2024.

Michael Dickey, Mayor

Attest:

Donna White, City Clerk

John Insabella, City Attorney

CERTIFICATE
OF
CITY COUNCIL ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Henryetta, Oklahoma.

I further certify that the City Council of the City of Henryetta, Oklahoma, held a Special Meeting at 12:00 o'clock p.m., on March 29, 2024, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of Ordinance No. 1306 that was passed and approved by said City Council at said meeting as the same appears in the official records of my office.

I further certify that below is listed those Councilmembers present and absent at said meeting; those making and seconding the motion that said Ordinance be passed and approved, and those voting for and against such motion:

PRESENT: Michael Dickey - Steve Sanford - Jennifer Munholland
Janna Cluck

ABSENT:

MOTION MADE BY: Jennifer Munholland

MOTION SECONDED BY: Janna Cluck

AYE: Steve Sanford - Janna Cluck -
Jennifer Munholland - Michael Dickey

NAY:

WITNESS MY HAND THIS 29TH DAY OF MARCH, 2024.

CITY OF HENRYETTA, OKLAHOMA

By: Donna White
City Clerk

ORDINANCE NO. 1310

AN ORDINANCE AMENDING ZONING ORDINANCE ARTICLE 3, SECTION 1, DEFINITIONS; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

SECTION 1. Zoning Ordinance Article 3, Section 1, Definitions, is hereby amended for the sole purpose of adding the following definitions:

Halfway House – A home or facility for people such as former prisoners, psychiatric patients, or drug addicts, who can stay there for a limited period of time in order to get adjusted to life outside of a prison or hospital.

Homeless Shelter - A facility providing temporary housing and services for homeless people.

SECTION 2. In all other aspects Article 3, Section 1 shall remain in full force and effect.

SECTION 3. It being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the provisions of this ordinance be put into effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

Michael Dickey, Mayor

ATTEST:

Donna White, City Clerk

APPROVED AS TO FORM:

John M. Insabella, City Attorney

ORDINANCE NO. 1311

AN ORDINANCE AMENDING ZONING ORDINANCE ARTICLE 6, SECTION 5, C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

SECTION 1. Zoning Ordinance Article 6, Section 5, C-2 Highway Commercial and Commercial Recreation is hereby amended and shall read as follows:

5.1 – GENERAL DESCRIPTION

This commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not or should not locate in the central business district or the convenience district.

5.2 – USES PERMITTED

A. Any use permitted in the C-1 Convenience Commercial District.

B. Other uses, including:

Amusement Enterprises,
New and used automobile sales and service, new and used machinery sales and service, and public garages,
Advertising signs or Structures,
Ambulance Service, office or garage,
Bakery,
Boat Sales,
Bowling Alleys,
Bus Terminal,
Clothing Store,
Department Store,
Drive-Inn Theater or Restaurant
Electric Transmission Station,
Feed and Fuel Station,
Food Stores,
Frozen Food Locker
Furniture Repair and Upholstery

Funeral Parlor,
Garden Stores,
Golf Course, Miniature or Practice Range
Halfway Houses
Heating and Plumbing Sales Services
Homeless Shelters
Hospital for Small Animals,
Interior Decorating Store,
Ice Plant,
Key Shop,
Kennel,
Laundry,
Motels,
Music, Radio, and Television Shop Repair,
Night Club,
Novelty Shop,
Printing Plant,
Public Uses,
Recreation Center Private,
Research Laboratories,
Roller Skating Rink,
Sign Printing Shop,
Sporting Goods Shop,
Stock Broker,
Theater,
Tavern,
Toy Store,
Travel Trailer Park and Sales,
Wholesale Distributing Center

C. Buildings, structures, and necessary uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

D. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, or

traffic than those above.

E. ***No building shall be used for residential purposes.***

F. ***Travel Trailer Park – minimum lot size 2 acres.***

5.3 AREA AND HEIGHT REGULATIONS

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Front Yard Setback	Side Yard Setback	Rear Yard Setback
10,000 Sq. Ft.	100'	70%	45'	50' Except For East Main 35'	0' Except 1' of Setback 1' of Height when abutting an R-District	20'

5.4 - OFF STREET PARKING

In the C-2, Highway Commercial and Commercial Recreation District, a minimum of three (3) square feet of off-street parking space, dedicated to parking and automobile maneuvering, must be provided for each one (1) square foot of total floor space.

5.5 - ***USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS***

A. Homeless Shelters – a minimum lot size of one (1) acre and an indoor facility not less than 4,000 square feet.

B. Halfway Houses – a minimum lot size of one (1) acre and an indoor facility not less than 4,000 square feet.

SECTION 2. It being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

Michael Dickey, Mayor

ATTEST:

Donna White, City Clerk

APPROVED AS TO FORM:

John M. Insabella, City Attorney

ORDINANCE NO. 1305

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to R-3 Manufactured Homes Residential District, which real property is more specifically described as follows:

Northeast Corner of NE 1st and John legally described as EASTSIDE HENRYETTA LOTS 5 & 6 BLOCK 5 located in Okmulgee County, State of Oklahoma from R-1 Single Family Residential District to R-3 Manufactured homes Residential District.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 19th, day of March, 2024.

Michael Dickey, Mayor

Attest:

Donna White, City Clerk

John Insabella, City Attorney

CERTIFICATE
OF
CITY COUNCIL ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Henryetta, Oklahoma.

I further certify that the City Council of the City of Henryetta, Oklahoma, held a Special Meeting at 12:00 o'clock p.m., on March 29, 2024, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of Ordinance No. 1306 that was passed and approved by said City Council at said meeting as the same appears in the official records of my office.

I further certify that below is listed those Councilmembers present and absent at said meeting; those making and seconding the motion that said Ordinance be passed and approved, and those voting for and against such motion:

PRESENT: Michael Dickey - Steve Sanford - Jennifer Munholland - Janna Cluck

ABSENT:

MOTION MADE BY: Jennifer Munholland

MOTION SECONDED BY: Janna Cluck

AYE: Steve Sanford - Janna Cluck - Jennifer Munholland - Michael Dickey

NAY:

WITNESS MY HAND THIS 29TH DAY OF MARCH, 2024.

CITY OF HENRYETTA, OKLAHOMA

By: Donna White
City Clerk

ORDINANCE NO. 1310

AN ORDINANCE AMENDING ZONING ORDINANCE ARTICLE 3, SECTION 1, DEFINITIONS; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

SECTION 1. Zoning Ordinance Article 3, Section 1, Definitions, is hereby amended for the sole purpose of adding the following definitions:

Halfway House – A home or facility for people such as former prisoners, psychiatric patients, or drug addicts, who can stay there for a limited period of time in order to get adjusted to life outside of a prison or hospital.

Homeless Shelter - A facility providing temporary housing and services for homeless people.

SECTION 2. In all other aspects Article 3, Section 1 shall remain in full force and effect.

SECTION 3. It being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the provisions of this ordinance be put into effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

Michael Dickey, Mayor

ATTEST:

Donna White, City Clerk

APPROVED AS TO FORM:

John M. Insabella, City Attorney

ORDINANCE NO. 1311

AN ORDINANCE AMENDING ZONING ORDINANCE ARTICLE 6, SECTION 5, C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HENRYETTA:

SECTION 1. Zoning Ordinance Article 6, Section 5, C-2 Highway Commercial and Commercial Recreation is hereby amended and shall read as follows:

5.1 – GENERAL DESCRIPTION

This commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not or should not locate in the central business district or the convenience district.

5.2 – USES PERMITTED

A. Any use permitted in the C-1 Convenience Commercial District.

B. Other uses, including:

Amusement Enterprises,
New and used automobile sales and service, new and used machinery sales and service, and public garages,
Advertising signs or Structures,
Ambulance Service, office or garage,
Bakery,
Boat Sales,
Bowling Alleys,
Bus Terminal,
Clothing Store,
Department Store,
Drive-Inn Theater or Restaurant
Electric Transmission Station,
Feed and Fuel Station,
Food Stores,
Frozen Food Locker
Furniture Repair and Upholstery

Funeral Parlor,
Garden Stores,
Golf Course, Miniature or Practice Range
Halfway Houses
Heating and Plumbing Sales Services
Homeless Shelters
Hospital for Small Animals,
Interior Decorating Store,
Ice Plant,
Key Shop,
Kennel,
Laundry,
Motels,
Music, Radio, and Television Shop Repair,

SECTION 2. It being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED by the Council of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

SIGNED by the Mayor of the City of Henryetta, Oklahoma, on this 20th day of August, 2024.

Michael Dickey, Mayor

ATTEST:

Donna White, City Clerk

APPROVED AS TO FORM:

John M. Insabella, City Attorney

ORDINANCE NO. 1312

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR THE CITY OF HENRYETTA, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF HENRYETTA, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF HENRYETTA, OKLAHOMA:

Section 1. That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of **January 1, 2025**, the amended and restated Plan designated "Employee Retirement System of the City of Henryetta, Oklahoma, Defined Benefit Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joinder Agreement) and Exhibit "B" (amended and restated plan) and attached hereto as part hereof.

Section 2. FUND. A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City. Such Fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

Section 3. APPROPRIATIONS. The City of Henryetta, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City of Henryetta, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Benefit Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the Fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

Section 4. EXECUTION. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections

401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as Exhibit "A" and Exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Committee is hereby authorized and directed to proceed immediately on behalf of the City of Henryetta, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

Section 5. REPEALER. Any Ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 6. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A" and Exhibit "B", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

Section 7. EMERGENCY. Whereas, in the judgment of the City Council of the City of Henryetta, Oklahoma, the public peace, health, safety, and welfare of the City of Henryetta, Oklahoma, and the inhabitants thereof demand the immediate passage of this Ordinance, an emergency is hereby declared, the rules are suspended, and this Ordinance shall be in full force and effective on its passage, approvals and publication.

*****END*****

The undersigned hereby certifies that the foregoing Ordinance was introduced before the City Council of the City of Henryetta on the 19th day of November, 20 24, and was duly adopted and approved by the Mayor and City Council, on the 19th day of November, 20 24, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).

City of Henryetta

By _____
Mayor

ATTEST:

_____
Clerk

Approved as to form and legality on November 19, 2024.

_____
CITY ATTORNEY

CITY OF HENRYETTA ORDINANCE NO. 1314

AN ORDINANCE OF THE CITY OF HENRYETTA, OKLAHOMA, ADOPTING AND ENACTING THE (2025) "HENRYETTA CODE OF ORDINANCES"; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE COUNCIL FOR THE CITY OF HENRYETTA, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE CITY OF HENRYETTA; ALSO REPEALING ALL ORDINANCES OF A PERMANENT AND GENERAL NATURE NOT INCLUDED IN THE CODE; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE CODE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled "Henryetta Code of Ordinances" is hereby adopted and enacted for the City of Henryetta, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the City, adopted on or before the 20 day of May, 2025, to the extent provided in Sections 2 and 3 hereof. Said Code may also be cited as the "Henryetta Code" or other appropriate title.

SECTION 2. Ordinance Provisions Adopted.

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

SECTION 3. Certain Permanent and General Ordinances Are Repealed.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code but not included in this Code, are hereby repealed at the time this Code goes into effect.

SECTION 4. Temporary or Special Ordinances Omitted from Code Remain Effective.

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

SECTION 5. Addition and Amendments to Code.

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Henryetta, Oklahoma, City Council to make the same a part of such Code, shall be deemed to be incorporated in such so that reference to the "Henryetta Code of Ordinances," or any other appropriate title, shall be understood and intended to include such additions and amendments.

SECTION 6. Emergency.

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

PASSED, ADOPTED AND APPROVED THIS 20 DAY OF May, 2025.

City of Henryetta

By: _____

Title: Mayor

(SEAL)

ATTEST:

_____

City Clerk/Treasurer

ORDINANCE NO. 1315

AN ORDINANCE AMENDING ORDINANCE NO. 702 FOR PURPOSE OF REZONING CERTAIN PROPERTIES DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MANUFACTURED HOMES RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENRYETTA, OKLAHOMA:

SECTION ONE (1): That Ordinance No. 702 be amended by rezoning the hereinafter real property from R-1 Single Family Residential District to R-3 Manufactured Homes Residential District, which real property is more specifically described as follows:

GILLIAMS 2 HENRYETTA N 67.5' OF LOTS 1 TO & INCL 5 LESS R/R IN LOTS 4 & 5 BLK 12 located in Okmulgee County, State of Oklahoma (The street address of this property is 1101 S 7th Street) from R-1 Single Family Residential District to R-3 Manufactured Homes Residential District.

WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of Henryetta and the inhabitants thereof that the previsions of this Ordinance be put into full force and effect, and emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED by the Council of the City of Henryetta, Oklahoma on this 20th, day of May, 2025.

Michael Dickey, Mayor

Attest:

Donna White, City Clerk

APPENDIX 2. HENRYETTA MUNICIPAL AUTHORITY

Appendices can be found online at codemgmt.net.

APPENDIX 2

HENRYETTA MUNICIPAL AUTHORITY

[HISTORY: Derived from Appendix Ch. 6 of the 1985 Code. Amendments noted where applicable.]

§ 1. Trust accepted.[1]

The trust indenture by and between W. R. Stubbs, as trustor, and W. R. Stubbs, Lyman Cady, James Siberts, Bill Sturdevant, Dr. H. E. Greenley, as trustees, dated as of January 21, 1972, creating the Henryetta Municipal Authority, a copy of which indenture is on file in the office of the city clerk, wherein the City of Henryetta is declared to be the beneficiary of the trust, be and the same is hereby approved, and the City of Henryetta accepts the trust as the beneficiary thereof in all respects in accordance with the terms of the trust indenture.

HENRYETTA MUNICIPAL AUTHORITY TRUST INDENTURE

KNOW ALL MEN BY THESE PRESENTS:

THIS TRUST INDENTURE dated as of the 21st day of January, 1972, by W. R. Stubbs, Mayor, hereinafter referred to as the Trustor, and W. R. Stubbs, Dr. H. E. Greenley, Lyman Cady, James Siberts and Bill Sturdevant, and their respective successors in office as provided herein, to be known as the Trustees of the HENRYETTA MUNICIPAL AUTHORITY, who shall be and are hereinafter referred to as Trustees of the said Authority (hereinafter referred to an "Authority" or "Trust") herein set out.

WITNESSETH:

That in consideration of the payment by the Trusor to the Trustees of the sum of $10, receipt of which is hereby acknowledged, the mutual covenants herein set forth, and other valuable considerations, the said Trustees agree to hold, manage, invest, assign, convey and distribute as herein provided, authorized and directed, such property as Trustor, or others, may from time to time assign, transfer, lease, convey, give, bequeath, devise or deliver unto this Trust or the Trustees hereof.

TO HAVE AND TO HOLD such property and the proceeds, rents, profits and increases thereon unto said Trustees and said Trustees' successors and assigns, but nevertheless in trust, for the use and benefit of the City of Henryetta, Oklahoma, hereby designated and hereinafter referred to as "Beneficiary" and upon the following trust, terms and conditions herein stated.

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[1] **Editor's Note: See Trust Indenture following this section.**

ARTICLE I
Creation of Trust

The undersigned trustor creates and establishes a trust for the use and benefit of the beneficiary for the public purposes hereinafter set forth, under the provisions of Title 60, Oklahoma Statutes, 1961, §§ 176 to 180, inclusive, as amended and supplemented, the Oklahoma Trust Act and other applicable statutes and laws of the State of Oklahoma.

ARTICLE II
Name

The trustees of this trust shall conduct all business and execute or authorize the execution of all instruments in the name of this trust (which said name shall be "Henryetta Municipal Authority") and otherwise perform the duties and functions required in the execution of this trust, and hereby authorized the chairman and secretary of the authority to execute instruments on behalf of the authority as directed by duly enacted resolutions of the authority.

ARTICLE III
Purposes

The purposes of this trust are:

1. To acquire, construct, reconstruct, extend, improve, lease, purchase, install, equip, maintain, repair, enlarge, remodel and operate any property, utilities, buildings, improvements, equipment and other facilities of every nature for use by the United States of America, the State of Oklahoma, municipalities, school districts, vocational-technical school districts, counties or other political subdivisions of the State of Oklahoma, or agencies or authorities of the foregoing or for the use of corporations, individuals, partnerships, joint ventures, associations, proprietary companies or other entities; to plan, establish, develop, construct, enlarge, improve, extend, maintain, equip, operate, lease, acquire by lease, furnish, provide, supply, regulate, hold, store and administer any property, utilities, improvements, buildings, equipment and facilities of every nature within or without the territorial boundaries of the State of Oklahoma which are or shall be of public use or useful in securing, developing and maintaining industry and industrial and commercial projects and activities and to service machinery or equipment in connection therewith.

2. To make or cause to be made feasibility studies, usage estimates, engineering and legal studies, plans, specifications, surveys, labor surveys, cost estimates, revenue estimates and any other studies or surveys incident to determining the feasibility or practicability of any aforesaid property, facilities, utilities, buildings or equipment or the operating, administration and maintenance thereof and to make any other studies, surveys or examination in order to so determine feasibility or practicality thereof.

3. At the request of the beneficiary, to hold, maintain and administer any leasehold rights in and to physical properties demised to the beneficiary and to comply with the terms and conditions of any such lease.

4. To promote the development of industry within and without the territorial limits of the State of Oklahoma, to provide additional employment which will benefit and strengthen the economy of the State of Oklahoma and to perform functions and powers as authorized by industrial development statutes.

5. To acquire by lease, purchase, production, reduction to possession or otherwise, and to plan, establish, develop, construct, enlarge, improve, extend, maintain, equip, operate, furnish, provide, supply, regulate, hold, store and administer any and all physical properties (real, personal or mixed), rights, privileges, immunities, benefits and any other thing of value, designated or needful for utilization in operating, administering and maintaining the aforesaid properties, utilities, improvements, buildings, equipment and facilities; to negotiate for the purchase or procurement of properties, utilities, buildings, improvements, equipment and facilities on behalf of the beneficiary or any other entity or entities; to finance and refinance and to enter into contracts of purchase, lease-purchase or other interest in or operation and maintenance of the properties, and revenue thereof, and to comply with the terms and conditions of any such contracts, leases or other contracts made in connection with the acquisition, equipping, maintenance and disposal of any of the property; and to relinquish, dispose of, rent or otherwise make provisions for properties owned or controlled by the trust but no longer needful for trust purposes.

6. To contract or arrange with the beneficiary, the State of Oklahoma, or any municipality, school district, county or other political subdivision, for the exercise of eminent domain as necessary in operating, administering and maintaining the aforesaid facilities and systems.

7. To make and enter into all contracts and agreements which are in the judgment of the Authority necessary or incidental to the performance of its duties and the execution of its powers and to employ engineers, attorneys, accountants, construction and financial experts, superintendents, managers, law enforcement officers or agencies or policing agencies and such other employees and consultants as may be necessary in their judgment and to fix their compensation.

8. To enter into contracts with the United States of America or the State of Oklahoma or authorities or agencies of the United States of America or the State of Oklahoma or with municipalities, school districts, vocational-technical school districts, counties or other political subdivisions of the State of Oklahoma or with corporations, individuals, partnerships, associations, joint ventures, proprietary companies or entities in connection with the acquisition, construction, reconstruction, extension, improvement, leasing, purchasing and installing, equipping, maintaining, repairing, enlarging, regulation, supervision and administration of any property, utilities, improvements, buildings, equipment and facilities of every nature.

9. To receive and accept from any federal or state agencies grants or loans for or in aid of the construction of any facility or system and to receive and accept aid or contributions of money, labor or other valuable things from any source.

10. To provide funds for the cost of financing, refinancing, acquiring, constructing, purchasing, equipping, maintaining, leasing, repairing, improving, extending, enlarging, remodeling, holding, storing, operating and administering any or all aforesaid properties, utilities, improvements, buildings, equipment, facilities and all properties (real, personal or mixed) needful for executing and fulfilling the trust purposes as set forth in this instrument and all

other charges, and in so doing to incur indebtedness, either unsecured or secured by all or any part of the trust estate and its revenues.

11. To expend all funds coming into the hands of the trustees as revenue or otherwise for the payment of any indebtedness incurred by the trustees for purposes specified herein, and in the payment of the aforesaid costs and expenses, and in payment of any other obligation properly chargeable against the trust estate, and to distribute the residue and remainder of such funds to the beneficiary.

ARTICLE IV
Duration of Trust

This trust shall have duration for the term of duration of the beneficiary and until such time as its purposes shall have been fully fulfilled, or until it shall be terminated as hereinafter provided.

ARTICLE V
The Trust Estate

The trust Estate shall consist of:

1. The funds and property presently in the hands of the trustees or to be acquired or constructed by trustees and dedicated by the trustor and others to be used for trust purposes.
2. Any and all leasehold rights remised to the trustees by the beneficiary, and others as authorized and empowered by law.
3. Any an all money, property (real, personal or mixed), rights, choses in action, contracts, leases, privileges, immunities, licenses, franchises, benefits and all other things of value coming into the hands of the trustees under the trust indenture.
4. Cash in the sum of $10 paid to the trustees, receipt of which is hereby acknowledged by the trustees.

ARTICLE VI
The Trustees

1. The trustees of the Authority shall be the persons presently constituting the City Council of the beneficiary and the persons who shall be their successors as members of the City Council of the beneficiary (or any successor trustee is a member of the governing board of the beneficiary). The original trustees and each successors in office shall be administered to all trustees as a condition precedent to their becoming trustees of the trust, by any person authorized to administer oaths in the State of Oklahoma. The oaths of office administered to successory trustees shall be substantially similar to the oath of office of the original trustees, attached to this trust indenture and made a part hereof. The oath of office of successor trustees shall be filed in the office of the clerk of the beneficiary. Each successor in office as a member of the governing board of beneficiary shall, upon taking the oath of

office, without any further act, deed or conveyance, become a trustee of the Authority and become fully vested with all estate, properties, rights, powers, duties and obligations of his predecessor hereunder with like affect as if originally named a trustee herein. No bonds shall be required of any trustee except that any officer or employee of the trust who handles funds shall furnish a good and sufficient fidelity bond in the amount and with sureties as may be specified and approved by the trustees. The trustees of this trust may be removed from office for cause, including incompetency, neglect of duty or malfeasance in office, by a district court having jurisdiction over the Authority. In the event of the removal of a trustee, a successor trustee shall be appointed in accordance with 60 O.S. 1961, § 178.

The trustees are hereby authorized to adopt bylaws and to change the same from time to time. Such bylaws may prescribe quorum requirements for meeting of the trustees, frequency of meetings, duties of officers and other matters normally prescribed by bylaws in accordance with the provisions of the trust indenture. Unless changed by bylaw, meetings of the trustees shall be held at the same time and place as meetings of the governing board of the beneficiary with the same quorum requirements.

2. The Mayor of the beneficiary (or any similar officer in a succeeding form of government) shall serve as chairman of the Authority, who shall preside at all meetings and perform other duties designated by the trustees. All actions by the trustees pursuant to the terms of this trust indenture shall be approved by an affirmative vote of at least a majority of the trustees then qualified to act as such under the provisions of this trust indenture unless a greater percentage is required by law. The trustees shall also elect one of the trustees as vice chairman, who shall act in the place of the chairman during the latter's absence or incapacity to act. The term of the vice chairman shall be determined by the trustees, and he may be removed at any time as such vice chairman, with or without cause, by a majority vote of the trustees.

3. The city clerk of the beneficiary shall serve as secretary of the Authority. The trustees may appoint or elect an assistant secretary who may or may not be one of the trustees. The secretary or assistant secretary shall keep minutes of all meetings of the trustees and shall maintain complete and accurate records of all their transactions with all such minutes, books and records to be on file in the office of the Authority, which shall be at the city hall of the beneficiary. All meetings of the trustees shall be open to the public, and all minutes, books and records of the trustees shall be open to the public and shall be considered as public records and available for inspection at the office of the Authority at all reasonable times by any interested party.

4. The treasurer of the beneficiary shall serve as treasurer of the Authority. The trustees may appoint or elect an assistant treasurer of the trustees who may or may not be a trustee.

5. The trustees may appoint a general manager and/or an industrial agent for the trust estate, and may employ such other clerical, professional, legal and technical assistance as may be deemed necessary in the discretion of the trustees to properly operate the business of the trust estate, and may fix their duties, terms of employment and compensation. Any such employee may be a person who shall be an officer or employee of the beneficiary in which event such officer or employee may receive compensation from the trust estate. All trustees shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties hereunder. In the event a general manager and/or industrial

agent for the trust estate is appointed by the trustees, the general manager and/or industrial agent shall administer the business of the trust estate as directed from time to time by the trustees.

6. The trustees are authorized to contract, in connection with the incurring of any funded indebtedness secured by the trust estate and/or its revenues, or any part of either or both, that in the event of a default in the fulfillment of any contract or obligation undertaken on behalf of the trust estate, that a temporary trustee or trustees or receiver shall be appointed to succeed to the rights, powers and duties of the trustees then in office. Any such contract, if made, shall set out the terms and conditions under which such temporary trustee or trustees or receiver shall be appointed and operate the trust estate and provide for compensation to be paid, and appointment to be vacated and permanent trustees to be automatically reinstated upon termination of all defaults by which their appointment was authorized.

7. Bonds or other evidences of indebtedness to be issued by the trustees shall not constitute an indebtedness of the beneficiary, the State of Oklahoma or personal obligations of the trustees of the trust, but shall constitute obligations of the trustees payable solely from the trust estate.

8. The trustees and the beneficiary shall not be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in good faith or in the exercise of their honest discretion in the performance of such trust or in the operation of the trust estate; but any act or liability for any omission or obligation of the trustees in the execution of such trust, or in the operation of the trust estate, shall extend to the whole of the trust estate or so much thereof as may be necessary to discharge such liability or obligation.

9. Notwithstanding any other provision of this indenture which shall appear to provide otherwise, no trustee or trustees shall have the power or authority to bind or obligate any other trustee, or the beneficiary, in his or its capacity, nor can the beneficiary bind or obligate the trust or any individual trustee.

10. The trust shall cause to be prepared annually at the close of each fiscal year of the Authority an audit of the funds, financial affairs and transactions of the Authority, such audit to be certified with the unqualified opinion of a certified public accountant, a certified municipal accountant or a licensed public accountant. Such audit shall be prepared in accordance with the standards set by the Oklahoma State Examiner and Inspector. A copy of such annual audit shall be filed with the State Examiner and Inspector and with the beneficiary of the trust not later than 90 days following the close of each fiscal year of the Authority. Unless hereafter changed by resolution of the trustees, the fiscal year of the Authority shall be identical with the fiscal year of the beneficiary. Within 30 days after the date of this trust indenture, such fiscal year shall be certified to the State Examiner and Inspector. The cost of the foregoing audits shall be paid from the trust estate.

ARTICLE VII
Powers and Duties of the Trustees

To accomplish the purposes of the trust, and subject to the provisions and limitation otherwise provided in this trust indenture, the trustees shall have, in addition to the usual powers incident to their office and the powers granted to them in other parts of this trust indenture, the following rights, powers, duties, authority, discretion and privileges, all of which may be exercised by them without any order or authority from the beneficiary or any court:

1. To finance, refinance, acquire, establish, develop, construct, enlarge, improve, extend, maintain, equip, operate, lease, furnish, provide, supply, regulate, hold, store and administer any of the property or facilities designated pursuant to Article III hereof as the trustees shall determine necessary for the benefit and development of the beneficiary.

2. To enter into contracts (in accordance with the requirements of law) for the acquisition and construction of facilities authorized to be acquired and constructed pursuant to the terms of this trust indenture and in compliance herewith, other than those facilities to be constructed by the employees of the trustees.

3. To employ such architectural, engineering or other firm or firms as the trustees deem necessary to prepare such preliminary and detailed studies, plans, specifications, cost estimates and feasibility reports as are required in the opinion of the trustees. The cost of such engineering, architectural or other work shall be paid out of the proceeds of the sale of bonds or from such other funds as may be available therefor.

4. To enter into contracts for the sale of bonds, notes or other evidences of indebtedness or obligations of the trust for the purpose of acquiring or constructing property or facilities authorized to be acquired or constructed pursuant to the terms of this trust indenture and for that purpose may:

    a. Employ a financial advisor, or committee of advisors, to advise and assist the trustees in the marketing of such bonds, notes or other evidences of indebtedness or obligations, and to present financial plans for the financing of the acquisition or construction of each project, and to recommend to, or consult with, the trustees concerning the terms and provisions of bond indentures and bond issues, and may pay appropriate compensation for such work and services performed in the furtherance of the project;

    b. Sell all bonds, notes or other evidences of indebtedness or obligations of the trust in whole or in installments or series and on such terms and conditions and in such manner as is prescribed by law and as the trustees shall deem to be in the best interest of the trust estate; and

    c. Appoint and compensate attorneys, paying agencies and corporate trustees in connection with the issuance of any such bonds, notes, evidences of indebtedness or other obligations of the trust;

5. To enter into and execute, purchase, lease or otherwise acquire property, real, personal or mixed, contracts, leases, rights, privileges, benefits, choses in action or other things of value and to pay for the same in cash, with bonds or other evidences of indebtedness or otherwise.

6. To make and change investments, to convert real into personal property, and vice-versa, to lease, improve, exchange or sell, at public or private sale, upon such terms as they deem proper, and to resell, at any time and as often as they deem advisable, any or all the property in the trust, real and personal; to borrow money, or renew loans to the trust, to refund outstanding bonded indebtedness, and to secure the same by mortgage, lien, pledge or otherwise; to purchase property from any person, firm, corporation or entity and lease land and other property to and from the beneficiary or other entities, and construct, improve, repair, extend, remodel and equip facilities thereon and to operate or lease or rent the same to individuals, partnerships, associations, joint ventures, corporations and other entities, including the United States of America, or the State of Oklahoma and agencies or authorities of the United States of America, or of the State of Oklahoma, or of any municipality thereof, and also including all municipal or other political subdivisions of the State of Oklahoma, and to do all things provided for in Article III of this trust indenture, and procure funds necessary for such purpose by the sale of bonds or other evidences of indebtedness, either unsecured or secured by a mortgage, lien, pledge or other encumbrance or otherwise of such real and personal property and facilities owned or otherwise acquired, leased or controlled by trustees, and by rentals, income, receipts and profits therefrom, or from any other revenues associated with the ownership, operation or control of the property of the trust; to lease or sublease any property of the trust or of which the trustees may become the owners or lessees.

7. To fix, demand and collect charges, rentals and fees for the services and facilities of the trust and to discontinue furnishing of services and facilities to any person, firm or corporation, or public instrumentality, delinquent in the payment of any indebtedness to the trust; to purchase and sell such supplies, goods and commodities as are incident to the operation of its properties.

8. To make and perform contracts of every kind, including management contracts, with any person, firm, corporation, association, joint venture, trustee-ship, municipality, government, sovereignty or other entity; and without limitation as to amount, to draw, make, accept, endorse, assume, guarantee, account execute and issue promissory notes, drafts, bills of exchange, acceptances, warranties, bonds, debentures and other negotiable or nonnegotiable instruments, obligations and evidences of unsecured indebtedness, or of indebtedness secured by mortgage, deed of trust or otherwise upon any or all income of the trust, in the same manner and to the same extent as a natural person might or could do. To collect and receive any property, money, rents or income of any sort and distribute the same or any portion thereof for the furtherance of the authorized trust purposes set out herein.

9. To do all other acts in their judgment necessary or desirable for the proper and advantageous management, investment and distribution of the trust estate and income therefrom.

The whole title, legal and equitable, to the properties of the trust is and shall be vested in the trustees, as such title in the trustees is necessary for the due execution of this trust. The trustees shall have and exercise exclusive management and control of the properties of the trust estate.

The trustees may contract for the furnishing of any services or the performance of any duties that they may deem necessary or proper, and pay for the same as they see fit.

The trustees may select depositories for the funds and securities of this trust. Temporary trustee or trustees or receiver appointed pursuant to Paragraph 6 of Article VI hereof may employ special counsel to represent them and such special counsel's compensation shall be paid from revenues of the trust estate.

The trustees may compromise any debts or claims of or against the trust estate, and may adjust any dispute in relation to such debts or claims by arbitration or otherwise and may pay any debts or claims against the trust estate upon any evidence deemed by the trustees to be sufficient. The trustees may bring any suit or action which in their judgment is necessary or proper to protect the interest of the trust estate, or to enforce any claim, demand or contract for the trust; and they shall defend, in their discretion, any suit against the trust, or the trustees or employees, agents or servants thereof. They may compromise and settle any suit or action, and discharge the same out of assets of the trust estate, together with court costs and attorneys' fees. All such expenditures shall be treated as expenses of executing this trust.

No purchaser at any sale or lessee under a lease made by the trustees shall be bound to inquire into the expediency, propriety, validity or necessity of such sale or lease or to see or be liable for the application of the purchase or rental moneys arising therefrom.

ARTICLE VIII
Beneficiary of Trust

1. The beneficiary of this trust shall be the beneficiary, under and pursuant to Title 60, Oklahoma Statutes 1961, §§ 176 to 180, inclusive, as amended and supplemented, and other statutes of the State of Oklahoma presently in force and effect. Trustor now declares that this trust indenture shall not be subject to revocation, alteration, amendment, revision, modification or termination from and after the date any indebtedness is incurred by the trustees, without consent of such holders of indebtedness.

2. The beneficiary shall have no legal title, claim or right to the trust estate, its income or to any part thereof or to demand or require any partition of distribution thereof. Neither shall the beneficiary have any authority, power or right, whatsoever, to do or transact any business for or on behalf of, or binding upon the trustees or upon the trust estate, nor the right to control or direct the actions of the trustees pertaining to the trust estate, or any part thereof. The beneficiary shall be entitled solely to the benefits of this trust, as administered by the trustees hereunder, and at the termination of the trust, as provided herein, and then only, the beneficiary shall receive the residue of the trust estate.

ARTICLE IX
Termination of Trust

This trust shall terminate:

1. When the purposes set out in Article III of this instrument shall have been fully executed; or

2. In the manner provided by Title 60, Oklahoma Statutes 1961, § 180; provided, however, that this trust shall not be terminated by voluntary action if there be outstanding indebtedness or fixed term obligations of the trustees, unless all owners of such indebtedness or obligations shall have consented in writing to such termination.

   Upon the termination of this trust, the trustees shall proceed to wind up the affairs of this trust, and after payments of all debts, expenses and obligation out of the moneys and properties of the trust estate to the extent thereof, shall distribute the residue of the money and properties of the trust estate to the beneficiary hereunder. Upon final distribution, the powers, duties and authority of the trustees hereunder shall cease.

ARTICLE X
Covenant

The trustees accept the trust herein created and provided for, and agree to carry out the provisions of this trust indenture on their part to be performed.

IN WITNESS WHEREOF, the trustor and the trustees have hereunto set their hands on the day and year indicated.

/s/ W. R. Stubbs Trustor

Trustor

/s/ W. R. Stubbs	/s/ Dr. H. E. Greenley
Trustee	Trustee
/s/ Lyman Cady	/s/ James Siberts
Trustee	Trustee
/s/ Bill Sturdevant	
Trustee	

STATE OF OKLAHOMA)
) SS
COUNTY OF OKMULGEE)

BEFORE ME, the undersigned, a Notary Public in any for said County and State on this 21st day of January, 1972, personally appeared W. R. Stubbs, Mayor, Dr. H. E. Greenley, Lyman

Cady, James Siberts, Bill Sturdevant, to me known to be such persons and to me to be the identical persons who executed the within and foregoing instrument as Trustees and acknowledge to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

GIVEN UNDER BY HAND AND SEAL the day and year last above written.

/s/ J. D. Gorham

Notary Public

(SEAL)

My commission expires 9-7-75.

APPENDIX 3. HENRYETTA HOSPITAL AUTHORITY

Appendices can be found online at codemgmt.net.

APPENDIX 3

HENRYETTA HOSPITAL AUTHORITY

Section 1	Trust created, approved.
Section 2	Trustees.
Section 3	Agreement for rates tax.
Section 4	Debt approved.
Section 5	Emergency declared.

SECTION 1 TRUST CREATED, APPROVED.

The trust indendture by and between W. R. Stubbs, as Trustor, and Lawrence Reingold, Clyde Estes, Sylvan Horne, Jim Kelsey, Bill Norman, and P. W. Cunningham, originally named as trustees, dated as of the 18th day of April, 1977, creating the Henryetta Hospital Authority, a public trust, of which the city is declared to be the beneficiary of the trust, be and the same is hereby approved, accepted, ratified and confirmed by the city as the beneficiary thereof. (Ord. No. 695, 4-10-1979)

SECTION 2 TRUSTEES.

In accordance with the provisions of Article V of the trust indenture, the persons presently constituting the trustees of the Henryetta Hospital Authority are hereby confirmed as such trustees. (Ord. No. 695, 4-10-1979)

SECTION 3 AGREEMENT FOR RATES TAX.

The agreement dated as of April 10, 1979, by and between the city and the Henryetta Hospital Authority pertaining to the deposit and application of the proceeds of the special one percent (1%) sales tax authorized by ordinance dated December 13, 1977, and approved by the voters at an election held for that purpose on January 17, 1978, is hereby approved and the mayor and the city clerk are hereby authorized and directed to execute and deliver the same on behalf of the city. (Ord. No. 695, 4-10-1979)

SECTION 4 DEBT APPROVED.

The Henryetta Hospital Authority is hereby authorized to incur an indebtedness by issuing a special obligation revenue note in the principal amount of Four Million Nine Hundred Thirty-Three Thousand Dollars ($4,933,000.00) payable to the United States of America acting through the Farmers Home Administration, evidencing a loan to be amortized over a period of forty (40) years at an interest rate of five percent (5%) per annum, the proceeds of the loan to be used to acquire, construct and equip a new hospital facility to serve the residents of the city and surrounding area. (Ord. No. 695, 4-10-1979)

SECTION 5 EMERGENCY DECLARED.

By reason of its being extremely advantageous to the city to cause the note to be issued and secured, and by reason of the city's need of the facilities to be acquired, constructed and equipped by the Henryetta Hospital Authority, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that the actions of the authority be taken without delay and to that end that this ordinance shall become operative immediately, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage and publication as provided by law. (Ord. No. 695, 4-10-1979)