RUSH SPRINGS, OKLAHOMA

CODE OF ORDINANCES
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Title 1 - Administration

Chapter 1. Rush Springs Town Code and Ordinances

Section 1-1-1. Designation and Citation of Code.

The Ordinances embraced in this and all other titles, chapters, articles and sections shall constitute and be designated as the "Code of Ordinances, Town of Rush Springs, Oklahoma," and may be cited as such. This code may also be cited as the "Rush Springs, Oklahoma, Town Code," or the "Rush Springs, Oklahoma, Municipal Code," or "this code".

Section 1-1-2. Ordinances Generally.

A. General Provisions

1. The enacting clause of all ordinances passed by the town board of trustees shall be: "BE IT ORDAINED by the board of trustees of the town of Rush Springs, Oklahoma"; and of all ordinances proposed by the voters under their power of initiative, "BE IT ORDAINED by the people of the town of Rush Springs, Oklahoma".

2. Every proposed ordinance shall be read, and a vote of a majority of all the trustees shall be required for its final passage.

3. The mayor shall have no power to veto any ordinance.

4. Every ordinance, except those exempted by state law, shall be published by title or in full, within fifteen (15) days after its passage, in a newspaper of general circulation within the town or county, or posted in ten (10) public places within the town.

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

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

B. Codes and Standards Adopted by Reference: The town board of trustees, by ordinance, may adopt by reference codes, ordinances and standards relating to building, plumbing, electrical installations and other matters which it has the power to regulate. Such a code, ordinance or standard so adopted, need not be enrolled in this code; provided, that, three (3) copies are filed and kept in the office of the town clerk-treasurer.

C. Compilation of Ordinances

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

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

3. Every two (2) years, the town shall prepare, adopt and publish supplements to its compiled penal ordinances, and no ordinance shall be enforced if it is not reflected in such compilation or supplement, if such ordinance was adopted more than one year prior to the latest compilation or supplement.

4. When the town has compiled and published its code of ordinances and succeeding supplements, the town board of trustees shall adopt a resolution notifying the public of such compliance and cause certified copies of the resolution, the code of ordinances and the supplements to be filed in the office of the county clerk and the county law library.

Section 1-1-3. Amendments or Additions.

A. Power of Trustees: The town board of trustees shall have the power to repeal, alter or amend this code.

B. Subsequently Passed Ordinances: All ordinances passed subsequent to this code which amend, repeal or in any way affect said code, may be supplemented every two (2) years by being numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, such repealed portions may be excluded from this code by omission thereof from reprinted pages. Such inclusion of ordinances passed subsequent to this code which amend or add to this code (3xcept in the case of repeal), shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered and omitted, are readopted as a new code of ordinances by the town of trustees.

C. Specific Reference in Amendments: Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the chapter, article and section numbers of this code in the following language: "Section ___ of title ___, chapter ___, of the code of ordinances, town of Rush Springs, Oklahoma, is hereby amended to read as follows: _____". The new provisions shall then be set out in full as desired.

D. Added Sections: In the event a new section not heretofore existing in this code is to be added, the following language shall generally be used: "The code of ordinances, town of Rush Springs, Oklahoma, is hereby amended by adding a section to title ___ of chapter ___, which section reads as follows: _____". The new section shall then be set out in full as desired.

Section 1-1-4. Enumeration of Provisions.

A. Provisions of state law which affect the town because of its general relationship to the state, may not be enumerated herein, but may be adopted by reference as inseparable parts of this code.

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

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

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

Section 1-1-5. Applicability of Code to Certain Property Outside of Town.

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

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

C. The operation of motor vehicles and other traffic upon roads, streets and highways that form the corporate boundary line of the town shall be subject to all municipal traffic ordinances and other ordinances of the town.

Chapter 2. Saving Clause

Section 1-2-1. Continuation of Ordinances.

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

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

1. Ordinances promising, obligating or guaranteeing the payment of money for or to the town authorizing the issuance of any municipal bonds or any evidence of the municipality's indebtedness;

2. Appropriation ordinances, or ordinances providing for: a) the levy of taxes; b) an annual budget; c) a special election; or d) prescribing salaries for municipal officers and employees;

3. Ordinances which provide for the annexation or deannexation of territory to or from the town;

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

5. Ordinances authorizing or relating to specific public improvements;

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

7. Ordinances relating to specific street improvements and assessments;

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

9. Ordinances naming or renaming specific streets;

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

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

12. Other temporary or special ordinances.

Section 1-2-2. Officers and Employees Continue in Office.

All officers and employees of the town, under any and all previous ordinances, shall continue in the offices and employments which are respectively hold, after this code goes into effect.

Section 1-2-3. Prior Offenses or Rights.

Nothing in this code or the ordinance adopting this code shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date hereof.

Section 1-2-4. Separability of Parts of Code.

A. Declaration: It is hereby declared to be the intention of the town board of trustees that the sections, paragraphs, sentences, clauses and phrases of this code are separable, and if any phrase, clause, sentence, paragraph or section of said code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of said code, since the same would have been enacted by the town board of trustees without the incorporation in this code of any such valid phrase, clause, sentence, paragraph or section.

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

Chapter 3. Definitions

Section 1-3-1. Terms Defined.

In the construction of this code and of all subsequent ordinances and resolutions passed by the board of trustees, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the town board:

Chief of Police or Police Chief
The chief of police or the police officer in charge of the police force of the town.

City Attorney, Town Attorney or Municipal Attorney
The town attorney of the town of Rush Springs, Oklahoma.

City Clerk, Town Clerk or Clerk of the Municipality
The town clerk-treasurer of the town of Rush Springs, Oklahoma.

City Clerk, Town Clerk-Treasurer or Clerk of the Municipality
The town clerk-treasurer of the town of Rush Springs, Oklahoma.

City Council, Council, Town Board of Trustees or Town Board
The governing body of the town of Rush Springs, Oklahoma.

City, Town or Municipality
The town of Rush Springs, in Grady County, Oklahoma.

City Treasurer, Town Clerk-Treasurer or Clerk-Treasurer
The town clerk-treasurer of the town of Rush Springs, Oklahoma.

City Treasurer, Town Treasurer or Treasurer
The town treasurer of the town of Rush Springs, Oklahoma.

Code
The code of the town.

Computation of Time
Whenever notice is required to be given (or an act to be done) a certain length of time before any proceeding shall be had, the day on which such notice is given (or such act is done) shall be excluded in computing the time, but the day on which such proceeding is to be had, shall be included.

County, The County, or This County
Grady County, Oklahoma.

Court or Municipal Court
The municipal court of the town of Rush Springs, Oklahoma.

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

Health Officer or Health Department
The county sanitarian or county health department, unless specific reference is made to the appointed health officer of the town.

Highway
Shall include any street, alley, highway, avenue, public place, square, bridge, underpass or overpass in the town dedicated or devoted to public use.

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

Judge
The judge of the municipal court of the town, including the acting judge and/or alternate judge thereof, as provided by Oklahoma Statutes and this code.

Judicial District
The district court judicial district of the state of Oklahoma, wherein the situs of government of the town is situated.

May, Shall
The word “may” is permissive; the word “shall” is mandatory.

Mayor
The chief executive officer of the town.

Month
A calendar month.

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

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

Officers, Departments, Etc.
Whenever any officer, department board, commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words “of the town of Rush Springs, Oklahoma”.

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

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

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

Police Officer
The chief of police or any police officer of the town.

Preceding or Following
Next before and next after, respectively.

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

Sidewalk
Any portion of the street right of way between the curb (or lateral line of the roadway) and the adjacent property line, intended for the use of pedestrians.

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

State, The State or This State
The state of Oklahoma.

Statutory Reference
Reference to the statutes of the state of Oklahoma means the statutes as they now are or as they may be amended to be. A reference to the 1981 statutes also means the comparable provision when included in future codifications or supplementations of said statutes.

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

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

Written or In Writing
Shall include any representation of words, letters or figures, whether by printing or otherwise.

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

Section 1-3-2. Catchlines.

The catchlines of the sections of this code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed, or taken to be, titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Chapter 4. General Penalty

Section 1-4-1. General Penalty for Violations; Judicial Relief.

A. Whenever in this code or any ordinance of the town, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in this code, the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or of any such ordinance shall be punishable by a fine in any amount not exceeding the limits established in title 7 of this code. Each day on which any violation of this code or of any ordinance shall continue shall constitute a separate offense and shall be punishable as such.

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

Chapter 5. Official and Corporate Provisions

Section 1-5-1. Incorporation.

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

Section 1-5-2. Form of Government.

The municipal government provided for the town shall be the town board of trustees form of government. All powers of the municipality shall be exercised in the manner prescribed by this code, future ordinances or state law; provided, that, this code and all future ordinances are not repugnant to the state constitution and laws.

Section 1-5-3. General Powers of Municipality.

A. The town shall have all the powers, functions, rights, privileges, franchises and immunities specifically granted to municipalities, or not prohibited by the state constitution and laws, and all the implied power necessary to carry into execution all the powers granted.

B. The town shall have the power to adopt a corporate seal and alter the same, to sue and be sued, to make contracts and to grant, extend and renew franchises. It shall have the power to issue bonds in accordance with the state constitution and laws. It shall have the power, in accordance with the state constitution and laws, to accept and administer federal and state grants in aid. It shall

have the power to ordain and enforce local legislation, consistent with the state constitution and laws, for the proper organization and functioning of municipal government, for the preservation and enforcement of good government and order, for the protection of health, life, peace, safety, morals and property, for the prevention, summary abatement and removal of nuisances, and otherwise for the promotion of the common welfare.

C. The enumeration of particular powers of this code shall not be deemed to be exclusive or limiting. In addition to the powers enumerated herein or implied hereby, the town shall have all the powers which, under the state constitution and laws, it would be competent for this code specifically to enumerate.

Chapter 6. Wards and Boundaries

Section 1-6-1. Municipal Wards.

A. Trustees Elected At Large: Pursuant to Oklahoma Statutes and ordinances of the town, there shall be no ward boundaries required within the town, because all members of the town board of trustees shall be nominated and elected at large, without regard for their place of residence within the town.[1] Ward numbers shall be retained, but shall not represent a specific area.

B. Annexations:

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

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

Section 1-6-2. Corporate Boundaries.

A. Map on File: A map depicting the current corporate boundaries of the town hall be maintained and displayed in the office of the town clerk-treasurer.

B. Content:

1. This map shall reflect all current annexation and deannexation ordinances and orders, all plat and/or street vacation orders, and all official street names, and shall represent the official map of the corporate boundaries of the town.

2. All dedicated streets and alleys shall be shown on this map. Vacated streets and alleys shall not be shown on said map, but shall be redrawn by the methods provided by Oklahoma Statutes.

C. Combines With Zoning Map: This map may be combined with the official zoning districts map[2].

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

Section 1-6-3. Zoning District Boundaries.

A. Map Maintained: A map showing the boundaries of all current zoning districts within the entire corporate boundaries of the town shall be maintained in the office of the town clerk-treasurer, if a zoning ordinance is in effect within the municipality.

B. Content: This map shall reflect all current zoning ordinance provisions[3] and all current ordinances rezoning land, and shall represent the official zoning districts map for the town.

C. Combined With Boundary Map: This map may be combined with the official map of the corporate limits of the town[4].

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

Chapter 7. Mayor and Board of Trustees

Section 1-7-1. Election and Terms of Trustees and Officers.

A. Membership: The town board of trustees shall consist, and be composed of, five (5) trustees. Each trustee shall be elected by the entire municipality, according to current state law.

B. Elections[5]: At the general election on the first Tuesday in April 1999, trustees of wards 1, 3 and 5 shall be elected for terms of four (4) years. At the general election on the first Tuesday in April 2001, the trustees of wards 2 and 4 shall be elected for terms of four (4) years.

C. Terms: All trustees shall be elected for terms of four (4) years.

D. Town Clerk-Treasurer: The town clerk-treasurer shall be appointed by a majority vote of the town board of trustees.

E. Town Meeting Act Not Applicable: Pursuant to 11 Oklahoma Statutes section 16-302, the town declares that it shall not be governed by the Oklahoma town meeting act as a means of

[1] See also section 1-7-1 of this title

[2] See section 1-6-3 of this chapter

[3] See title 12 of this code

[4] See section 1-6-2 of this chapter

[5] See also subsection 1-6-1A of this title

electing its officers and deciding initiative and referendum questions.

F. Conduct of Elections; Initiative and Referendum Questions: The town shall continue to elect its officers and decide initiative and referendum through elections conducted by the county election board, pursuant to 11 Oklahoma Statutes section 16-101 et seq.

Section 1-7-2. Powers of Town Board of Trustees.

Except as otherwise provided in this code, all powers of the municipality including the determination of matters of policy, shall be vested in the town board of trustees. The town board shall have, and may utilize, all of the powers granted to the municipality and the town board by the state constitution and laws.

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

A. Conduct Generally: The town board of trustees shall conduct all business of the municipality, set policy for the efficient administration of municipal government, administratively supervise all activities or municipal employees, and carry out their responsibilities, powers and duties as officers and as a corporate and body politic, within the limits prescribed by the state constitution and laws and this code.

B. Discrimination Prohibited: It shall be the policy of the municipal government that no person shall be discriminated against on the grounds of race, creed, color, sex, religion, handicap, national origin or age, in employment or other activities sponsored directly or indirectly by the town.

C. Voting; Conflict of Interest: Every member of the town board of trustees who shall be present when the opportunity or need arises to vote upon a question, shall vote thereon, unless said member is directly or indirectly interested in the question, in which even the interests shall be fully disclosed to the town board and it shall be made a matter of record.

Section 1-7-4. Town Board Meetings.

A. Regular Meetings: Municipal business shall be conducted at regularly scheduled open and public meetings held in the Glover Spencer memorial library (or another agreed upon place which is open to the public), on the fourth Monday of each month, or the next following day which is not a holiday, in the event of conflict with a holiday, beginning at seven o'clock (7:00) P.M.

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

C. Order of Business; Conduct of Meetings: The town board of trustees shall establish, by motion or resolution, an order of business for the conduct of its meetings.

Section 1-7-5. Removal of Trustees; Vacancies.

A. Removal Authorized: Any trustee, including the mayor, may be removed from office for any cause specified by, and using the methods prescribed and specified by, applicable state law for the removal of officers, including 22 Oklahoma Statutes section 1181 et seq., as amended.

B. Absent From Meetings: Whenever a member of the town board of trustees is absent from more than one-half (1/2) of all regular and special meetings of the town board held within any period of four (4) consecutive months, said person shall thereupon automatically cease to hold office, unless the remaining members of the town board vote to retain said person on the town board.

C. Filling Vacancies: Vacancies in the membership of the town board of trustees shall be filled according to applicable provisions of state law.

Section 1-7-6. Supervisory Designation of Trustees; Administrative Positions.

A. Supervisory Control: The town board of trustees may give its members supervisory control over designated personnel, departments and/or activities of the municipality.

B. Title of Position: Each trustee may be given an appropriate title and each trustee shall be, in effect, a committee of one of the town board of trustees, and be subordinate to the town board.

Section 1-7-7. Mayor, Acting Mayor.

A. Election of Mayor: The town board of trustees shall elect one of its members as mayor. The mayor shall be elected in each odd numbered year, at the first town board meeting held after the trustees' terms begin, or as soon thereafter as practicable.

B. Vacancy: When a vacancy occurs in the office of mayor, the town board of trustees shall elect another mayor from among its members to serve for the duration of the unexpired term.

C. Powers, Duties and Authority:

1. Preside At Meetings: The mayor shall preside at all meetings of the town board of trustees and may call special meetings thereof.

2. General Authority: The mayor shall certify to the correct enrollment of all ordinances and resolutions passed by the town board of trustees. The mayor shall have all the powers, rights, privileges, duties and responsibilities of a trustee, and, as an elected representative of the citizens of a ward, may vote on all matters that come before the town board of trustees.

3. Head of Government: The mayor shall be recognized as the head of the municipal government for all ceremonial purposes.

4. Other Prescribed Duties: The mayor shall perform all other duties prescribed by state law or ordinance.

D. Election of Acting Mayor: In order to ensure continued service and leadership during the absence, disability or suspension of the mayor, the town board of trustees shall elect an acting mayor among its members.

Section 1-7-8. Proclamations.

A. Power to Issue: The town board of trustees shall have the power to issue emergency proclamations when necessary for the health, safety or welfare of the citizens of the town.

B. Effect of Proclamations: All proclamations shall be effective immediately and shall remain in effect for the period of time set forth in the proclamation.

C. Penalty for Violation: The penalty for violating a proclamation issued by the board of trustees shall be:

1. A warning for the first offense;

2. Twenty five dollars ($25.00) per violation for a second offense;

3. Fifty dollars ($50.00) per violation for a third offense; and

4. One hundred dollars ($100.00) per violation for four (4) or more offenses.

Chapter 8. Officers, Employees and Departments

Section 1-8-1. Town Clerk-Treasurer.

A. Attend Meetings; Journal of Proceedings: The town clerk-treasurer, as an officer of the town, shall attend all meetings of the town board of trustees and keep a journal of the proceedings of the town board.

B. Custodian of Records, Town Seal: The town clerk-treasurer shall have custody of all documents, records and archives of the municipality, as well as be custodian of the municipal seal.

C. Attest and Affix Seal to Documents: The town clerk-treasurer shall attest and affix the town seal to documents as required by law or ordinance, and shall see that all ordinances passed are kept on file in the office of the town clerk-treasurer.

D. Maintain Accounts: The town clerk-treasurer shall so keep all accounts as to show where and from what sources all monies paid have been derived, and to whom and when such monies or any part thereof have been paid. All books, accounts and vouchers shall at all times be subject to the examination of the town board of trustees.

E. General Accounting System: The town clerk-treasurer shall maintain a general accounting system for the municipal government.

F. Pay Period: The pay period for the town clerk-treasurer shall be the same as for municipal employees.

G. Other Prescribed Duties: The town clerk-treasurer shall have such further powers and duties as may be prescribed by this code, applicable state law, or the town board of trustees.

Section 1-8-2. Fiscal Administrator.

A. Created: There is hereby created the position of fiscal administrator who shall be an employee of the town. Said position shall be filled by the person serving as the town clerk-treasurer, or as otherwise provided by motion or other action of the town board of trustees. The fiscal administrator shall serve at the pleasure of the town board and shall perform such duties as may be prescribed by the town board.

B. Salary: The pay period for the fiscal administrator shall be the same as for other municipal employees. The fiscal administrator shall be paid a salary to be set by the board of trustees in accordance with any personnel policy or other policy of the town. The salary of the fiscal administrator shall not be subject to constitutional restrictions.

Section 1-8-3. Police Department; Chief of Police.

A. Appointment of Chief of Police: There is hereby created a town police department, the head of which shall be the chief of police. The chief of police shall be appointed by the town board of trustees. The chief of police may be terminated or removed from his position as chief of police by the board of trustees for the good of the service, with or without cause.

B. Officers: One or more police officers, full time or part time, may be recommended by the chief of police, subject to hiring by the town board of trustees. Police officers may be removed by the town board of trustees, for the good of the service, with or without cause, at a regular meeting, by a majority vote of all of the town board members.

C. Powers and Duties:

1. The chief of police and all police officers shall possess the powers, and be subject to the liabilities possessed and conferred by law upon sheriffs, in executing the orders of the town board of trustees, or enforcing this code.

2. It shall be the duty of the chief of police and/or all police officers to bring to justice all violators of municipal ordinances and federal and state laws, and to turn such violators over to the proper authorities. The chief of police shall serve all warrants, writs, executions and other processes, properly directed and delivered.

3. The chief of police and each police officer shall perform all other duties prescribed by law or ordinance.

D. Compensation: The chief of police and each police officer shall be paid such compensation as the town board of trustees may prescribe by motion or resolution.

E. Personal Property in Possession of Police:

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

2. Any personal property (other than animals) which remains unclaimed and in the possession of the chief of police, or the ownership of which is not satisfactorily established for a period of thirty (30) days, shall be sold and the proceeds of the sale paid over to the town clerk-treasurer, who shall issue a receipt therefor and deposit the same to the credit of the general fund of the municipality, except for such personal property as in the opinion of the mayor can be more advantageously used by some department or office of the municipal government. Ten (10) days before a sale of such unclaimed property, the chief of police shall have posted in a conspicuous place in the town hall, notice of the time, place and manner of such sale, including the general description of the property to be sold. If, in the opinion of the mayor, all or any of the personal property may be more advantageously used in any municipal department or office, the mayor shall so instruct the chief of police in writing and the police in writing and the police chief shall thereupon deliver the designated property to the department or office of municipal government and make a permanent record of its disposition.

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

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

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

F. Providing Assistance to or Requesting from Other Agencies:

1. The chief of police, or a designated representative, is authorized to direct that any regularly employed police officers of the town, may provide law enforcement assistance to another municipality, county government or the Oklahoma highway patrol in an emergency; provided, that, a written request from an official representative of the other municipality has been received and approved by the town.

2. While serving in the capacity provided in subsection (F)(1) of this section, the town shall provide salaries, insurance and other regular benefits to these officers.

3. The mayor or police chief is also authorized to request law enforcement assistance from other municipalities, in emergency situations. In such cases, the assisting police officers of the other municipalities shall have all of the same powers and duties as fully as if employed by the town; however, salaries, insurance and other benefits shall not be paid by the town.

4. In all events, the police officers of the town shall return to their regular duties when directed to do so by the town police chief, or the police chief (or authorized representative) of the requesting municipality, whichever direction occurs first.

5. When the town police chief shall direct, the assisting police officers of the other municipalities shall return to their own

regularly scheduled duties in their own municipalities, and those assisting police officers shall cease to have the powers and duties of police officers regularly employed by the town.

Section 1-8-4. Municipal Judge; Alternate and Acting Judges[6].

A. Judge Appointed: There shall be one judge of the municipal court, who shall be appointed by the mayor, with the consent of the town board of trustees. The mayor may be designated as judge upon approval of the town board.

B. Qualifications: The municipal judge shall be at least twenty-five (25) years of age, a resident of the town (unless a licensed attorney), have a high school education (or the equivalent) and be of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but shall not accept employment inconsistent with duties as a municipal judge or arising out of facts which give rise to, or are connected with, cases within the jurisdiction of the court pending therein, or which might become the subject of proceedings therein.

C. Non-licensed Attorney as Judge: If the judge of the municipal court is not a licensed attorney, the trial shall be to the court, and the court may not impose a fine which exceeds fifty dollars ($50.00) and may not order the defendant imprisoned, except for the nonpayment of fines or costs.[7]

D. Term: The official term of the municipal judge shall be two (2) years, expiring on June 1, in each odd numbered year. The municipal judge, unless sooner removed for proper cause, shall serve until a successor is appointed and qualified.

E. Salary: The judge of the municipal court shall receive a salary as prescribed by the town board of trustees, paid in the same manner as the salaries of other municipal employees.

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

G. Alternate Judge:

1. There may be appointed an alternate judge of the municipal court, possessed of the same qualifications as the municipal judge, as set out in subsection (B) of this section.

2. Said appointment shall be for the same term and made in the same manner as the municipal judge. The alternate judge shall sit in the municipal court in any case where the municipal judge is absent from the court or unable to act as municipal judge in a case.

3. If, at any time there is not a municipal judge or alternate judge duly appointed and qualified available to sit as municipal judge, the town board of trustees may appoint some person possessing the qualifications required by this section for the municipal judge, who shall preside as acting judge over the municipal court in the disposition of pending matters, until such time as a municipal judge or alternate judge shall be available.

4. An alternate judge or an acting judge shall be paid, as prescribed by the town board of trustees, for each day devoted to the performance of all duties; except that, for any month, the total payments so calculated shall not exceed the salary of the municipal judge. An alternate or acting judge who sits for an entire month shall receive the amount specified by the town board of trustees as the salary of the municipal judge.

H. Removal: Judges shall be subject to removal from office by the town board of trustees, for the causes prescribed by the state constitution and laws for removal from public officers. Provisions of the Oklahoma administrative procedure act governing individual proceedings, 75 Oklahoma Statutes section 308 through 317, and any amendments or additions thereto in effect at the time of the hearing, shall govern removal proceedings hereunder, so far as they can be made applicable.

I. Vacancy: A vacancy in the office of municipal judge shall occur if the incumbent dies, resigns, ceases to possess the qualifications for the office, or is removed. Upon the occurrence of a vacancy in the office of municipal judge, the mayor shall appoint a successor to complete the unexpired term, using the same procedure as for an original appointment.

Section 1-8-5. Town Attorney[8].

A. Appointment: The town attorney may be appointed by the town board of trustees, on a contractual basis.

B. Powers and Duties:

1. It shall be the duty of the town attorney to give legal advice on questions submitted by the town board of trustees when the subject matter concerns the duties of any municipal officials or employees, or the performance of their duties.

2. The town attorney shall draw such ordinances, resolutions, notices, forms, leases, deeds, papers or other documents as may be required or requested by the town board of trustees.

3. The town attorney shall be authorized to appear, prosecute and defend all actions wherein the town is a party, and shall institute

[6] See title 7 of this code for municipal court provisions
[7] See section 7-3-1 of this title.
[8] See section 7-2-5 of this code.

proceedings in courts of law upon the order of the town board of trustees.

4. The town attorney shall perform such other duties as the town board of trustees may require; provided, that, such duties are included within the scope of the contractual arrangement.

C. Expenses: The town attorney shall be allowed actual and necessary traveling and hotel expenses while outside the town and on official business for the town; provided, that, said business has been approved and directed by the town board of trustees.

Section 1-8-6. Fire Chief[9].

A. Created; Appointment: There is hereby created the office of chief of the fire department, who shall be appointed by the town board of trustees.

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

1. The fire chief shall have supervision and control of the fire department, subject to state law, the provisions of this section, other ordinances of the municipality and the town board of trustees. The fire chief shall diligently perform the duties imposed by law and ordinance.

2. The fire chief shall be held responsible for the general condition and efficient operation of the fire department and the training of members, and may assign duties to other members of the department;

3. The fire chief shall inspect, or cause to be inspected by members of the department, the fire hydrants and water supply sources of the town at least once each year;

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

5. The fire chief shall attend all fires and direct and have complete charge of the officers and members of the fire department in the performance of their duties;

6. The fire chief should ensure that the town board of trustees and the municipality's citizens are kept informed on fire hazards in the community and on the activities of the fire department;

7. The fire chief shall see that each fire is carefully investigated to determine its cause and, in the case of incendiarism, shall notify proper authorities and secure and preserve all possible evidence for future use in the case;

8. The fire chief shall see that complete records are kept of all fires, inspections, apparatus, equipment, personnel and other information about the work of the fire department; and

9. The fire chief shall file the appropriate fire loss reporting forms with the office of the state fire marshal, as required by current state law.

Section 1-8-7. Assistant Fire Chief; Officers.

A. Appointment of Assistant: The assistant chief of the fire department shall be appointed by the town board of trustees. In the absence of the fire chief, the assistant fire chief shall command the fire department and be held responsible therefor in all respects with the full powers and responsibilities of the fire chief.

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

C. Secretary-Treasurer: One member elected by the members of the fire department shall be secretary-treasurer. Duties shall consist of calling the roll at each meeting, keeping the minutes of each meeting and collecting any money due to the department by the members.

Section 1-8-8. Municipal Building Inspector.

A. Created; Appointment; Removal: There is hereby created the office of municipal building inspector within the administrative structure of the town. The municipal building inspector shall be appointed by the town board of trustees. The appointment shall continue during good behavior and satisfactory service. Removal from office shall only be for cause, after full opportunity has been given for a hearing on the specific charges. This position may also be filled on a contractual basis, if necessary.

B. Powers and Duties: The powers and duties of the municipal building inspector shall be as follows:

1. Enforce all provisions of the codes adopted by this code;

2. Receive and process applications required by such codes or this code;

3. Review building permit applications, other permit applications, issue required certificates and serve as the zoning administration officer for the town[10];

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

[9] See title 5, chapter 1 of this code for fire prevention provisions.

[10] See title 11 of this code for building regulations.

5. Investigate, when requested by the town board of trustees, or when the public interest so requires, matters referred to in such codes and render written reports on the same;

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

7. Make inspections required under the provisions of the codes adopted by this code, or to ensure that inspections are made by a duly appointed assistant.

C. Acting Building Inspector: During any temporary absence of the municipal building inspector, the town board of trustees may designate an acting building inspector. The town clerk-treasurer shall serve as acting building inspector, unless the town board of trustees designates another person as such, by motion.

D. Inspection Authority; Entrance: The municipal building inspector, while in the discharge of official duty, shall have the authority to enter any building or premises for the purpose of making any inspection or test of the construction or equipment contained therein, or its installation.

E. Electrical, Plumbing Inspections: The municipal building inspector may perform electrical or plumbing inspections and may also serve as the electrical or plumbing inspector, if so designated by the town board of trustees.

Section 1-8-9. Electrical Inspector.

A. Created; Appointment: There is hereby created the office of electrical inspector within the administrative structure of the town. The electrical inspector shall be appointed by the mayor, subject to confirmation by the town board of trustees.

B. Qualifications: The electrical inspector shall have had experience as an electrician, shall be of good moral character, shall be knowledgeable of the approved methods of electrical construction and shall be certified by the state.

C. Powers and Duties: The electrical inspector shall have all of the powers and duties prescribed by the electrical code adopted by this code, and shall also ensure that all municipal ordinances and regulations relating to electrical safety are properly enforced.

Section 1-8-10. Plumbing Inspector.

A. Created: There is hereby created the office of plumbing inspector within the administrative structure of the town.

B. Appointment: The plumbing inspector shall be appointed by the mayor, subject to confirmation by the town board of trustees. The plumbing inspector may also hold other positions in the municipal government.

C. Powers and Duties: The plumbing inspector shall have all of the powers and duties prescribed by the plumbing code adopted by this code, shall be certified by the state, and shall also ensure that all municipal ordinances and regulations relating to water and sanitary plumbing are properly enforced.

Section 1-8-11. Mechanical Inspector.

A. Created; Appointment: There is hereby created the position of mechanical inspector for the town, said person to be appointed by the mayor, subject to confirmation by the town board of trustees.
B. Qualifications: The mechanical inspector shall have experience with, and knowledge of, the operations covered by the town's adopted mechanical code.

Section 1-8-12. Animal Control Officer[11].

A. Appointment; Removal: The mayor, with the approval of the town board of trustees, may appoint a person, persons or other entity to serve as the animal control officer for the town. The officer shall be appointed for an indefinite term, and may be removed by the town board.

B. Salary: The salary of the animal control officer shall be established by the town board of trustees, and may be either on a salary basis or a contractual fee system related to enforcement activities.

Section 1-8-13. Librarian; Substitute Librarian.

A. Appointment of Librarian: The librarian shall be appointed by the mayor, with the consent of the town board of trustees, and upon the recommendation of the library board[12].

B. Qualifications: The librarian shall be selected on the basis of technical and personal qualifications. All applications for the job of librarian shall be sent to the secretary or treasurer of the library board and shall be kept strictly confidential and available to town board and library board members only. All applications will be reviewed by the library board and the selection made on the basis of their qualifications and a ballot vote.

C. Probationary Term: The librarian shall serve a probationary period of one year.

D. Powers, Duties and Responsibilities:

1. The librarian shall submit, at each regular library board meeting, the number of books checked out, the number of new readers, all correspondence received of importance or

[11] See title 5, chapter 4 of this code for animal control provisions.
[12] See title 2, chapter 6 of this code.

anything of importance regarding the municipal library.

2. The librarian should attend appropriate workshops and sessions, whenever and wherever available, and shall contact and inform groups or organizations of any special service offered, or changes in procedure.

3. The librarian shall keep a list of all books and bulletins, shall post said list on the bulletin board for the benefit of readers, and shall also keep a record of all donations of books, magazines, etc., for possible entry in the newspaper.

E. Substitute Librarian: The person who assists the librarian shall be called the substitute librarian, and will be selected by the librarian. The substitute librarian shall be responsible to the librarian and carry out whatever the librarian requires to be done.

Section 1-8-14. Bonds of Officers.

A. Required; Amounts: The town clerk-treasurer, town treasurer, chief of police and the town purchasing agents shall each be bonded by the town within ten (10) days after their election or appointment in the following amounts:

Town clerk-treasurer	$6,000.00
Purchasing agents, each	$5,000.00

B. Other Officers and Employees: The town board of trustees shall, by motion, establish bond requirements for other municipal officers and employees, as necessary or as required.

Section 1-8-15. Compensation; Change of Salaries.

A. Effective with the term of persons elected during the 2017 Regular Elections and all persons elected or appointed thereafter, the basic compensation of the following elected Municipal officers shall be as indicated below:

Each Trustee	$75.00 per month
Town clerk-treasurer	$375.00 per month

And neither the Trustees nor the Town Clerk-Treasurer shall be entitled to any other employment benefits of any type except for necessary work related travel expenses according to the IRS rate and for reimbursement of out-of-pocket expenses related to their official duties.

B. The basic salaries of elected municipal officials shall not be changed after their election or during their term of office[13].

C. Authority of Trustees: The town board of trustees may determine or regulate the number and class of all appointive officers and employees of the municipality.

[13] State constitution, article 23, section 10.

Section 1-8-16. Delivery of Property to Successor.

All books, monies or other property belonging to the town, and in the charge or possession of any officer of the town, shall be delivered to the officer's successor.

Section 1-8-17. Nepotism; Combining of Offices.

A. Prohibited Appointments: No member of the town board of trustees, nor any other authority of the municipal government, may appoint, or vote for the appointment of, any person related to said person by affinity or consanguinity within the third degree, to any office or position of profit in the municipal government.

B. Third Degree Defined: The following relatives shall be considered as within the third degree of affinity or consanguinity: sons, daughters, grandsons, granddaughters, great-grandsons, great-granddaughters, brothers, sisters, nephews, nieces, aunts, uncles, primary cousins, grandfathers, grandmothers, grand uncles, grand aunts, great-grandfathers, great-grandmothers, sons-in-law, great-granddaughters-in-law, brothers-in-law, sisters-in-law, nephews-in-law, nieces-in-law, aunts-in-law, uncles-in-law, primary cousins-in-law, grandfathers-in-law, grandmothers-in-law, grand uncles-in-law, grand aunts-in-law, great-grandfathers-in-law, great-grandmothers-in-law, grand nephews, grand nieces, grand nephews-in-law, grand nieces-in-law, stepsons, stepdaughters, stepfathers or stepmothers. A divorce decree shall be deemed to dissolve all relationships arising by that marriage.

C. Multiple Offices or Positions: Except as may be otherwise provided by ordinance, the same person may hold more than one office or position in the municipal government.

Chapter 9. Civil Defense and Emergency Management

Section 1-9-1. Civil Defense Director.

A. Created: The position of civil defense director is hereby created, to be appointed by the mayor, with the approval of the town board of trustees.

B. Executive Head of Department: The civil defense director shall be the executive head of the department of civil defense and shall be responsible for carrying out the civil defense program of the town.

C. Authority and Responsibilities: The civil defense director shall have the authority and responsibility to:

1. Form an organization to prepare and implement a civil defense program;

2. Form committees to perfect such an organization;

3. Appoint the chairperson of such committees;

4. Cooperate with other civil defense agencies; and

5. Formulate plans, gather information and maintain records for the civil defense department.

D. Reimbursement for Expenses: The civil defense director may be reimbursed for expenses incurred in the performance of official duties; provided, that, such expenses are at the direction of, and approved by, the town board of trustees.

E. Enforcement Authority: In the event of an enemy caused emergency or emergency resulting from natural causes, the civil defense director, after authorization from the mayor, shall have the authority to enforce all regulations relating to civil defense, for the purpose of protecting residents of the town.

Section 1-9-2. Civil Defense Department.

A. Established: There is hereby established a civil defense department under the executive branch of the municipal government, which shall consist of a civil defense director and a civil defense advisory committee.

B. Purpose: The purpose of said department shall be to be prepared for, and function in the event of, emergencies endangering the lives and property of the people of the town, and to perform all functions necessary and incident to the protection of the lives, health and property of the citizens of the community.

Section 1-9-3. Civil Defense Advisory Committee.

A. Membership; Appointment: The civil defense advisory committee shall consist of the mayor, who shall serve as committee chairperson, and five (5) members appointed by the mayor, with the approval of the town board of trustees. The members shall serve at the pleasure of the town board of trustees.

B. Officers: The civil defense advisory committee shall select from its members a vice chairperson and a secretary.

C. Meetings: The civil defense advisory committee shall hold such meetings as are directed by the mayor or the town board of trustees.

D. Function of Committee: The function of the civil defense advisory committee shall be to act in an advisory capacity to, and as needed or requested by, the mayor, the civil defense director or the town board of trustees.

Section 1-9-4. Emergency Management.

A. Definitions:

Civil Defense or Emergency Management
The preparation for, and carrying out of, all emergency functions, other than functions for which primary responsibility is assigned elsewhere by federal, state or local law or ordinance, to protect the public peace, health and safety, and to preserve lives and property in the town during an emergency resulting from enemy attack, sabotage or other hostile action, or from any flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near said community, and involving imminent or actual peril to life and property. These functions include administration, organization, planning, recruiting, training, education, information, welfare service, relief service, police service, warden service, fire service, rescue service, medical service, health service, transportation service, communications service, street service, utilities service, general engineering service, plant protection service, supply service, mutual aid, mobile support, evacuation and all other functions necessary or incidental to the preparation for any carrying out of the foregoing functions.

Enemy Caused Emergency
Any state of emergency caused by actual or impending attack, sabotage or other hostile action, anywhere within the United States and involving imminent peril to lives and property in the town. Such emergency shall be deemed to exist only when the mayor shall so declare by public proclamation, and such emergency shall be deemed to exist until the mayor shall declare its termination by public proclamation, or until the town board of trustees shall declare its termination by resolution.

Natural Emergency
Any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe in or near the town and involving imminent peril to lives and property. Such emergency shall be deemed to exist and to be terminated under the same conditions as prescribed for an enemy caused emergency.

B. Liability: Neither the town nor any officer or member of the civil defense organization provided for in this chapter, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civil defense worker or member of any agency engaged in civil defense activity prior to, or during, either an enemy caused or natural emergency; nor shall the town or any such officer or member be liable for the death or injury of any persons, or damage to property, resulting from such civil defense activity prior to, or during, either an enemy caused or a natural emergency.

C. Federal, State or Private Aid May Be Accepted: Whenever the federal government, the state, or any person, firm or corporation shall offer to the town any services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, the mayor may accept such offer and may authorize the civil defense director to receive the same, subject to the terms of the offer and the rules and regulations, if any of the agency making the offer.

D. Penalty: Any person, firm or corporation who violates any provision of this section, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in title 7 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 10. Finances and Taxation

Article A. Purchases and Sales

Section 1-10A-1. Purchasing and Sales Procedures.

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

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

C. Surplus or Obsolete Supplies:

1. Subject to the provisions of state law and this section, surplus or obsolete supplies, materials or equipment belonging to the town may be sold by the town board of trustees.

2. No sale shall be made under this section until the town board of trustees has declared the supplies, materials or equipment involved to be surplus or obsolete.

3. Except as may otherwise be provided, the town board of trustees shall advertise any sale under this section in a newspaper of general circulation in the town or county, or in such other manner as deemed necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and opened in public at a designated time and place, except when the sale is by auction. The town board of trustees may repeatedly reject all bids and advertise again. The town board of trustees shall sell such supplies, materials and equipment to the highest responsible bidder and, if necessary, shall cast lots in case of a tie to determine to whom to sell.

4. The town board of trustees may sell surplus or obsolete supplies, materials or equipment, the total value of which does not exceed one hundred dollars ($100.00), in a single transaction, without giving an opportunity for competitive bidding.

D. Mayor to Contract and Purchase: The mayor, subject to any regulations which the town board of trustees may prescribe, shall contract for and purchase, or issue purchase authorization for, all supplies, materials and equipment for the offices, departments and agencies of the municipal government. Every such contract or purchase exceeding one thousand dollars ($1,000.00), shall require the prior approval of the town board of trustees.

E. Transfer of Authority: The town board of trustees may, by resolution, transfer some or all of the power granted to the municipal purchasing agent or the mayor in subsection (D) of this section to another town board member or other municipal officer appointed by the mayor.

Section 1-10A-2. Public Competitive Bidding Act Adopted.

The guidelines, procedures, rules, regulations, and laws set forth by the state legislature in the public competitive bidding act of 1974, as adopted and printed in 61 Oklahoma Statutes section 101 et seq., and all additions, amendments, supplements or other changes made thereto, is hereby adopted and implemented to govern any purchase of, or consent for, supplies, materials, equipment, or other goods and/or contractual services by the town board of trustees and any board or body created thereby, including, but not limited to, the Rush Springs municipal improvement authority and any other governing body with the ability or authority to enter into contracts for, on behalf of, or in place of all or part of the town.

Article B. Insurance

Section 1-10B-1. Property Insurance.

The town board of trustees may insure municipal property, as authorized by Oklahoma Statutes Any money received as a result of destruction, damages or loss of such insured property shall be accounted for, and used as provided by said statutes.

Section 1-10B-2. Motor Vehicle Insurance.

The town board of trustees may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the town.

Section 1-10B-3. Employee Health and Medical Coverage.

The town board of trustees may provide hospital, health and medical insurance, through any company authorized to do business in the state, for any or all of its officers or employees and their dependents, whether the officers or employees are engaged in governmental or nongovernmental functions of the town. The town board may pay a portion or all of said premiums from any municipal

funds, and may deduct from the wages or salary of any such officer or employee, upon written authority signed by the officer or employee, amounts for the payment of all or any portion of the monthly premium for the same.

Article C. Improvement Fund

Section 1-10C-1. Capital Improvements Fund.

A. Created: There is hereby created and established a capital improvements fund for the town, which shall not be subject to fiscal operations.

B. Use of Funds: The proceeds of said fund, together with any interest and increments thereto, may, at the discretion of the town board of trustees, be used for the following purposes only:

1. To meet principal and interest requirements on general obligation bonds;

2. When general obligation bond requirements are met, to make cash expenditures for capital improvements or equipment for street, electric, water, storm drainage or sewer purposes; or

3. Where transfers from said fund, or any part thereof, to a sinking fund or other appropriate municipal or trust funds are necessary to accomplish such purposes, the town board is authorized to make such transfer of funds.

Section 1-10C-2. Cemetery Capital Improvements Fund.

A. Authority: Consistent with state law, 11 Oklahoma Statutes sections 17-109 and 17-110, as amended, the following provisions are hereby established governing the creation and use of the town cemetery capital improvements fund.

B. Monies Received; Account: All monies received from donations for the municipal cemetery shall be segregated and set aside as a permanent, nonfiscal, municipal fund to be known as the cemetery capital improvements fund. The fund shall be placed in an insured interest bearing account.

C. Use of Funds: The cemetery capital improvements fund shall be expended in making capital improvements to cemetery and cemetery related facilities, when necessary, under the discretion of the town board of trustees.

D. Claim Approval Required: No funds may be appropriated or expended from the cemetery capital improvement fund until claims duly verified by affidavit are presented to, and approved by, the town board, and a recorded vote taken thereon.

E. Additional Requirements May Be Enacted: Consistent with the provisions of this section and 11 Oklahoma Statutes sections 17-109 and 17-110, the town board may also, by resolution or ordinance, enact additional guidelines or requirements governing the operation of this fund.

Article D. Sales Tax

Section 1-10D-1. Citation and Codification.

This article shall be known and may be cited as the “Town of Rush Springs Sales Tax Ordinance of 2002”, and is hereinafter referred to simply as “this article”.

Section 1-10D-2. Definitions.

The definitions of words, terms and phrases contained in 68 Oklahoma Statutes section 1352 of the Oklahoma sales tax code are hereby adopted by reference and made a part of this article.

The term “tax collector”, as used in this article, means the department of the city government or the official agency of the state duly designated according to law to contract which is authorized by law to administer the collection of the tax herein levied.

Section 1-10D-3. Subsisting State Permits.

All valid and subsisting permits to do business by the state 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 town permit for the same purpose.

Section 1-10D-4. Effective Date.

This article shall become and be effective on April 1, 2002, subject to the approval of a majority of the registered voters of the town voting on the same in the manner provided by law.

Section 1-10D-5. Purpose of Tax.

It is hereby declared to be the purpose of this article to use the proceeds therefrom for the limited purpose of funding emergency medical services for the municipality.

Section 1-10D-6. Tax Rate; Sales Subject to Tax.

There is hereby levied a sales tax of one percent (1%) in addition to the existing three and one-half percent (3 ½ %) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code.

Section 1-10D-7. Exemptions.

A. 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.

B. Also, there is hereby specifically exempted from the tax levied herein the transfer of tangible personal property exempted from the Oklahoma sales tax code.

Section 1-10D-8. Tax Due When; Returns; Records.

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

Section 1-10D-9. Payment of Tax.

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

Section 1-10D-10. Tax Constitutes Debt.

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

Section 1-10D-11. Classification of Taxpayers.

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

Section 1-10D-12. Vendor Duty to Collect Tax.

A. The tax levied hereunder shall be paid by the consumer or user to the vendor, and it shall be the duty of each and every vendor in this town to collect from the consumer or user the full amount of the tax levied by this article, 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 sale price or charge, and when added, such tax shall constitute a part of such price or charge, and shall be a debt from the consumer or user to the vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A "vendor", as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied hereof, 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 levied herein, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine as provided by law; provided, sales by vending machines may be at a stated price which includes state and any municipal sales tax.

Section 1-10D-13. Returns and Remittances; Discounts.

Returns and remittances of the tax levied herein shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances required by the state sales tax doe. Remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said code for collection of state sales taxes.

Section 1-10D-14. Interest and Penalties; Delinquency.

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

Section 1-10D-15. Waiver of Interest and Penalties.

The interest and penalties, or any portion thereof, accruing by reason of a taxpayer's failure to pay the tax herein levied, may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the state sales tax provided in 68 Oklahoma Statutes section 220, as it may be amended from time to time, and to accomplish the purposes of this section, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this article.

Section 1-10D-16. Erroneous Payments; Claims for Refund.

Refund of erroneous payment of the sales tax herein levied may be made to any taxpayer making such erroneous payment in the manner and procedures, and under the same limitations of time, as provided for administration of the state sales tax as set forth in 68 Oklahoma Statutes section 227, as it may be amended from time to time, and to accomplish the purposes of this section, the applicable provisions of said section 227 are hereby adopted and by reference made a part of this article.

Section 1-10D-17. Fraudulent Returns.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this article, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to fine as provided by law.

Section 1-10D-18. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the sales tax is legislatively recognized and declared and to protect the same, the provisions of 68 Oklahoma Statutes section 205, as it may be amended from time to time, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the sales tax as if it were herein set forth in full. Nothing contained herein shall be construed to be inconsistent with the provisions of the Oklahoma open records act, 51 Oklahoma Statutes section 24.1 et seq., as it may be amended from time to time.

Section 1-10D-19. Amendments.

The people of the town, by approval of this article at an election duly held, hereby authorize the board of trustees, by ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this article as may be necessary and proper for efficiency and fairness, except that the rate of the tax herein provided and the purposes set forth in the proposition shall not be changed without the approval of the qualified electors of the town as provided by law.

Section 1-10D-20. Provisions Cumulative.

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

Article E. Use Tax

Section 1-10E-1. Excise Tax on Storage, Use or Other Consumption of Tangible Personal Property Levied.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the town, tangible personal property purchased or brought into this municipality, and excise tax on the storage, use or otherwise consuming within the municipality of such property at the rate of four and one-half percent (4 ½ %) of the purchase price of such property. Such tax shall be paid by every person storing, or using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside the state; provided, that, the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality, or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the use tax authorized herein, may deduct from such use tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

Section 1-10E-2. Exemptions.

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

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

C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma use tax code and the town use tax ordinance, has been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of this state 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 this state or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma use tax code and the town use tax ordinance, the provisions of this article shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma use tax code and the town use tax ordinance, and the rate by which the previous tax upon the sale or use was computed; provided, that, no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in this state and this municipality;

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

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

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

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

H. In respect to livestock purchased outside the state and brought into this municipality for feeding or breeding purposes, and which is later resold.

Section 1-10E-3. Time Due; Returns; Payment.

The tax levied by this article is due and payable at the time and in the manner and for prescribed for payment of the state use tax under the use tax code of the state.

Section 1-10E-4. Tax Constitutes Debt.

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

Section 1-10E-5. 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 the town, shall, at the time of making such sales, collect the use tax levied by this article from the purchaser and give to the purchaser a receipt therefor in the manner

and form prescribed by the state tax commission, if the tax commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the state tax commission the name and address of all his agents operating in this municipality and the location of any and all distribution or sales houses or offices or other places of business in this municipality.

Section 1-10E-6. Collection of Tax by Retailer or Vendor Not Maintaining Place of Business Within State, or Both Within and Without State; Permits.

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

Section 1-10E-7. Revoking Permits.

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

Section 1-10E-8. Deductions Allowed Vendors or Retailers of Other States.

Returns and remittances of the use tax herein levied and collected shall be made to the state tax commission at the time and in the manner, form and amount prescribed for return sand remittances required by the Oklahoma use tax code. Remittances of use taxes collected hereunder shall be subject to the same discount as may be allowed by said code for the collection of state use taxes.

Section 1-10E-9. Interest and Penalties; Delinquency.

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

Section 1-10E-10. Waiver of Interest and Penalties.

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

Section 1-10E-11. Erroneous Payments; Claim for Refund.

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

Section 1-10E-12. Fraudulent Returns; Penalty.

In addition to all civil penalties provided by this article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any use tax, or portion thereof, the offending taxpayer shall be punished by a fine in an amount not to exceed the limits established in section 7-3-1 of this code.

Section 1-10E-13. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the municipal use tax is legislatively recognized and declared, and to protect the same, the provisions of 68 Oklahoma Statutes section 205, of the state use tax code, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the municipal use tax, as if herein set forth in full.

Section 1-10E-14. Provisions Cumulative and Separable.

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

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

Section 1-10E-15: Definitions.

The definitions of words, terms and phrases contained in the Oklahoma use tax code, 68 Oklahoma Statutes section 1401, are hereby adopted by reference and made a part of this article. In addition thereto, the following words and terms shall be defined as follows:

Tax Collector
The department of the municipality or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the use tax herein levied.

Town
The town of Rush Springs, Oklahoma.

Transaction
Sale.

Section 1-10E-16. Classification of Taxpayers.

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

Section 1-10E-17. Subsisting State Permits.

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

Section 1-10E-18. Purpose of Revenues.

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

Article F. Gross Receipts Tax

Section 1-10F-1. Power to Levy and Assess Tax; Tax in Lieu of Other Taxes.

The town board of trustees, being vested with power so to do, does hereby levy and assess an annual tax upon the gross receipts from residential and commercial sales of power, light, heat, electricity, water, and both natural and liquefied petroleum gas in the town, in the amount of two percent (2%) of the gross receipts from said residential and commercial sales. This tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the town.

Section 1-10F-2. Application of Tax.

The tax authorized to be levied under section 1-10F-1 of this article shall be levied at the time this article shall take effect, and shall apply to all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, electricity, water, and both natural and liquefied petroleum gas in the town. It shall not apply to any person, firm, association or corporation operating under a valid franchise from the town, and said exception shall be so stated in the valid franchise.

Section 1-10F-3. Tax Levied Until Repealed; Payable Quarterly; Disposition.

This tax that is now levied under section 1-10F-1 of this article shall be levied for a term of not less than one year and shall continue in effect until further amended or repealed. The tax shall be payable quarterly to the town clerk-treasurer, and placed in the general fund of the town.

Section 1-10F-4. Penalties; Failure to Pay Tax.

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

Section 1-10F-5. Lien for Tax.

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

Article G. Telephone Exchange Fee

Section 1-10G-1. Inspection Fee.

There is hereby levied an annual inspection fee and service charge upon every person, firm or corporation operating a telephone exchange or rendering telephone service in the town, in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the corporate limits of the town, to compensate the municipality for the expenses incurred and services rendered incident to the exercise of its police power, supervision, policy regulation and control during construction and operation of lines and equipment of said telephone company in the municipality. The fee shall be due and payable on or before March 1 of each year and shall be paid into, and expended fro, the general fund of the town.

Section 1-10G-1. Fee in Lieu of Taxes.

During continued substantial compliance with the terms of this article by the owner of the telephone exchange (or company rendering telephone service within the limits of the municipality), the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excises, franchises, licenses, privileges and permit fees, taxes or assessments, except ad valorem taxes; provided, that it is not intended hereby to extinguish or abrogate all existing arrangements

whereby the municipality is permitted to use any underground conduits, duct space or pole contracts of said company.

Section 1-10G-3. Failure to Pay Inspection Fee.

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

Article H. Firemen's Pension

Section 1-10H-1. Participation in State Firemen's Relief and Pension Fund.

The volunteer fire department of the town shall be subject to all of the provisions of the Oklahoma state firemen's relief and pension act, all of the provisions of which are hereby accepted by the town, for the use and benefit of its volunteer fire department, which shall also be subject to all of the obligations thereunder.

Article I. Social Security

Section 1-10I-1. Extension of Benefits.

It is hereby declared to be the policy and purpose of the town, to extend to the employees and officials thereof, not excluded by law or this article, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance, as authorized by the federal social security act and amendments thereto. In pursuance of such policy and for that purpose, the municipality shall take such action as may be required by applicable state or federal law or regulations.

Section 1-10I-2. Execution of Agreements.

The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the appropriate state department as agent or agency, to secure coverage of employees and officials as provided in section 1-10I-1 of this article.

Section 1-10I-3. Withholdings from Salaries.

Withholdings from salaries or wages of employees and officials for the purpose provided in section 1-10I-1 of this article are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by such laws and regulations.

Section 1-10I-4. Contributions by Town.

There shall be appropriated by the town, from available funds, such amounts at such times as may be required by applicable state or federal laws or regulations for employers' contributions to the federal social security system. Such funds shall be paid over to the state or federal agency designated by said laws or regulations.

Section 1-10I-5. Records and Reports.

The town shall keep such records and make such reports, relative to the federal social security system, as may be required by applicable state or federal laws or regulations.

Section 1-10I-6. Excluded Officers and Employees.

A. There is hereby excluded from this article and the benefits established hereunder, any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.

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

Chapter 11. Records

Section 1-11-1. Policy.

The town recognizes and supports the right of the public to be fully informed about their government and desires to comply with the Oklahoma open records act, codified as 51 Oklahoma Statutes section 24A.1 et seq., while simultaneously protecting the privileges, exceptions, and rights of all persons identified, named and/or otherwise involved in such records, including, without limitation, the privacy interests of individuals, and/or all state, federal and/or other recognized confidential information and privileges are protected.

Section 1-11-2. Fees and Charges.

The following schedule of fees and charges is applicable to all records released by the town, unless otherwise provided by law:

A. Photocopy of public document, including hard copy of microfilm not exceeding eight and one-half inches by fourteen inches (8 ½ " x 14") in size: Twenty-five cents ($0.25) per page.

B. Photocopy of public document, including hard copy of microfilm, exceeding eight and one-half inches by fourteen inches (8 ½ " x 14") in size: One dollar ($1.00) per page.

C. Search fee for time spent locating requested records when the request is for a commercial purpose: No charge for first ten (10) minutes and four dollars ($4.00) per one-fourth (1/4) hour for every one-fourth (1/4) hour, or portion thereof thereafter.

D. Search fee for time spent locating requested records, when the requested search would clearly cause excessive disruption: Four dollars ($4.00) per one-fourth (1/4) hour for every one-fourth (1/4) hour, or portion thereof, required by the search.

E. Computer generated reports, audiotapes and/or videotapes (not including search time): Eight dollars seventy five cents ($8.75) per one-fourth (1/4) hour, or portion thereof of computer time, in addition to the search fee and in addition to the actual cost of the medium into which the information is stored, i.e., disk or tape.

F. Photographs:

1. Photographs provided as a picture: Three dollars fifty cents ($3.50) each.

2. Photographs provided as digital files on town issued media: Ten dollars ($10.00) per disk.

G. The costs of reproduction of any records shall include any amount paid to a third party to reproduce records at the request of the town in response to an open records request.

H. Expedited search and dissemination of flood zone and flood map information for each tract or description of land requested: Twenty-five dollars ($25.00).

I. Notary fee. Three dollars ($3.00).

J. Handling charge to prepare documents for mailing or shipping, pick up or to electronically deliver or transmit documents, per request, if available and resources allow, per one-fourth (1/4) hour, or any portion thereof, plus postage and cost of shipping materials, if applicable: Four dollars ($4.00).

K. Certification, official seal affixed, per page: One dollar ($1.00).

L. Council agenda subscription service: Eighteen dollars ($18.00) per year.

M. Council agenda packet subscription service: Three hundred dollars ($300.00) per year.

Section 1-11-3. Payment in Advance.

Payment in advance to the town clerk-treasurer of the above fees is required, when:

A. The number of documents exceeds fifty (50) pages;

B. A search time of three (3) hours or more is estimated;

C. A computer or audio time period of two (2) hours or more is estimated.

Title 2 - Boards and Commissions

Chapter 1. Municipal and Regional Planning Commissions[14]

Section 2-1-1. Created; Membership.

There is hereby created a municipal planning commission to serve as an advisory board for the town, to be composed of at least five (5) voting members. The mayor and the town clerk-treasurer shall serve as ex officio members of said commission, without voting powers.

Section 2-1-2. Term of Appointment.

Upon the initial appointment of members to the municipal planning commission, the mayor shall designate one member to serve for a period of one year, two (2) members to serve for a period of two (2) years, and two (2) members to serve for a period of three (3) years. All subsequent appointments of the members shall be for a three (3) year term, and until their successors are appointed and qualified.

Section 2-1-3. Appointment; Residency; Salary.

The members of the municipal planning commission shall be nominated for appointment by the mayor and confirmed by the town board of trustees, shall be residents of the town, and shall serve without salary.

Section 2-1-4. Removal; Vacancies.

Members of the municipal planning commission may be removed by the town board of trustees for inefficiency, neglect of duty, malefaction in office or other cause established by resolution of the town board. Vacancies occurring other than through the expiration of the term shall be filled only for the unexpired term by the town board of trustees.

Section 2-1-5. Officers; Quorum.

Within five (5) days of the appointment and qualification of the members of the municipal planning commission, the commission shall meet and elect one of their number as chairperson, one as vice chairperson and one as secretary. In addition, the municipal planning commission may create and fill such other offices as it may deem necessary. The term of all such offices shall be one year, with eligibility for reelection. Three (3) members of the commission shall constitute a quorum.

Section 2-1-6. Regional Planning Commission Created.

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

[14] See also title 12, chapter 1 of this code

Chapter 2. Preservation Commission[15]

Section 2-2-1. Created.

There is hereby created a preservation commission for the town.

Section 2-2-2. Membership; Appointment.

The preservation commission shall be composed of at least five (5) members, to be appointed by the mayor, in generally the same manner as the municipal planning commission[16].

Section 2-2-3. Powers and Duties.

The preservation commission shall have the following powers and duties:

A. Develop appropriate criteria and standards for identifying and evaluating neighborhoods, places, structures and improvements which might be classified as historic landmarks, historic sites or historic districts;

B. Designate historic landmarks, historic sites or historic districts within the corporate limits of the town. Once designated by the commission, such historic landmarks, historic sites and historic districts shall be subject to all the provisions of this code, as well as any other specifically appropriate zoning ordinance provisions;

C. Compile a list of structures which would be eligible for designated landmark or historic structure status. Such structures may be within or outside of a historic district. The commission may negotiate with the owners of such structures for an agreement binding the owner and property. Such agreement may be for a specified period of time and shall be binding on subsequent owners until the end of the time specified;

D. Acquire a fee or lesser interest, including “preservation easements”, in historic properties by donation, bequest or, with the approval of the town board of trustees, by purchase;

E. Cooperate with federal, state, local and other agencies in pursuing the objectives of historic preservation;

F. Develop and recommend ordinances, legislation and programs, and otherwise provide information on historic preservation to the citizens of the town, and the town board of trustees;

G. Design appropriate markers for designated historic landmarks, historic sites and historic districts;

H. Take all steps necessary, including the taking, preparation and collection of photographs, measured drawings, descriptions, recorded interviews, written data and documentation to permanently record the origin, development, use

[15] See also title 12, chapter 1 of this code
[16] See section 2-1-3 of this title

and historical significance of each historic landmark, historic site or historic district;

I. Review, subject to this code, applications for new or existing building or demolition permits; and to work on a voluntary basis with the owners of historic landmarks, historic sites or structures within a historic district, advising them on the benefits, problems and techniques of preservation and encouraging their participation in preservation activities; and to issue or deny certificate of appropriateness for said work:

1. All requests for building permits for structures within a historic district and for those designated as historic landmarks or historic sites shall be referred to the preservation commission, which shall have a specified period of time to review each request. The commission may use such time to discuss the proposed changes with the owner of the structure in question and may permit the municipal building inspector to issue the building permit before such period has expired. Following this review, the commission shall issue or deny issuance of a certificate of appropriateness for the reviewed work;

2. This shall not prohibit the granting of a building permit by the municipal building inspector after such period has expired, if the commission has not made a decision;

J. Make recommendations regarding the proposed demolition[17] of designated historic landmarks or historic sites or structures within historic districts, including public demolition procedures initiated through statutory "nuisance abatement" processes, as well as other public or privately initiated demolition processes. No permit to demolish all or part of such historic landmark or historic structure shall be granted by the municipal building inspector, nor shall an abatement order be implemented, except as follows:

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

2. Upon the filing of an application with the preservation commission, the commission shall determine whether the proposed change would destroy or adversely affect the historical features of the historic landmark, historic site or historic district property, and whether or not the proposal is the only feasible alternative;

3. If the preservation commission determines that the historic landmark, historic site or property within a historic district would be adversely affected by the proposed change, it may withhold its consent to the granting of permission or of the permit. The commission shall make its decision within thirty (30) days after the filing of the application, and shall state in writing the reasons therefore, mailing the same to the applicant;

4. If the preservation commission refuses to grant permission or approve issuance of a permit for demolition, it shall cooperate with the applicant to arrive at a mutually agreeable plan to avoid demolition, maintain historic integrity and achieve the applicant's objectives. If no plan is agreed upon within six (6) months of the filing of the application, the historic building inspector may issue the permit to demolish the subject property or the municipal agent may proceed, without the approval of the commission;

K. Rescind designation of historic landmarks, historic sites or historic districts;

L. Review requests for exceptions for uses within any historic district;

M. Accept or raise funds from public and private sources; and

N. Make an annual community preservation report to the town board of trustees.

Chapter 3. Zoning Board of Adjustment

Section 2-3-1. Created; Composition.

A zoning board of adjustment is hereby created for the town. Said board shall consist of five (5) members, appointed by the town board of trustees. The term of the members thereof and the filling of vacancies therein shall be as set by the town board. The zoning board of adjustment shall adopt rules in accordance with the provisions of this chapter or any amendment thereto. Meetings of the zoning board of adjustment shall be held at the call of the chairperson and at such times as such board may determine. All meetings of the zoning board of adjustment shall be open to the public. The zoning board of adjustment shall keep minutes of its proceedings, show the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the town clerk-treasurer and become a public record.

Section 2-3-2. Powers.

The zoning board of adjustment shall have the following powers:

A. Appeals: Hear and decide appeals, when it is alleged there is error in any order, requirement, decision or determination made by the town clerk-treasurer, municipal building inspector, or other administrative official;

B. Special Exceptions: Hear and decide special exceptions to the terms of the zoning or other ordinances upon which the zoning board of adjustment is required to pass; and

[17] See also section 4-2-9 of this code

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

Chapter 4. Cemetery Board[18]

Section 2-4-1. Created.

There is hereby created a cemetery board for the town.

Section 2-4-2. Membership; Appointment.

The cemetery board shall consist of five (5) members, to be appointed by the mayor, subject to confirmation by the town board of trustees.

Section 2-4-3. Rules and Regulations Adopted.

The cemetery board shall adopt rules and regulations for its operation, which shall be subject to approval by the town board of trustees.

Chapter 5. Fair Housing Board[19]

Section 2-5-1. Created.

There is hereby created a fair housing board for the town, to assist in the enforcement of all municipal fair housing regulations and ordinances.

Section 2-5-2. Membership.

The town board of trustees shall serve as the fair housing board of the town.

Chapter 6. Library Board

Section 2-6-1. Created.

There is hereby created a library board for the town.

Section 2-6-2. Library Board Membership; Composition; Meetings.

A. Membership; Terms: The library board shall consist of five (5) members. The terms of members of the Library Board shall be three (3) years. Said terms shall begin on July 1 and shall end on June 30. For the purposes of reorganizing the Library Board in the fiscal year 2009-2011, the term of the member holding Position One (1) shall end on June 30, 2010; the term of the members holding Positions Two (2) and Three (3) shall end on June 30, 2011; and the terms of the members holding Positions Four (4) and Five (5) shall end on June 30, 2012.

B. Qualifications: The selection of Library Board members shall be based upon careful consideration of the following factors: Library Board members should be civic minded, interested in books and the promotion of the town. Members of the Library Board shall be eligible to be nominated for reappointment to serve a maximum of two (2) consecutive terms if the Library Board feels that the member has fulfilled their duties effectively.

C. Nomination and Selection of Members: The Library Board shall nominate a minimum of two (2) prospective embers to fill each expiring term. Each prospective member shall have previously been informed of the duties and responsibilities of a board member by the Chairman or Vice-Chairman of the Library Board and shall have consented to serve as a Library Board member. The Library Board shall, by Ballot Vote, select one of the two prospective members nominated for presentation to the Town Board of Trustees. The Ballot Vote shall be conducted by two (2) members of the Library Board appointed by the Chairman to tally the ballots. The prospective member receiving the majority of the legal votes shall be the duly elected member to be presented to the Town Board of Trustees for approval. The Ballot Vote for new members of the Library Board shall be completed sufficiently in advance of May 15 of each year to allow the Town Board of Trustees to approve the newly elected Library Board member at its regular May meeting.

D. Officers: The Library Board shall consist of the following officers who shall be elected annually for one-year terms at the first meeting held after the terms of new members begin on July 1: Chairperson, Vice-Chairperson, Secretary, Treasurer, and Reporter.

E. Only members of the board shall be allowed to vote on any matter pertaining to the Municipal Library.

F. Vacancies and Resignations: Any member who fails to attend four (4) consecutive regular or special meetings of the Library Board shall automatically forfeit their membership on the Library Board. If a member resigns before his term expires, he shall write a letter of resignation to the secretary of the library board, before his resignation can be accepted and acted upon.

Section 2-6-3. Responsibilities.

A. Management of Libraries: The library board shall have advisory responsibilities for the management of all municipal libraries in the town.

B. Rules and Regulations: The library board may make all necessary rules and regulations for its operation and for the care and management of libraries supported by the town, subject to approval and enactment by the town board of trustees.

[18] See title 10, chapter 6 of this code for cemetery provisions
[19] See title 3, chapter 1, article B of this code for provisions relative to fair housing.

Chapter 7. Board of Health[20]

Section 2-7-1. Membership.

The town board of trustees shall constitute a municipal board of health and shall be capable of performing all the functions provided by state law.

Section 2-7-2. Local Health Official.

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

Section 2-7-3. Operations; Duties Generally.

A. The municipal board of health shall be operated in general cooperation with the county department of health and the state department of health.

B. It shall be the general duty of the municipal board of health to examine and consider all measures necessary for the preservation of the public health of residents of the town, and to see that all ordinances and regulations in relation thereto are observed.

[20] See title 4 of this code for health regulations

Title 3 - Business and License Regulations

Chapter 1. Businesses and Occupations

Article A. Peddlers and Itinerant Occupations

Section 3-1A-1. Definitions.

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

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

Person
Any individual, and shall not extend and be applied to firms, corporations or any other organizations.

Solicitor and Canvasser
A person who travels by foot or by any type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders from the same of goods, wares, merchandise or personal property of whatsoever nature for future delivery, or for services to be furnished or performed in the future.

Section 3-1A-2. License Required; Exclusions.

A. License Required: It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser or any other itinerant occupation within the corporate limits of the town without first obtaining a license therefor, as provided in this article, and paying the prescribed fees to cover the reasonable costs of investigation and processing of the application. The fees shall be paid to the town clerk-treasurer when the application is filed and shall not be returnable under any circumstances. The town board of trustees, from time to time, may change such fee by ordinance, to an amount not to exceed the reasonable costs of licensing and enforcement under this article.

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

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

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

Section 3-1A-3. Application for License; Fee.

A. Application Form: Applicants for a license hereunder shall file with the town clerk-treasurer, in duplicate, a sworn application in writing on a form to be furnished by the town clerk-treasurer.

B. Information Required: The application shall give the following information:

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

2. Address, both legal and local;

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

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

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

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

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

C. Collection, Remittance of Sales Tax: Each individual applicant for a license shall provide written proof that the applicant will collect and remit said state and local sales tax to the town if required by state law and municipal ordinance.

D. Fee: A licensing fee in the amounts set forth below shall be paid to the town clerk-treasurer at the time of submitting an application:

1. A fee of twice the amount of the licensing fee paid by local businesses engaging in the same occupation, as set forth in section 3-1A-6 of this article, shall be paid to the town clerk-treasurer at the time of the application of an itinerant engaged as a repairman, contractor, plumber or electrician, or similar licensed professional.

2. A fee of fifty dollars ($50.00) per day, or two hundred dollars ($200.00) for more than three (3) days, shall be paid to the town clerk-treasurer at the time of the application of a solicitor, canvasser, peddler or other itinerant applicant.

E. Revocation; No Refund:

1. Revocation of a license shall not be grounds for returning the license fee to the applicant.

2. Revocation of a license shall not be grounds for refunding any portion of the license fee to the applicant.

Section 3-1A-4. Revocation of License.

A. Causes of Revocation: Licenses issued under the provisions of this article may be revoked by the town clerk-treasurer of the town after notice has been served on the applicant for any of the following causes:

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

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

3. Any violation of this article;

4. Conviction of any felony involving moral turpitude; or

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

B. Notice Requirements: Notice of revocation of a license shall be in writing, setting forth specifically the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the town.

Section 3-1A-5. Hours of Solicitation; Transfer and Exhibition of License.

A. Hours of Solicitation; Exception: No solicitation shall be conducted between the hours of seven o'clock (7:00) P.M. And six o'clock (6:00) A.M. each day, because of the need for public security and protection; provided, however, that, solicitations may be made where the person solicited has agreed by previously arranged appointment for a time other than during the prescribed hours.

B. Use of License by Designated Person: No license or badge issued under the provisions of this article shall be used or born at any time by any person other than the person to whom it was issued.

C. Exhibition of License: Peddlers, solicitors, canvassers and other itinerant occupations are required to exhibit and display their licenses or authorized evidence thereof at all times, wherever they are engaged in peddling, canvassing or soliciting.

Section 3-1A-6. Business License Tax Levied.

A. Amount of License Tax; A license tax is hereby levied on every person, firm, association or corporation engaging in, exercising or pursuing any of the following businesses, professions, trades, occupations or privileges, in the amounts respectively indicated:

	Per Year
Auctioneers	$25.00
Automobile Dealership and Car Sales, New or Used	$25.00
Automobile Parts Stores or Garages or Repair Shops	$25.00
Bakery	$25.00
Bank, Savings and Loan or Credit Union	$25.00
Bar, Lounge or Beer Tavern – Serving Alcohol	$500.00
Barbershop	$25.00
Beauty Shop	$25.00
Bed and Breakfast Facility	$25.00
Boardinghouse	$25.00
Building, Roofing or Siding Contractors	$25.00
Café', Diner or Restaurant – Serving Alcohol	$500.00
Café', Diner or Restaurant – Not Serving Alcohol	$25.00
Carwash	$25.00
Cold Drink Stand or Snow Cone Stand	$25.00
Computer Sales or Repairs	$25.00
Convenience Stores, Gasoline, Diesel and Natural Gas Stations with or without off-premises Alcohol Sales	$25.00
Cotton Gins, Seed Dryers/Cleaners or Feed or Ag Product Sales	$25.00
Dry Goods, Shoes, General Merchandise Stores or Variety Stores	$25.00
Electrical and Plumbing Supplies	$25.00
Event Center	$25.00
Florists, Flower Shops and Gift Shops	$25.00
Fruit and Vegetable Stands	$25.00
Funeral Homes, Mortuaries, Crematories or Funeral Chapels	$25.00
Furniture, Home Furnishing and Carpet Store	$25.00
General Contractors and Sub-Contractors	$25.00

Greenhouses, not including Medical Marijuana Grow Facilities	$25.00
Grocery Store and Meat Market	$25.00
Hardware Store	$25.00
Hotel and Motel	$25.00
Ice Retailers	$25.00
Insurance Offices and Tag Offices	$25.00
Jewelry Store	$25.00
Junk Dealer	$25.00
Laundry or Dry Cleaners	$25.00
Laundry – Self Service	$25.00
Leather goods Sales or Repairs	$25.00
Lumberyard	$25.00
Medical Marijuana Dispensary	$2500.00 PLUS INSPECTION COSTS
Medical Marijuana Grow Facilities	$2500.00 PLUS INSPECTION COSTS
Medical Marijuana Processing Facilities	$2500.00 PLUS INSPECTION COSTS
Movie Theater, Video Store and Video Game Store	$25.00
Optometrists	$25.00
Pawnbroker	$25.00
Pharmacy	$25.00
Physician Offices or Clinics	$25.00
Photography Studio	$25.00
Poster Bills	$12.00
Pool Hall, Domino Parlor or Recreational Center	$80.00
Print Ship or Office Supply	$25.00
Real Estate Office	$25.00
Skating Rink or Game Arcade	$25.00
Television, Radio or Small Appliance Repair Store	$25.00
Vineyards, Wineries and Breweries	$500.00
Wedding Chapel	$25.00
Wholesale Oil and Gas Sales	$25.00
All others	$25.00

B. To the extent provided by Oklahoma State Statutes, any ex-service person who engages in lectures, entertainments or exhibitions within the Town of Rush Springs shall be exempt from any assessment of a Business License Tax.

C. In addition to the Business License Tax set forth in 3-1-A6 (A) above, license applicants for Medical Marijuana Dispensaries, Medical Marijuana Grow Facilities and Medical Marijuana Processing Facilities shall pay to the Town of Rush Springs the amount of Town's actual costs incurred in conducting the required inspections. An inspection deposit in the amount of $500.00 shall be paid to cover the Town's estimated costs incurred in an initial inspection and one follow-up inspection. Any balance remaining after completion of the inspection(s) shall be refunded to the license applicant and any costs incurred in excess of the amount of the inspection deposit shall be paid by the license applicant to the Town of Rush Springs.

Article B. Fair Housing[21]

Section 3-1B-1. Policy.

It is the policy of the Town of Rush Springs to provide, within constitutional limitations, for fair housing throughout the Town of Rush Springs.

Section 3-1B-2. Definitions.

Discriminatory Housing Practices
Means an act that is unlawful under Sections 3-1B-4, 3-1B-5, and 3-1B-6.

Dwelling
Means any building, structure or portion thereof which is occupied as or designed or intended for occupation as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Family
Includes a single individual.

Person
Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers and fiduciaries.

To Rent
Includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises owned by the occupant.

Section 3-1B-3. Unlawful Practices.

Subject to the provisions of Subsection B and Section 3-1B-7, the prohibitions against discrimination in the sale or rental of housing set forth in Section 3-1B-4 shall apply to:

A. All dwellings except as exempted by Subsection B.

B. Nothing in Section 3-1B-4 shall apply to:

[21] See title 2, chapter 5 of this code for provisions relative to the fair housing board

1. Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four month period; provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of any such single-family house shall be excepted from the application of this Article only if such house is sold or rented:

    i. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and

    ii. Without the publication, posting or mailing, after, notice of any advertisement or written notice in violation of Section 3-1B-4.C of this Article. However, nothing in this provisions shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as is necessary to perfect or transfer the title.

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one such living quarters as his residence.

C. For the purposes of Subsection B, a person shall be deemed to be in the business of selling or renting dwellings if:

1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

2. He has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein;

3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

Section 3-1B-4. Discrimination in the Sale or Rental of Housing.

As made applicable by Section 3-1B-3 and except as exempted by Sections 3-1B-3.B and 3-1B-7, it shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, sex, color, religion, national origin, disability, familial status, or sexual orientation.

B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, sex, color, religion, national origin, disability, familial status or sexual orientation.

C. To make, print or publish or cause to be made, printed or published notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, national origin, disability, familial status or sexual orientation, or an intention to make any such preference, limitation or discrimination.

D. To represent to any person because of race, sex, color, religion, national origin, disability, familial status or sexual orientation that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

E. To induce or attempt to induce any person to sell or rent any dwelling, for profit, by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, national origin, disability, familial status or sexual orientation.

Section 3-1B-5. Discrimination in Financing or Housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, sex, color, religion, national origin, disability, familial status or sexual orientation of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exceptions contained in Section 3-1B-3.B.

Section 3-1B-6. Discrimination in the Provision of Brokerage Services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, rental or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, sex, color, religion, national origin, disability, familial status or sexual orientation.

Section 3-1B-7. Exemption.

Nothing in this Article shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, disability, familial status or sexual orientation. Nor shall anything in this Article prohibit a private club, not, in fact, open to the public which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 3-1B-8. Administration.

A. The authority and responsibility for administering the Town's Fair Housing Code shall be in the Chief Executive Officer of the Town of Rush Springs or his designee.

B. The Chief Executive Officer may delegate any of these functions duties and powers to employees of the Town or to boards of such employees, including functions, duties and powers, with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this Article. The Chief Executive Officer shall, by rule, prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Town, to boards of officers or to himself, as shall be appropriate and in accordance with law.

C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purposes of this Article and shall cooperate with the Chief Executive Officer to further such purposes.

Section 3-1B-9. Education and Conciliation.

Immediately after the enactment of this Article, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this Article. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this Article and his suggested means of implementing it and shall endeavor, with their advice, to work out programs of voluntary compliance and enforcement.

Section 3-1B-10. Enforcement.

A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint or within thirty days after the expiration of any period of reference under Subsection C, the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion, nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Article without the written consent of the persons concerned. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall, upon conviction, be fined not more than $100 or imprisoned not more than 10 days.

B. A complaint under Subsection A shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the fats upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and, with the leave of the Chief Executive Officer which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any tie. Both complaints and answers shall be verified.

C. If, within thirty days after a complaint if filed with the Chief Executive Officer, the Chief Executive Officer has been unable to obtain voluntary compliance with this Article, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in this filing.

D. If the Chief Executive Officer has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate court against the respondent named in the complaint to enforce the rights granted or protected by this Article insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such

practice or order such affirmative action as may be appropriate.

E. In any proceedings brought pursuant to this section, the burden of proof shall be on the complaint.

F. Whenever an action by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.

Section 3-1B-11. Investigations, Subpoenas, Giving of Evidence.

A. In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statement of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials or the appearance of such persons and may issue interrogatories to a respondent to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.

B. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

C. Witnesses summoned by subpoenas of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him. Within five days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify th subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous or for other good reason.

D. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or other person at whose request it was issued may petition for its enforcement in the municipal or county district court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

E. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than $100.00 or imprisoned not more than 10 days, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter or by any other means falsify any documentary evidence shall be fined not more than $100.00 or imprisoned not more than 10 days, or both.

F. The Town Attorney shall conduct all litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this Article.

Section 3-1B-12. Enforcement by Private Persons.

A. The rights granted herein by Sections 3-1B-3, 3-1B-4, 3-1B-5, and 3-1B-6 may be enforced by civil actions in State or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this Section or Section 3-1B-10.D from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this Article and involving a bona fide purchaser, encumbrancer or tenant, without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Article, shall not be affected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, and may award to the plaintiff actual damages and not more than $1,000.00 punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing plaintiff, provided that the said plaintiff, in the opinion of the court, is not financially able to assume said attorney's fees.

Section 3-1B-13. Interference, Coercion or Intimidation.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his having exercised or enjoyed or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Sections 3-1B-3, 3-1B-4, 3-1B-5, and 3-1B-6. This Section may be enforced by appropriate civil action.

Section 3-1B-14. Prevention of Intimidation in Fair Housing Cases.

Whoever, whether or not acting under color of law, by force or threat of force, willfully injures intimidates or interferes with or attempts to injure, intimidate or interfere with:

A. Any person because of his race, sex, color, religion, national origin, disability, familial status or sexual orientation, and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

B. Any person because he is or has been, or in order to intimidate such person or any other person or class of persons from:

   1. Participating without discrimination on account of race, sex color, religion, national origin, disability, familial status or sexual orientation in any of the activities, services, organizations or facilities described in Subsection A above; or

   2. Affording another person or class of persons opportunity or protection so to participate; or

C. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, color, religion, national origin, disability, familial status or sexual orientation, in any of the activities, services, organizations or facilities described in Subsection A above, or from participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than $100.00 or imprisoned not more than 10 days, or both; and if bodily injury results, shall be fined not more than $100.00 or imprisoned not more than 10 days, or both; and if death results, shall be subject to imprisonment for any term of years or for life.

Article C. General Provisions

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

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

Section 3-1C-2. Shooting Galleries.

Every shooting gallery constructed, established, set up or operated hereafter, either permanently or temporarily, within the corporate limits of the town, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of 63 Oklahoma Statutes sections 701 through 708, as amended, and shall comply with all the requirements thereof. No shooting gallery shall be operated until any licenses required by this code have been secured therefor.

Section 3-1C-3. Short Weights and Measures Prohibited.

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

Section 3-1C-4. Junkyard and Salvage Yard Regulations; Permits.

A. Terms Defined: For the purpose of this section, the terms “junkyard” or “salvage yard” shall mean any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. The term shall also include garage dumps and sanitary landfills.

B. Location to Right Of Way: No junkyard or salvage yard shall be located nearer than fifty feet (50’) from the right-of-way.

C. Screening: All junkyards or salvage yards shall be screened from view of any road or highway running adjacent thereto, by the construction of a sight proof fence (with a minimum height of at least 8 feet), or such material as may be approved by the town board of trustees, or by the planting of appropriately sized shrubbery.

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

E. Permit Required: No person shall operate or maintain any junkyard or salvage place in the town without first obtaining a permit from the Board of Trustees, who shall have discretionary powers to grant or refuse the operation of said business, and any business coming within the purview of this article that is already in operation or existence of this time shall, before continuing the operation of the same, make application for and secure a permit, if granted by the Board of Trustees for the continued operation of the same. Such permit shall be good for a period of twelve (12) months from the date of the issuance thereof, and shall be issued by the town clerk-treasurer and directed and approved by the Board of Trustees in regular session.

F. Records Maintained: Junkyards and salvage places shall maintain a book or register, and shall keep a complete record of all goods, wares and

merchandise required by them in the course of their business or offered for sale, and shall be subject to inspection at all times by the police authority of the town, or any other person selected by the town Board of Trustees for such purposes.

G. Revocation of Permit: Such permit may be revoked by the Board of Trustees at any time the junkyard or salvage place is not kept in an orderly condition and the property stored and kept in such manner as will not be a nuisance.

Section 3-1C-5. Garage Sales.

A. Permit, Fee Required: It shall be unlawful for any resident to conduct a garage sale at any time within the corporate limits of the town without first obtaining a permit and paying a licensing fee.

B. Duration; Validity of Permit: The maximum duration of any garage sale shall be two (2) days. Each permit issued shall be limited to the days designated in the permit and shall expire by its own terms at the end of the two (2) day period. The permit shall be valid only at the residence identified in the permit application.

C. Fee for License: The licensing fee for a garage sale permit shall be ten dollars ($10.00).

D. Number Permitted per Resident: The maximum number of garage sale permits that can be issued to any resident shall be three (3) per year. For the purposes of this limitation, every adult residing in the household with the permit applicant shall be included in the term “resident” and shall be counted as an applicant. The number of garage sales that can be conducted on the premises of any resident shall be limited to three (3) per year; provided, that if the occupants of the residence change during the year: then a new resident shall be entitled to a permit even if the prior occupants had already obtained three (3) permits during the year.

E. Nonresidents: No garage sale permit shall be issued to a nonresident of the town, or to any for-profit corporate entity or other business association. Any nonresident or for-profit business association shall be required to comply with article A of this chapter.

F. Garage Sale Defined: For the purposes of this section, the term “garage sale” shall include any sale of new or used tangible personal property conducted for profit inside the corporate limits of the town by a resident who does not have an established business for selling such items and does not pay a business license tax required by section 3-1A-6 of this chapter. Fundraisers held by not-for-profit entities shall not be included in the definition of “garage sale”.

G. Removal of Advertisements: Any garage sale sign or advertisement posted on easements or rights of way of the town shall be removed within two (2) days of the final day identified in the permit. If the signs and advertisements are not removed and properly disposed of, then the holder of the permit shall be liable for violation of this section, as well as for violations of the town ordinances prohibiting littering.

H. Posting of Permit: The garage sale permit must be posted on the exterior of the property where the garage sale is being held so that the permit is visible to the public and to any law enforcement officer or town representative designated to enforce the requirements of this section.

I. Penalty: Any person who violates this section shall be guilty of an offense and, upon conviction thereof, shall be fined one hundred dollars ($100.00) for each violation. Each day upon which a violation continues shall constitute a separate offense.

Article D. Penalty

Section 3-1D-1. Penalty.

Any person who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in title 7 of this code, and is subject to revocation of any license. Each day upon which a violation continues shall constitute a separate offense. Conviction shall also avoid any and all licenses and permits issued under the provisions of this chapter to the person, firm or corporation in violation of said provisions.

Chapter 2. Alcoholic Beverages

Article A. Oklahoma Alcoholic Beverage Control Act

Section 3-2A-1. Oklahoma Alcoholic Beverage Control Act Adopted.

The Oklahoma Alcoholic Beverage Control Act, 37 Oklahoma Statutes sections 501 through 566, as amended, is hereby adopted and incorporated by reference in this code. Applicable provisions of the act are hereby declared to be in full force, as if included herein in complete detail.

Section 3-2A-2. Definitions and Interpretations.

All words, phrases and terms used in this and other articles within this chapter relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same as set forth in the Oklahoma Alcoholic Beverage Control Act, 37 Oklahoma Statutes section 506, as amended.

Intoxicating Beverages
Beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

Non-intoxicating Beverages
Beverages containing more than one-half of one percent (0.5%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight.

Article B. Alcoholic and Intoxicating Beverages[22]

Section 3-2B-1. Municipal Occupation Tax; License; Reporting.

A. Amount of Tax: An annual municipal occupation tax, as shown below, is hereby levied on persons engaging in the following businesses within the town:

Retail package store	$100.00
Brewer	$1250.00
Distiller	$3125.00
Winemaker	$625.00
Oklahoma winemaker	$75.00
Rectifier	$3125.00
Wholesaler	$3500.00
Class B wholesaler	$625.00
Bottle club	$900.00
Service organizations exempt under section 501(c)(19) of the IRS code, for bottle club	$500.00
Caterer	$900.00
Special event	$50.00 (per day)

B. Reduction for Brewer, Class B Wholesaler: If a brewer or a class B wholesaler also holds a license from the state to manufacturer or wholesale any nonintoxicating malt beverage, the municipal occupation tax for such Brewer or class B wholesaler shall be reduced by seventy-five percent (75%).

C. Issuance of License; Conditions: It shall be unlawful for any person to engage in any of the businesses listed above without having paid the municipal occupation tax levied by this article and obtaining a valid license from the town clerk-treasurer. If the applicant holds a valid state license to engage in said business within the town, is operating in compliance with municipal ordinances and has paid the required municipal occupation tax, the town clerk-treasurer shall issue the license applied for.

D. Expiration: All licenses issued pursuant to this article shall expire on June 30 of the year for which issued. The cost of any type of license shall be a pro rata part of the cost of said yearly license, computed on a monthly basis. Licenses issued on or before the fifteenth day of any month shall be charged for on the basis of the first day of said month. Licenses issued after the fifteenth day of any month shall be charged for on the basis of the first day of the next month.

E. Report to State: The town clerk-treasurer shall transmit a report to the state ABLE commission on June 30 of each year, showing the amount of money collected and the number of municipal occupation tax licenses issued under this article.

[22] See also section 5-3B-9 of this code

Section 3-2B-2. Retail Package Stores; Location; Ours; Offenses.

A. Location: The location of a retail package store is specifically prohibited within three hundred feet (300') of a public school, or any church property primarily and regularly used for worship services and religious activities; provided, that if any such church or school shall be established within three hundred feet (300') of any licensed retail premises after such premises 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 subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For the purpose of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school. A license shall not be issued for any location on the same block where a school or church is located.

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

C. Hours of Operation; Days Prohibited: It shall be unlawful for any person holding a license for a retail package store, or any employee or agent thereof, to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of ten o'clock (10:00) A.M. and nine o'clock (9:00) P.M., Monday through Saturday; or to keep such premises open for such purposes on the day of any general, primary, runoff primary or special election; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving day or Christmas Day.

D. Conditions of Sale: Retail package stores may sell alcoholic beverages: 1) only in retail containers in the original package for consumption off the premises; and 2) only at ordinary room temperature.

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

1. Knowingly sell, deliver or furnish any alcoholic beverages to any person under

twenty-one (21) years of age, an intoxicated person or any person who has been legally adjudged insane or mentally deficient;

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

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

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

Article C. Nonintoxicating Beverages[23]

Section 3-2C-1. Retail Dealer Defined.

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

Section 3-2C-2. License Required; Fee.

A. Fee: There is hereby levied upon each retail dealer of nonintoxicating beverages for consumption on and off the premises, an annual municipal license fee of one hundred dollars ($100.00). An annual municipal license fee of one hundred dollars ($100.00) is hereby levied for the sale of nonintoxicating beverages or consumption either on or off the premises only.

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

C. Other Permits; Compliance with State Law: No municipal license shall be issued to any retail dealer by the town clerk-treasurer, until the applicant has obtained all required state and county permits, and has, in all other respects, complied with the Oklahoma Alcoholic Beverage Control Act.

D. Term of License: All such licenses shall expire on June 30 of the year following reissuance.

E. Payment of Fees; Nontransferable License: License fees shall be paid to the town clerk-treasurer, and no license shall be transferable.

F. Revocation: The town board of trustees shall have the power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder.

[23] See also section 5-3B-10 of this code

Section 3-2C-3. Retail Dealers in Nonintoxicating Beverages.

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

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

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

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

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

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

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

G. Permit disorderly conduct, loud or disturbing language or any other violation of state law or of this code; or

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

Section 3-2C-4. Hours of Sale.

A. It shall be unlawful and an offense for "nonintoxicating beverages", as defined in section 3-2A-2 of this chapter, to be sold, given away or otherwise dispensed for consumption on the premises, between the hours of two o'clock (2:00) A.M. Sunday and seven o'clock (7:00) A.M. on the following Monday.

B. It shall be unlawful and an offense for "Nonintoxicating beverages", as defined in section 3-2A-2 of this chapter, to be sold, given away or otherwise dispensed for consumption on the premises between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. on any other day.

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

Article D. General Provisions

Section 3-2D-1. Certificate of Compliance for Clubs.

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

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

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

B. Investigation: Upon receipt of completed applications for certificates of compliance, the town clerk-treasurer shall cause an investigation to be made to determine whether the premises proposed for club operations comply with the provisions of the zoning ordinance, other applicable development regulations and any health, fire, building and other safety codes applicable to it.

C. Signature of Compliance: The above certificates of zoning and code compliance shall be signed by the town clerk-treasurer or a designated representative of the town clerk-treasurer.

Section 3-2D-2. Minors.

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

Article E. Penalty

Section 3-2E-1. Penalty.

Any person, firm or corporation violating any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in title 7 of this code. Each day upon which a violation continues shall constitute a separate offense.

Chapter 3. Oil and Gas Drilling

Section 3-3-1. Definitions.

The following terms used in this chapter are hereby defined to have the meaning set out below:

Circulating Mud Pit
The working pit from which drilling muds are continuously recirculated during the drilling process into and from the drilling hole, for the purpose of flushing cuttings from the drill bit, and as a lubricant to reduce torque, drag, heat, friction and differential sticking during the drilling process.

Disposal Well
Any well drilled or actually used for injection of salt water or other substances into the earth at a point other or different than the point of extraction or production thereof from the earth.

Mud
The drilling fluid used and recirculated through the drilling hole is a lubricant to reduce torque, drag, heat, friction and differential sticking and to flush drill bit cuttings from the hole during the drilling process.

Mud Program
The planned usage of drilling fluid lubricants, specifying with particularity the type, name and physical and chemical composition and characteristics of all ingredients thereof, together with such laboratory and other technical data as may be necessary or required by the municipal building inspector to evaluate the same as pollutive, deleterious or otherwise.

Oil or Gas Well
Shall mean and include any well drilled, operated or maintained for the production of oil, gas, casinghead gas, or any of them or their byproducts or derivatives.

Reserve Pit
Any excavation, pit or receptacle designed or actually used to receive, store or hold rocks, drill bit cuttings, shale, sand, freshwater or drilling mud which contains no saltwater, oil, oil derivations, cost six, acids or other deleterious substances harmful to soil, vegetation or injurious to animal or human life.

Slush Pit
Any excavation, pit or receptacle designed or actually used to receive, store or hold waste oil, oil derivatives, sand, saltwater or other waste products or deleterious substances produced or used in the drilling, swabbing, cleaning or reworking of any oil, gas or disposal well.

Section 3-3-2. Drilling Permit Required; Application.

A. Permit Required: Subsequent to the effective date hereof, it shall be unlawful and an offense for any person or corporation to drill, maintain or operate in oil, gas or disposal well within the corporate limits of the town without first having procured a municipal drilling permit to do so, as hereinafter provided, and without being in compliance with all applicable ordinances of the town.

B. Application; Form: Every person hereafter desiring to drill, maintain or operate an oil, gas or disposal well in the town shall file application therefore, in writing, in the form required by the town clerk-treasurer, signed by the applicant or an agent authorized to sign the same.

C. Location Identified: Such application shall specify the quarter section, township, range and the location within the quarter section thereof so as to identify said well location within a particular ten (10) acre tract.

D. List of Equipment Required: All equipment to be utilized in the drilling, operation or maintenance of said well shall be specified in the application with particularity, and the “mud program”, as defined in section 3-3-1 of this chapter, shall be specified and attached in writing thereto, for approval by the town clerk-treasurer.

Section 3-3-3. Fees for Permit; Insurance.

A. Application Fee: At the time of filing the application required in section 3-3-2 of this chapter, such applicant shall pay to the town clerk-treasurer the sum of five hundred dollars ($500.00) to defray the expenses of inspecting the specified location and drilling operations and, if completed as a producing well, in payment of the annual fee for the initial year of production and operation of said well.

B. Insurance Requirements:

1. Such applicant shall also, at said time, file with the town clerk-treasurer a copy of a policy of insurance issued by some corporate insurer licensed to do business within the state, evidencing current insurance of the owner, driller, agents and employees, condition for the payment of all damages due to injury to persons or damage to property resulting from the drilling, operation or maintenance of the proposed well or any structure, machinery, equipment, pipelines or appurtenances used in connection there with, in an amount not less than two hundred fifty thousand dollars ($250,000.00).

2. Such policy shall contain no exclusion from coverage of contamination of pollution of surface or subterranean streams, watercourses, lakes or public or private water supplies.

Section 3-3-4. Existing Wells.

Owners or operators of oil, gas or disposal wells hereto for drilled and completed within the town, shall not be required to procure the initial municipal drilling permit required in this chapter; provided, however, it shall be incumbent upon such owners and operators to furnish evidence of liability insurance coverage and post the bond for the restoration of the land and plugging of the well upon its abandonment in the form and amount above required for issuance of a municipal drilling permit at the time of application for the annual renewal permit as provided in section 3-3-6 of this chapter, or within sixty (60) days after the effective date hereof, whichever shall first occur, as a condition of continuing the operation and maintenance of any well hereto for drilled and prior to commencing any swabbing, cleaning or reworking operations of all oil, gas and disposal wells hereto for or hereinafter drilled within the town. All existing Wells shall also comply with all of the following provisions of this chapter.

Section 3-3-5. Zoning; Location.

Oil, gas or disposal wells shall be located only in those zoning districts which permit such use as provided in the adopted zoning ordinance of the town.

Section 3-3-6. Annual Renewal Permits.

Annual renewal permits for the operation, maintenance, cleaning, swabbing and reworking of all completed and operating oil, gas and disposal wells, now existing or hereafter drilled, are hereby required, and shall be issued upon payment of one hundred dollars ($100.00) per year and upon the filing of copies of liability insurance policies and the restoration and plugging bond in the form and amount required for the issuance of an initial drilling permit and upon proof of renewal of the restoration and plugging bond for the ensuing year. Such annual fees shall be paid, proof of insurance coverage filed, and renewal of said restoration and plugging bond made on the anniversary date of the initial drilling permit, or if no such permit was required or obtained, within sixty (60) days after the effective date hereof.

Section 3-3-7. Regulatory Provisions.

It shall be unlawful and an offense for any person or corporation to do or permit any of the following, and the same are hereby declared to be a public nuisance:

A. Earthen Slush Pits Prohibited: Earthen slush pits shall not be constructed, maintained or used by any person or corporation at any location within the town. All waste oil, saltwater, liquid with oil content, gasoline or other waste produced in connection with the drilling, testing, cleaning, swabbing, reworking or operating of any oil, gas or disposal well shall be captured and retained in steel tanks or vessels and transported from the premises to a disposal facility. In no event shall any of such substances be permitted to escape from the premises owned, leased or controlled by the persons carrying on such operations by seepage, overflow or otherwise, nor flow across the surface of the ground, or upon any public way, into any storm or sanitary sewer, drainage ditch, upon any gutter or paving, or into any gully, stream or tributary within the town. Plastic liners may be required, at the discretion of the majority of the town board of trustees.

B. Reserve Pits: Earthen “reserve pits”, as defined in section 3-3-1 of this chapter, which contain no salt water, oil, oil derivatives, caustic, acids or other deleterious substances harmful to soil, vegetation or injurious to animal or human life, shall be allowed to be constructed or used in connection with the drilling, swabbing, cleaning out or reworking of oil or gas wells within the town, and the contents thereof need not be transported from the premises to a disposal facility, if the same are leveled in the surface of the ground restored as nearly as possible to its original condition within ninety (90) days after completion of the drilling, swabbing, cleanout or reworking operations.

C. Retaining Wall: An earthen retaining wall of adequate size for the terrain shall be constructed on the low side of all well sites situated within the town on sloping or unlevel ground. The top of the retaining wall shall be at least as high as the top of the Christmas tree or other wellhead connections on any completed well, or at least as high as the ground at the point where surface casing is set in the well when drilling.

D. Storage Tanks: Storage tanks or other types of tanks containing flammable substances used in connection with any oil, gas or disposal well within the town shall have earthen embankments constructed around them of sufficient size and height to be able to adequately contain one and one half (1 1/2) times the volume of such tanks in

the event of a rupture thereof at the floor of such tank. No drain plugs, openings or siphons shall be placed in the walls or dikes which will permit the escape of any liquids through the same. In no event shall any such tank be located nearer than one hundred feet (100') to a dwelling or business structure, street or highway within the town.

E. Internal Combustion Engines: No steam, gasoline, natural gas, diesel or other internal combustion engine of any kind shall be operated in conjunction with the drilling or operation of an oil or gas well within two hundred fifty feet (250') of any dwelling or business structure within the town.

F. Distance Regulations: No oil, gas or disposal well shall be drilled, operated or maintained, nor shall any operations in connection there with be carried on or conducted, within two hundred fifty feet (250') of any church, school or hospital building within the town.

G. Maintenance of Premises: Premises upon which any oil, gas or disposal wells are drilled, operated or maintained shall be kept free of all accumulations of rubbish, litter, unused equipment or materials, excess rotary mud, saltwater, waste oil or oil byproducts and other waste, in so far as the same may be reasonably done in the conduct of operations covered by this chapter.

H. Equipment, Devices and Methods Used: Approved equipment, standard devices and ordinary methods such as are commonly known and used in the oil and gas drilling and producing industry for the safety and protection of property from damage due to drilling and operating activities, shall be used at all locations within the town. Failure on the part of any owner, driller or operator to utilize such equipment, devices or methods shall be the basis for injunction thereof by the town, or any person affected thereby, in addition to the penalties therefor otherwise provided therein.

I. Casing: At least seven hundred fifty feet (750') of surface casing shall be set in each well after notification of intention to do so has been given the Oklahoma Corporation Commission, whose representative shall be entitled to inspect the installation thereof and direct the type and amount of cement to be used in cementing the same in the hole.

J. Pressure Regulated: All drilling wells shall be equipped with a master gate, or its equivalent, adequate blowout preventors, flowlines and valves commensurate with the working pressures involved.

K. Drilling Rig Covered: The part of the drilling rig adjacent to or facing any lake and situated within one half (1/2) mile of the normal elevation thereof shall be covered with canvas, sheet metal or other suitable material at all times during drilling operations.

L. Production Casing: Production casing of a size with not less than a four and one half inch (4 1/2") outside diameter, in good condition, shall be set no higher than the top of the producing formation and cemented with a sufficient amount of cement to obtain a maximum of five hundred feet (500') of annular fillup above the casing. All of such production casing shall be tested by pressure methods for either drilling the cement plug or perforating, if the cement is not drilled.

M. Valves Required: Upon completion of any flowing well, the wellhead equipment shall have, on the tubing, at least one master valve plus a flow valve, and a valve on the casing annulus. All wells shall be equipped with the flow tubing of a size at least two inch (2") inside diameter extending not less than fifty feet (50') from the top of the lowest producing formation.

N. Pressure Gauge: All disposal wells shall be equipped with at least two inch (2") inside diameter tubing set on a packer and a pressure gauge shall be installed on the casing annulus at all times.

Section 3-3-8. Penalty.

Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction, be fined in a sum not to exceed the limits established in title 7 of this code. Each day such violation is committed or continues to exist shall constitute a separate offense and be punishable as such. In addition, violation of any of the provisions hereof declared to be a public nuisance shall be a basis for injunction at the suit of the town, or at the suit of any person, firm or corporation adversely affected thereby.

Title 4 - Health and Sanitation

Chapter 1. Health Regulations

Article A. Contagious Diseases

Section 4-1A-1. Introducing Diseases.

A. It shall be unlawful for any person affected with, or exposed to, any contagious or infectious disease, to be upon any street or in any public place in the town. The purpose of this requirement is to avoid exposing other persons to such a disease.

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

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

Section 4-1A-2. Report of Contagious Diseases.

A. Every physician practicing in the town shall report to the county health official, within six (6) hours after the diagnosis of the same, the appearance of any of the following diseases: diphtheria (including membranous croup), scarlet fever, smallpox, yellow fever, typhoid fever, typhus fever, Asiatic cholera, chickenpox, tuberculosis, undulant fever, acute anterior poliomyelitis (infantile paralysis), epidemic cerebrospinal meningitis, whooping cough, mumps, or any other pestilential, infectious or contagious disease.

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

C. The state statutes governing the diseases stated herein shall apply to all cases of this nature, after said report is made.

Section 4-1A-3. Quarantine.

A. It shall be unlawful for any person to enter, or go upon, any ground or premises under quarantine, without first having obtained permission to do so from the local or county health official.

B. It shall be unlawful for any person whom the local or county health official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to willfully violate any quarantine regulation thereof.

C. It shall be unlawful for any person to tear down, remove, deface, mutilate or destroy any order, notice or flag that may be posted or displayed by the local or county health official.

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

Article B. Sanitary Facilities

Section 4-1B-1. Definitions.

As used herein, the following terms shall mean:

Human Excrement
The bowel and kidney discharge of human beings.

Sanitary Water Closet
The flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.

Section 4-1B-2. Owner to Provide Proper Toilet Facilities.

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

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

C. When not so located, the closet or toilet shall be of: 1) the sanitary water closet type, so connected to a sanitary sewer (notwithstanding the distance from it); or 2) the water closet type, connected to a septic tank approved by the county health officer.

Section 4-1B-3. Proper Disposal of Human Excrement Required.

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

Section 4-1B-4. Authorized Facilities Declared Public Nuisances.

All facilities for the disposal of human excrement in a manner different from that required by this code, and all privies and closets so constructed, situated or maintained as to

endanger the public health, are hereby declared to be public nuisances and may be dealt with, and abated, as such[24].

Article C. General Provisions

Section 4-1C-1. Abandoned Ice Boxes, Refrigerators and Containers.

It shall be unlawful for any person, firm or corporation to leave, in a place accessible to children, any abandoned or discarded icebox, 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 icebox, refrigerator or container, without first removing the door, lock or fastener.

Section 4-1C-2. Food Service Sanitation Code Adopted.

A. Code Adopted: The United States public health service "Food Service Sanitation Ordinance and Code", current edition, is hereby adopted and incorporated as fully as if set out at length herein.

B. Applicablility: From the effective date hereof, the provisions of said code, as may be modified, shall be controlling in the regulation of food service establishments within the corporate limits of the town.

C. Copies on File: Three (3) copies of said code or on file in the office of the town clerk-treasurer.

D. Fee Not Required: No fee shall be required for a municipal permit to operate a food service establishment.

Section 4-1C-3. Milk Ordinance Adopted.

A. Ordinance Adopted: The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products sold for ultimate consumption within the town; the inspection of dairy herds, dairy farms and milk plants; the issuance and revocation of permits to milk producers, haulers and distributors, shall be regulated in accordance with the provisions of the "milk ordinance - recommendations of the public health service, revised to comply with Oklahoma state statutes".

B. Applicability: From the effective date hereof, the provisions of said ordinance, as may be modified, shall regulate milk and milk products within the corporate limits of the town.

C. Copies of File: Three (3) copies of said ordinance are on file in the office of the town clerk-treasurer.

Article D. Penalty

Section 4-1D-1. Penalty.

Any person who violates any provision of this chapter or of any ordinance, code or standard adopted by reference by this chapter or maintains or permits to continue, any "public nuisance", as defined by section 4-2-5 of this title, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in title 7 of this code. Every day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Nuisances

Section 4-2-1. Definitions.

As used in this chapter, these words shall have the following meanings:

Administrative Officer
The town clerk-treasurer or the nuisance abatement official appointed by the town board of trustees.

Boarded and Secured
The closing, boarding or locking of any or all exterior openings, so as to prevent entry into a structure.

Dilapidated Building
A structure which, through neglect or injury lacks the necessary repairs or otherwise is in a state of decay or partial ruin, to such an extent that said structure is a hazard to the health, safety and welfare of the general public.

Owner
The owner of record, as shown by the most current tax rolls of the Grady County Treasurer.

Trash
Any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste or other matter of any kind or form which is uncared for, discarded or abandoned.

Weeds

A. Shall include, but not be limited to, poison ivy, poison oak, poison sumac and all vegetation at any stage of maturity, which:

   1. Exceeds 12 inches (12") in height, except healthy trees, shrubs or produce for human consumption grown in a tended and cultivated garden, unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit, safety and/or welfare of the public or community, create a traffic or fire hazard, or otherwise interfere with the mowing of said weeds;

   2. Conceals or invites deposition or accumulation of refuse or trash regardless of the height of the vegetation;

   3. Harbors rodents or vermin;

   4. Gives off unpleasant or noxious odors;

   5. Constitutes a traffic or fire hazard; or

   6. Is dead or diseased;

B. Provided, that, the word "weeds" shall not include tended crops or land zoned for agricultural use which crops are planted more than one hundred fifty feet (150') from a parcel zoned for other than agricultural use.

[24] See chapter 2 of this title for nuisance provisions

Section 4-2-2. Nuisance Unlawful.

It shall be unlawful for any person (owner, lessee, or other) to create or maintain a nuisance, or to permit a nuisance to remain on premises under said person's control, within the corporate limits of the town.

Section 4-2-3. Town Board May Determine and Define Nuisances.

The town board of trustees has the power to determine what is and what shall constitute a nuisance within the corporate limits of the town and, for the protection of the public health, parks and water supply, outside of the town corporate limits.

Section 4-2-4. Nuisance Defined.

A "nuisance" consists of unlawfully doing an act, omitting to perform a duty or anything or condition which:

A. Annoys, injures or endangers the comfort, health or safety of others;

B. Offends public decency;

C. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for use, any lake, drainage way, stream, stream basin, public park, street or other public property; or

D. In any way renders persons insecure in life or in the use of property.

Section 4-2-5. Public Nuisances.

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

B. Remedies: The possible remedies against a public nuisance are:

1. Prosecution on complaint before the Municipal Court;

2. Prosecution of information or indictment before another appropriate court;

3. Civil action; and

4. Abatement:

i. By the person injured; or

ii. By the municipality, in accordance with state law or ordinance.

C. Time Does Not Legalize: No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

Section 4-2-6. Private Nuisances.

A. Defined: Every nuisance not included in section 4-2-5 of this chapter is a "private nuisance".

B. Remedies: The possible remedies against a private nuisance are:

1. Civil action; and

2. Abatement:

i. By the person injured; or

ii. By the municipality, in accordance with state law or ordinance.

Section 4-2-7. Persons Liable.

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

Section 4-2-8. Procedures Cumulative.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of state law and ordinances shall be cumulative one to the other. The town board of trustees may elect to follow any such procedure which is applicable in abating any particular nuisance.

Section 4-2-9. Review of Demolition Activities[25].

The preservation commission shall have the power to make recommendations regarding the proposed demolition of designated historic landmarks or historic structures; including public demolition procedures initiated through statutory "nuisance abatement" processes, as well as other public or privately initiated demolition processes. No permit to demolish all or part of such historic landmarks or historic structures shall be granted by the municipal building inspector, nor shall an abatement order be implemented, except as follows:

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

B. Upon the filing of an application with the preservation commission, the commission shall determine whether the proposed change would destroy or adversely affect the historical features of the historic landmark, historic site or historic district property.

C. If the preservation commission determines that the historic landmark, historic site or property within a historic district would be adversely affected by the proposed change, it may withhold its consent to the granting of permission for the permit. The commission shall make its decision within thirty (30) days after the filing of such application, and shall state in writing the reasons for withholding consent, mailing the same to the applicant.

[25] See also subsection 2-2-3J of this code

D. If the preservation commission refuses to grant permission or approve issuance of a permit for demolition, negotiations shall be initiated with the applicant to arrive at a mutually agreeable plan to avoid demolition, maintain historic integrity and achieve the applicant's objectives. If no plan is agreed upon within six (6) months of the filing of the application, the municipal building inspector may issue the permit to demolish the subject property or the municipal agent may proceed, without the approval of the commission.

Section 4-2-10. Abatement of Nuisances.

A. Summary Abatement of Nuisances:

1. Whenever it is practical to do so, the town board of trustees has the power summarily to abate any such nuisance, after notice to the owner and opportunity to be heard, if this can be done.

2. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or the public generally, and it is recognize that, in such circumstances, the mayor (or a representative) may be justified or required to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger, until more deliberate action can be taken toward such abatement.

3. The fire chief, the chief of police, the town attorney, the health official, any trustee, any resident of the town, or any other officer subordinate to the town board of trustees, may submit to the town board, a statement as to the existence of a "nuisance", as defined by state law or the ordinances of the town, and a request or recommendation that it be abated.

4. The town board of trustees shall determine whether or not the alleged nuisance is a nuisance in fact, and before proceeding to have the nuisance abated, the town board shall give notice of a hearing on the proposed abatement to the owner of any property concerned and to any other person alleged or deemed responsible for, or to be causing, the nuisance, and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service (by a police officer), if their names and addresses are known. If the names and addresses are not known, and the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the town or county.

5. If the town board of trustees finds that the nuisance does in fact exist, it shall direct the owner and/or other persons responsible for, or causing the nuisance, to abate it within a specified time if the peace, health, safety, morals or welfare of the person, persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the town board of trustees shall direct the mayor to abate the nuisance or have it abated, if summary abatement is practical.

6. The town clerk-treasurer shall send a statement of the cost of such summary abatement to the owner and/or other persons responsible for, or causing, the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town, collectible as other debts of the town may be collected.

B. Abatement of Public Health Nuisances:

1. The local or county health official shall have the authority to order, in writing, the owner or occupant of any private premises in the town to remove such premises, within a reasonable length of time and at the owner's expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health. Failure to do so shall constitute an offense. Such order shall be served on the owner or occupant (or agent) of the premises by the local or county health official, or a police officer. If the premises is unoccupied and the residence of the owner, occupant or agent, if unknown, is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having general circulation in the town or county.

2. If the order is not complied with, the health official may cause the order to be executed, and the cost thereof shall be certified to the town clerk-treasurer. The cost of abating such nuisance shall be added to the municipal utility bill of the owner or occupant (if the user of any municipal utility service) and shall become due and payable and be subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any municipal utility service, such costs, after certification to the town clerk-treasurer, may be collected in any manner in which any other debt due the town may be collected.

Section 4-2-11. Removal of Unsafe and Dilapidated Structures.

A. Nuisance Declared; Procedure: When, in the opinion of the municipal building inspector, the

local or county health official or any municipal official, any building, wall or other structure upon, adjoining or near any street, avenue, alley or public ground within the town becomes dangerous, insecure or liable to collapse from inherent structural weakness or decay, or which, from fire damage or other causes, becomes a menace to life or property, the same may be declared to be a nuisance:

1. Any such building shall be reported either verbally or in writing, by the municipal building inspector, or any municipal official, to the town board of trustees, together with the lot and block number, the owner (or agency) and a description of the condition.

2. Upon receipt of such verbal or written report, the town board of trustees shall consider whether or not to declare such building or structure to be a nuisance and serve fifteen (15) days' legal written notice on the owner (or agent) to wreck or remove the same, or provide an alternative proposal for restoration, sale and restoration, or other appropriate method of encouraging productive reuse of the structure. Said notice shall be posted on the property to be affected, and shall also be sent by certified mail, with return receipt requested, to the owner, as shown on the county treasurer's records. Written notice shall also be mailed to any mortgage holder, as shown by the County Clerk's records. If neither the property owner not the mortgage holder can be located, notice may be given by legal notice. Such notice may be published once, not less than ten (10) days prior to any hearing or action by the town pursuant to the provisions of this section, or, as an alternative, notice may be given by first-class mail to the property owner and mortgage holder.

3. The town board of trustees may hear all objections and evidence in relation thereto and, unless the owner can show good and sufficient reason why the building should not be condemned, the original order of the town board shall be executed, or any appropriate alternative solution may be implemented.

4. Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the town board of trustees may cause the dilapidated building to be torn down and removed, or implement an alternative solution, and shall fix reasonable dates for the commencement and completion of the work.

5. The town clerk-treasurer shall immediately file a notice of lien with the County Clerk describing the property, the findings of the municipality at the hearing, and stating that the municipality claims a lien on said property for the destruction and removal costs. The agents for the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality, if the work is not performed by the property owner within dates fixed by the town board of trustees.

6. The town board of trustees shall determine the actual cost of the repair, restoration, dismantling or removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the removal of the nuisance conditions, including the cost of notice and mailing. The town clerk-treasurer shall forward a statement of the actual cost attributable to the work on the buildings and the demand for payment of such costs by certified mail with return receipt requested, to the property owner. In addition, a copy of said statement shall be mailed to any mortgage holder.

7. If the municipality repairs, restores, dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance and equipment required for the actual repairs, restoration, dismantling or removal of the dilapidated buildings, If work on the dilapidated building is done on a private contract basis, the contract shall be awarded to the most responsible and most responsive bidder.

8. When payment is made to the municipality for costs incurred, the town clerk-treasurer shall file a release of lien, but if payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the town clerk-treasurer shall forward a certified statement of the amount of the cost to the county treasurer. Said costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. The cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the County Clerk. Said lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments, and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection, the municipality may pursue any civil remedy for collection of the amount owed and interest thereon. Upon receiving payment, the town clerk-treasurer shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

9. Nothing in the provisions of this section shall prevent the municipality from abating a dilapidated building has a nuisance or otherwise exercising its police power to protect the health, safety or welfare of the general public.

10. After a building has been declared dilapidated and before the commencement of

the removal of the nuisance conditions on the dilapidated building, the town board of trustees may authorize that such a building be boarded and secured.

B. Stop Work Order: Any municipal official shall have the right to stop the construction of any building or structure, or the alteration, repair or wrecking of the same, if the same is being done in a careless or reckless manner, or in violation of the provisions of this code.

Section 4-2-12. Cleaning and Mowing of Property.

A. Required: it shall be unlawful for any owner of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the town to allow trash or weeds to grow, stand or accumulate upon such premises, and it shall be the duty of such owner to remove or destroy any such trash or weeds.

B. Report of Violations: Any officer or employee of the town who discovers an accumulation of trash or growth of grass and weeds, or both these conditions, upon any premises within the corporate limits of the town, shall report the condition to the administrative officer (who shall be appointed by the town board) if, as a result of the accumulation or growth, the premises appears to be:

1. Detrimental to the health, safety, benefit and welfare of the public and the community; or

2. A hazard to traffic; or

3. A fire hazard to property.

C. Notice of Findings: Upon receiving the report provided in subsection B of this section, or upon receipt of equivalent information from any reliable source, and upon determination that a nuisance or violation of this code exists, the administrative officer shall give written notice of the findings and direct the owner or occupant to abate the condition within ten (10) days.

D. Service of Notice; Content: The written notice provided in subsection (C) of this section shall be sent by certified mail, with return receipt requested, to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located or that the owner cannot be served by certified mail, notice may be given by publication, as provided in 11 Oklahoma Statutes section 1-102, one time, not less than ten (10) days prior to any hearing or action by the town. If the town board of trustees anticipates further abatement of any nuisance in accordance with provisions of this section, the notice shall state that:

Any accumulations of trash or excessive weed or grass growth on the property occurring within six (6) months after the initial removal of trash or the cutting or mowing of weeds or grass on the property pursuant to such notice may be summarily abated by the town board of trustees. Further, the cost of such abatement shall be assessed against the owner, and a lien may be imposed on such property to secure such payment. All such actions may be taken without further notice to the property owner.

E. Consent by Owner for Removal: The owner of the property may give his written consent of the town authorizing the removal of the nuisance by providing written consent. The owner waives his right to a hearing.

F. Town Order for Abatement; Exceptions: Upon a finding that a condition exists as set out in subsection (B) of this section, and that the property would be benefited by the removal of such condition, and after at least ten (10) days from the date of receipt of the notice by the owner or occupant or the date of publication, the administrative officer shall order the property to be cleaned of trash, or order trash or weeds to be cut, removed or destroyed, unless the owner:

1. Has cut, removed or destroyed the trash or weeds in accordance with the notice; or

2. Has filed a written request for a hearing on the matter with the town clerk-treasurer within a ten (10) day period to appeal the administrative officer's decision to the town board of trustees. If the owner or occupant has given written consent authorizing the town to abate the trash or weeds, any right to a hearing shall be considered waived, and the owner shall pay for the cost of the work. The town board may affirm, reverse or modify the order of the administrative officer. The town board's review shall be limited to a review of the findings of fact and order the administrative officer to determine if the provisions of this section have been complied with.

G. Conduct of Hearing; Findings: At any hearing into the matter, the administrative officer may receive information thereto, including anything which may be presented by the owner of the premises personally or by agent or attorney. The administrative officer shall prepare a written finding of the facts and order, which will be placed in the property files.

H. Work Done by Town or Contract: The work order to be performed under this section may be done by the town where it may be let by contract to the most responsible and most responsive bidder for a period of not to exceed one year. Immediately following the cleaning or mowing, the town clerk-treasurer shall file a notice of lien with the County Clerk, in accordance with state law.

I. Itemized Statement of Costs: Upon completion of the work ordered to be performed under this section, the town shall prepare a statement, itemizing each tract of property involved, as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs, along with a demand for payment of

the total cost, and forward it by certified mail, with return receipt requested, to:

1. The owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies; or

2. To the address given by the person giving written consent or requesting the appeal, as provided for herein.

J. Failure to Pay Costs: If the cost of the work performed under this section are not paid within thirty (30) days from the date of mailing the statement prescribed by subsection (I) of this section, the town clerk-treasurer shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the laws of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection, as provided in this section, the town may pursue any civil remedy for collection of the amount owed and interest thereon. Upon receiving payment, if any, the town clerk-treasurer shall forward to the county treasurer a notice of such payment, directing discharge of the lien.

K. Subsequent Violations: If the town board of trustees causes property within the municipal limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided in this section, any subsequent accumulations of trash or excessive weed or grass growth on the property occurring within a twelve (12) month period may be declared to be a nuisance may be summarily abated without further prior notice to the property owner. At the time of each summary abatement, the municipality shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten (10) days after the date of mailing the notice. The notice and hearing shall be as provided for in this section. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided for in this section; provided, however, that this section shall not apply if the records of the County Clerk show that the property was transferred after notice was given pursuant to this section.

Section 4-2-13. Penalty.

Any person who violates any provision of this chapter by doing any act prohibited, declared to be unlawful thereby or declared to be a nuisance, an offense or misdemeanor thereby, or who fails to do any act required by any such provision, fails to do any act when such provision declare such failure to be unlawful, or to be an offense or misdemeanor, who violates any legal order or regulation made pursuant to this chapter, or who maintains any "nuisance", as defined in this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine not exceeding the limits established in title 7 of this code. Each day upon which any such violation continues, shall constitute a separate offense.

Title 5 - Public Safety

Chapter 1. Fire Prevention, Protection and Regulations[26]

Section 5-1-1. Volunteer Fire Department.

A. Established: There is hereby established for the town a volunteer fire department under the provisions of the Oklahoma volunteer fireman's act.

B. Membership: The volunteer fire department shall consist of not less than eight (8) and not more than twenty (20) members. The department shall not employ more than two (2) full time, salaried firefighters. Members of the fire department may continue as members of the volunteer fire department established under this code without probation, but shall be subject to the bylaws authorized under this section,

C. Probation for New Members: All new members shall be on probation for one year after their appointment to the department and shall not become regular members of the department upon completion of their probation period, until approval by a majority of the regular members of the volunteer fire department, subject to the ratification of the town board of trustees.

D. Bylaws: The volunteer fire department shall adopt bylaws (a copy of which shall be deposited with the town clerk-treasurer), which shall include the following:

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

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

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

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

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

6. Any volunteer firefighters refusing to attend training will be dropped; and

7. Any volunteer of the fire department shall be dropped from the roll by the town board of trustees, upon the recommendation of the fire chief, for any of the following offenses:

i. Conduct unbecoming of a firefighter;

ii. Insubordination;

iii. Neglect of duty;

iv. Violation of rules and regulations governing the department; or

v. Conviction of a felony

E. Copies to State: Copies of this section and any amendments relating to the volunteer fire department shall be submitted to the state insurance commissioner. (1998 Code 7-1-1)

Section 5-1-2. Enforcement of and Variances to Fire Prevention Code[27].

A. Enforcement: The fire prevention code adopted by the town board of trustees shall be enforced by the volunteer fire department, under the supervision of the fire chief. Members of said department may be detailed as inspectors by the fire chief, if it is deemed necessary.

B. Variances: The chief of the volunteer fire department, with the approval of the town board of trustees, shall have the power to grant a variance to any of the provisions of the fire prevention code, upon application in writing by the owner or lessee (or a duly authorized agent), when there are practical difficulties in carrying out the strict letter of said code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decisions of the fire chief thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (1998 Code 7-1-2)

Section 5-1-3 Rural Fire Protection.

A. Authorization for Rural Fire Services; Right of Way:

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

2. Any contract entered into by the town with an individual owner, firm, private corporation or private or nonprofit association, for outside aid or mutual aid for the fire protection, shall provide for the payment by said owner, firm, private corporation, private or nonprofit association, or political subdivision to the town, for such fire apparatus and personnel.

[26] See also sections 1-8-6 and 1-8-7 of this code for provisions relative to the fire chief and assistant fire chief, respectively

[27] See subsection 11-1A-1E of this code for adoption of fire prevention code

All monies received from said calls shall go into the fund designated by motion of the town board of trustees.

3. The fire department is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire stations, unless, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the town, broken apparatus, impassable or dangerous highways, or other physical conditions. All other responses shall be at the directions of the fire chief, assistant fire chief or mayor.

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

5. The fire department, answering any fire alarm or call, or performing any fire prevention services outside the corporate limits of the town, shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damage for any act of commission, omission or negligence while answering or returning from any fire or reported fire, or doing any fire prevention work under and by virtue of subsections (A)(1) through (A)(4) of this section.

6. All motorized equipment of the fire department shall have the right of way over all other commercial and pleasure vehicles.

B. Charges for fire calls

1. The town board of trustees shall charge the following fees to persons or property owners involved, for fire calls outside the corporate boundaries of the town:

   i. Fire calls made outside of the corporate limits of the town shall cost a minimum of five hundred dollars ($500.00) for the first two (2) hours, with an additional charge of one hundred dollars ($100.00) per truck for each additional hour, or portion thereof.

   ii. Oil lease fires, including tank battery, wells and pipelines, and grass fires shall cost a minimum of two thousand five hundred dollars ($2500.00) for the first hour, with an additional charge of two hundred dollars ($200.00) for each additional hour, or portion thereof. (See minutes)

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

C. Rural Fire Service Established

1. There is hereby established the Rush Springs rural fire service, to be operated by the town fire volunteer fire department and under the direction of the town board of trustees.

2. The rural fire service shall be operated primarily for the purpose of providing fire protection to rural residents living outside of the corporate limits of the town, but within the boundaries of the town school district.

3. This service shall be provided upon the annual payment of fifty dollars ($50.00) membership fee by each home or property owner or resident. Payment of the annual membership fee will take care of all fire calls for the paying members, regardless of the number of calls.

4. The costs of fire calls to rural residents who are not paying members of the rural fire service shall be the same as the cost established in subsection B of this section.

5. Annual payment of fifty dollars ($50.00) membership fee will be due on or before January 1 of each year.

6. Payment of claims and other financial transactions involving the use of funds derived from the rural fire service shall be made and processed in accordance with the requirements of Oklahoma Statutes, municipal ordinances and accepted municipal procedures.

7. In the performance of fire prevention or protection services outside of the corporate limits of the town, the volunteer fire department shall not assume responsibility for damages to structures incurred prior to the arrival of the department, nor shall the department assume responsibility for damages to structures incurred as a result of late notification of the members of the department, or for any other situation which occurs during the course of fighting any fire.

8. Unpaid fees, charges or annual membership may be subject to collection by the town in any manner normally employed by the municipality, including the use of small claims court.

D. Rural Fire Service Advisory Board Created

1. There is hereby established a Rush Springs rural fire service advisory board, for the purpose of advising the town board of trustees concerning the operation of the rural fire service.

2. The advisory board shall consist of the town fire chief and four (4) additional members,

who shall be appointed from the rural area encompassed by the rural fire service, by the fire chief, subject to the approval of the town board of trustees.

3. All paying members of the rural fire service shall be eligible to serve on the advisory board.

4. The advisory board shall normally meet quarterly.

E. Proposal of Purchases and Activities Submitted: The fire chief shall be responsible for ensuring that proposed rural fire protection related purchases and activities are submitted to the advisory board for their recommendation and comment, prior to final action by the town board of trustees; provided, however, that failure to submit such proposals to the advisory board shall not invalidate town board of trustee action on any such proposal.

Section 5-1-4 Sale or Possession of Fireworks Prohibited and Exceptions.

A. It shall be unlawful and shall be an offense for any person, firm, or corporation to sell or to discharge, ignite or in any manner aid, assist or abet in the discharging or igniting of any fire crackers, sky rockets, pistols, torpedoes, roman candles, flash salutes, flash crackers, balloons or other fireworks or substances designed and intended for pyrotechnic display, or small display ground pieces, canes, cap pistols, cannons or other appliances using caps containing chlorate or potash mixture within the corporate limits of the Town of Rush Springs, except as provided in subparagraph (B) and (C) below.

B. The firing and discharging of such fireworks may be permitted within any municipal park when the same is supervised by a municipal official. In addition, the Mayor may order or permit public display of fireworks by properly qualified individuals under the direction of experts in the handling of such fireworks.

C. On July 3 and on July 4 of each year, between the hours of 9:00 a.m. and 11:00 p.m., adults, or minors under the direct supervision of adults shall be permitted to discharge the following types of fireworks only:

1. Fire Crackers
    i. M50, M100, M1000, Silver Flash
    ii. Black Cats
    iii. Lady Fingers
2. Smoke Items
    i. Smoke Balls
    ii. Smoke Grenades
    iii. Mammoth Smoke
    iv. Ground Bloom Flower
    v. Friendship Pagoda
3. All Sparklers
    i. Gold, Red, Blue and
    ii. Morning Glory
4. Novelty Items
    i. Snappers
    ii. Snakes
    iii. Champagne Bottle or Party Poppers
    iv. Ground Mouse
    v. Texas Twisters
    vi. Bobby Traps
    vii. Camellia Flowers All Sizes
    viii. Jumping Jacks
    ix. Chickens-Roosters-Hens
    x. Toy Tank
    xi. Circus Fireworks
    xii. Climbing Panda
    xiii. Flower Pagoda
    xiv. Rising Flag
    xv. Hells-A-Popping/Cracklin Ball
    xvi. Flashing Signal
    xvii. Ghostly Face
    xviii. Jack in Box
    xix. Large Frogs
    xx. Blaster Balls

The fireworks described above shall not be permitted on any other dates and times, and shall not be permitted in the absence of adult supervision.

D. Any fireworks not specifically described in sub-paragraph (C) shall be prohibited, including but not limited to wing items, missile items, roman candles, floral and repeating shells, parachute shells, and special deluxe shells.

Section 5-1-5. Explosives.

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

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

Section 5-1-6. Intergovernmental Cooperation Authorized.

A. Aid To Other Communities: The town, in an effort to improve the quality of fire protection within the community, and to protect the health, welfare and safety of its citizens, does hereby determine that any or all members of the fire department of the town are authorized to assist the fire departments of Chickasha, Marlow, Sterling or any Grady, Stephens or Comanche County rural fire department in protecting said areas, upon receipt of a valid request for assistance. For purposes of this section, “request for assistance” shall mean a request for help in any emergency situation by the mayor, police chief, Fire Chief, dispatcher or county representative of the above entities. Upon receipt of this request for aid, any member of the town fire department shall respond to said request for assistance.

B. Aid From Other Communities: In an attempt to increase the effectiveness of fire protection within the corporate limits of the town, and to provide for the health, welfare and safety of the citizens of the community, the town does hereby authorize any or all fire department personnel of the towns of Chickasha, Marlow, Sterling or of Grady, Stephens or Comanche County, to respond to a request for assistance by the town of Rush Springs, and the fire department officers extending said aid shall have full powers to act within the corporate limits of the town of Rush Springs while under a request for assistance.

Section 5-1-7. Penalty.

Any person, firm or corporation who violates any provisions of this chapter, including the provisions of any code adopted by the town, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in title 7 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Section 5-1-8. Storage of Flammable Liquids in Outside Aboveground Tanks.

The limits referred to in the adopted fire code in which storage of flammable liquids in outside aboveground tanks is prohibited and the limits referred to in the adopted fire code in which new bulk plants for flammable liquids are prohibited are established as the fire limits of the town.

Section 5-1-9. Limits in Which Bulk Storage of Liquefied Petroleum Gases Are To Be Restricted.

A. The limits referred to in the adopted fire code in which bulk storage of liquefied petroleum gas is prohibited are established as the town limits.

B. It is unlawful for any person to establish, erect, construct or enlarge a plant or place of business where liquefied petroleum gas or gases are to be manufactured, distributed or handled within the town except as permitted by the town fire chief.

Chapter 2. Ambulance Services

Section 5-2-1. Emergency Medical Ambulance Services Regulated.

The EMS director is authorized and empowered to provide emergency and nonemergency medical ambulance services to the town and county as necessary. Additionally, the EMS director shall be charged with the delivery of EMS and transport services generated through the 911 emergency system in the town and that part of the county as assigned by the Grady emergency medical district. In the performance of such duties, the EMS director shall coordinate and oversee the delivery of all ambulance services (public and private), such that the citizens are provided with an appropriate level of service that is reliable and timely to afford the citizens safety, confidence and consistency in ambulance service delivery. In the exercise of this authority, the following requirements shall apply:

A. Permit Required for Operation: No ambulance service shall be operated within the town without a permit issued by the governing body. The granting of a permit to a private ambulance service shall include such requirements as the governing body deems necessary to carry out the provisions of this section. Violations of the requirements will be cause for revocation of such permit. Town permits for ambulance service operation will be subject to renewal on the same date as the state ambulance service license renewal date.

B. Calls Directed to EMS: All calls received through 911 for emergency and nonemergency ambulance response normally serviced by the town EMS shall be directed to the EMS department or EMS director.

C. Exceptions: The requirements set forth in this section shall not be construed to prohibit or regulate the following activities:

1. Operation of ambulance services by a governmental entity or agency or a private entity with the express permission of the EMS director or at the express request of the EMS director or EMS personnel of the town;

2. Transportation of patients by helicopter or other aircraft;

3. Operation of ambulance services pursuant to a mutual aid agreement approved by the governing body;

4. Nonemergency ground transportation of patients from within the town to a place outside the town by an ambulance service whose principal place of business is outside the town limits;

5. Nonemergency ground transportation of patients from outside the town to a place within the town by an ambulance service

whose principal place of business is outside the town.

Chapter 3. Offenses

Article A. Offenses in General

Section 5-3A-1. Offenses Defined.

An "offense" is hereby defined as the doing of any act or thing which, by this chapter or any ordinance of the town, is prohibited, forbidden or declared to be unlawful, or the failure or refusal to do any act or perform any duty which, by any provision of this chapter or by any ordinances of the town, is commanded or required to be done.

Section 5-3A-2. Attempts to Commit an Offense.

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

Section 5-3A-3. Effect of Intoxication.

No act committed by any person while in a state of voluntary intoxication, whether from alcoholic beverages or drugs, shall be deemed less an offense by reason of said person being in such condition.

Section 5-3A-4. Aiding in an Offense.

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

Section 5-3A-5. State Criminal Code Adopted by Reference.

Provisions of 21 Oklahoma Statutes, as amended, which are applicable to the town, are hereby adopted and incorporated in this code, as if set out at length herein.

Article B. Offenses Against Public Decency, Morality and Policy

Section 5-3B-1. Gambling Prohibited.

No person, firm or corporation (or agent or employee thereof), shall play, open or cause to be opened, operate, carry on or conduct any game of roulette, craps or any percentage game played with dice, for money, checks, chips, credit or any other things of value; or shall set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing; or shall gamble knowingly in any other similar manner; or knowingly shall permit premises, houses, lots or other property controlled by said entities, to be used in connection with or for, any act declared unlawful in this chapter.

Section 5-3B-2. False or Bogus Checks.

A. It shall be unlawful for any person, with intent to cheat or defraud, to obtain or attempt to obtain, from any person, firm or corporation, any money, property or valuable thing, of the value of fifty dollars ($50.00) or less, by means of any false or bogus check or by any other written, printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay the same, as against the maker or drawer thereof.

B. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud in the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, that such maker or drawer shall not have paid the drawee the amount due thereof, together with the protest fees, within five (5) days from the date the same is presented for payment; provided, further, that said check or order is presented for payment within thirty (30) days after the same is delivered and accepted.

Section 5-3B-3. Harmful Deception.

It shall be unlawful for any person knowingly to deceive another (whether by impersonation, misrepresentation or otherwise), when such deception results in, or contributes to, the loss, damage, harm or injury of the person deceived or a third party, or results in, or contributes to, the benefit of the deceiver.

Section 5-3B-4. Obstruction and Trespassing.

A. It shall be unlawful for any person, without lawful reason, between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M., to sleep upon any street or in any other public place, or on any property of another person without the expressed or tacit consent of the owner or person in charge of such place.

B. It shall be unlawful for any person to obstruct access to or trespass in or about any public building, in or about the station or depot of a public transportation carrier, or on or about the premises of a public or private school.

C. No person shall be or remain in the immediate vicinity where a person or persons are gambling by the use of any means or device.

D. It shall be unlawful for any person to stand or remain, either alone or in consort with others, in a public place or building, in such a manner as to:

1. Obstruct any public street, highway, sidewalk or any other public place or building by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrian; or

2. Commit in or upon any public street, highway, sidewalk or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or any business lawfully conducted by anyone in, upon, facing or fronting on any such public street, highway, sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

Section 5-3B-5. Offenses Relating to Controlled Dangerous Substances.

It shall be unlawful for any person under the influence of any narcotic or other controlled dangerous substance, to appear or be upon or in any street, alley, place of business or other public place within the town; or for any person to use any narcotic or other controlled dangerous substance upon or in any street, alley, place of business or other public place within the town; or for any person to use any narcotic or other controlled dangerous substance in any place within the town, except as legally prescribed by a physician licensed to practice in the state; or for any person to loiter about a place where any narcotic or other controlled dangerous substances sold or furnished illegally; or for any person to sell or furnish illegally to another person any narcotic or other controlled dangerous substance.

Section 5-3B-6. Immoral Conduct, Shows or Exhibitions; Nudity.

A. It shall be unlawful for any person or persons to conduct themselves in a lewd or immoral manner, or make any insulting or licentious advance or salutation to any person, in any public place within the town.

B. It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the town which is obscene or immoral.

C. It shall be unlawful for any person to appear in any public place within the town in a state of total nudity, or for any person or persons to make an indecent public exposure of themselves.

D. It shall be unlawful to publicly display pornographic magazines or books for sale in any store within the corporate limits of the town.

E. It shall be unlawful for any person to urinate or defecate in any publicly exposed place within the corporate limits of the town.

Section 5-3B-7. Prostitution; Illicit Sexual Relations.

A. For the purpose of this section, "illicit sexual relations" shall mean sexual relations with any person other than one's lawful husband or wife.

B. It shall be unlawful for any person to offer, submit or give himself or herself to a lewd or immoral use, such as illicit sexual relations, or to engage in any lewd or immoral act for money or any other thing of value.

C. It shall be unlawful for any person to engage in illicit sexual relations or any other immoral vocation, or to consort with a prostitute or other person of immoral vocation, or to consort with another for an immoral purpose, in any public place within the town.

D. It shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to keep, or assist in keeping, a house of prostitution or a house or place within the town where persons meet or assemble for illicit sexual relations or for any other lewd or immoral purpose.

E. It shall be unlawful and an offense for any person to act as a procurer for any house or place of prostitution, or for any prostitute or other person engaged in an immoral vocation, or to procure, assist in procuring or attempt to procure, any person for another for illicit sexual relations or any other immoral purpose.

Section 5-3B-8. Certain Conduct Prohibited on or Near School Grounds.

No person shall engage in any conduct or commit any of the acts enumerated herein, around or on the grounds of any school in the town, or in any street, alley or public area adjacent to a school:

A. Loitering by any person not having lawful business in connection with the school, and employee thereof or student therein;

B. Any conduct that disturbs the orderly conduct of the school;

C. Annoying or molesting any student or employee of the school;

D. Lewd or wanton conduct; or

E. Moving or parking any vehicle in the vicinity of any school, or in any street or alley adjacent thereto, in such a manner as to annoy or molest any student or employee of the school.

Section 5-3B-9. Alcoholic or Intoxicating Beverages[28].

A. It shall be unlawful for any person under twenty-one (21) years of age to misrepresent said person's age through false documentation for the purpose of inducing any person to sell alcoholic beverages in said person.

B. It shall be unlawful for any person under twenty-one (21) years of age to have in their possession any alcoholic beverages while such person is upon any street, alley, road or highway, or in any public place within the town.

C. It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

[28] See also title 3, chapter 2 of this code

D. No person drunk or in a state of intoxication shall appear, or be upon or in any street, alley, place of business or other public place, nor shall any person drink any alcoholic beverage upon or in any street, alley, place of business or other public place within the town.

E. It shall be unlawful for any person to transport in any vehicle upon any street, alley or other public way within the town, any alcoholic beverage, except in the original container which shall not have been opened and the seal of which shall not of been removed, unless the open container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle.

F. It shall be unlawful for any person, firm or corporation to buy, receive, possess, sell, barter, give away, manufacturer or use any alcoholic beverages in violation of the state constitution and laws, or this code.

Section 5-3B-10. Nonintoxicating Beverages[29].

A. It shall be unlawful for any person under twenty-one (21) years of age to purchase, receive or procure any nonintoxicating beverage.

B. It shall be unlawful for any person under twenty-one (21) years of age to work in a place where nonintoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food.

C. It shall be unlawful for any person, whether a minor or of age, to be in possession of, or to drink, any nonintoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place, within the town; provided, that this shall not prohibit a person who is of age from drinking such beverage in a place license to sell it for consumption on the premises.

D. It shall be unlawful for any person to transport in any moving vehicle, upon any public highway, street, alley or roadway within the corporate limits of the town, or in or upon any property owned by the town outside of its corporate limits, any nonintoxicating beverage, except in the original container which shall not have been opened and from which the original seal shall not of been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

Section 5-3B-11. Contributing to Delinquency of Minors.

A. A “minor” or “child” shall include male or female persons who shall not have arrived at the age of eighteen (18) years at the time of the commission of the offense.

B. A “delinquent child” shall include a minor who shall have been, or is, violating any penal statute of this state or who commits any offense listed in this code.

C. It shall be unlawful for any person to knowingly and willfully cause, aid, abet or encourage a minor to be, to remain or to become a “delinquent child”, as defined in this section.

Section 5-3B-12. Cigarettes to Minors.

It shall be unlawful and an offense for any person to sell, barter, give away or otherwise furnish cigarettes or tobacco in any form to a minor, or to permit such minor to frequent any premises owned, held and managed by said person, for the purpose of indulging in the use of cigarettes or tobacco in any form.

Section 5-3B-13. Curfew for Minors.

A. Definitions: For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings given herein:

Minor
Any person under eighteen (18) years of age.

Parent
Any person having legal custody of a minor: 1) as a natural or adoptive parent; 2) as a legal guardian; 3) as a person who stands in loco parentis; or 4) as a person to whom legal custody has been given by order of the court.

Public Place
Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and the 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, café, theater, drugstore, poolroom, shopping center or any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

Remain
To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes, such as mere passage foregoing home.

Street
A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel, or in the case of a sidewalk thereof, for pedestrian travel. The term “street” includes the legal right-of-way, including, but not limited to, the cart way or traffic lanes, the curb, the sidewalks, whether paid or unpaid, and any grass plots or other grounds found within the legal right-of-way of the street.

Time of Night

[29] See title 3, chapter 2, article C of this code

Shall be based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.

Town
The town of Rush Springs, Grady County, Oklahoma.

Years of Age
Shall continue from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age".

B. Hours Specified: It shall be unlawful for any person seventeen (17) or less years of age (under 18) to be or remain in or upon the streets within the town at night during the period ending at six o'clock (6:00) A.M. and beginning:

1. At twelve o'clock (12:00) midnight on Sunday through Thursday; and

2. At twelve o'clock (12:00) midnight on Saturday morning and Sunday morning.

C. Exceptions: In the following exceptional cases, a minor on a public street, during the nocturnal hours for which subsection (B) of this section is intended to provide the maximum limits of regulation, shall not, however, be considered in violation:

1. When accompanied by a parent of such minor;

2. When accompanied by an adult authorized by a parent of such minor, to take said parents place in accompanying said minor for a designated period of time and purpose, within a specified area;

3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by processing a written communication, signed by such minor and countersigned by a parent of such minor, with their home address and telephone number, specifying when, where and in what manner, said minor will be on the streets at night, in the exercise of a First Amendment right specified in such communication;

4. In case of reasonable necessity, but only if the minor has in said minor's possession a written communication signed by the minor, countersigned by a parent of such minor, evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets, at a designated time, for a described purpose, including points of origin and destination;

5. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor, but communicating an objection to the police officer;

6. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or voluntary association; provided, that the minor has a written communication, in the minor's possession, countersigned by the parent, indicating the home address and telephone number, the purpose of the event, when, where and in what manner, said minor will be on the streets at night;

7. When authorized, by a regulation issued by the town board of trustees, in other similar cases of reasonable necessity, similarly handled, but adapted to necessary net nighttime activities for more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the town board permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies, such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved (not to extend more than 30 minutes beyond the time for termination of such activity), and the reason for finding that such regulation is reasonably necessary and consistent with the public interest in the purposes of this section;

8. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment, and his hours of employment, or carries a valid proof of employment which may include the latest payroll receipt, not over thirty (30) days old;

9. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel and clearly exempts bona fide interstate movement through the town, particularly on normal routes.

D. Parent Responsibility: It shall be unlawful for a parent, having legal custody of a minor, to knowingly permit, or by inefficient control to allow, such minor to be, or remain upon, any public street under circumstances not constituting an exception to, or otherwise beyond the scope of, this section. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of the minor in that parents legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

E. Duty of Police: A police officer of the town, upon finding or having attention called to any minor on

the streets and prima facie violation of this section, normally shall take the minor to the town police station, or other place designated by the chief of police, where parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the personnel then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available to experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a police officer on the street shall, in the first instance, use his best judgment in determining age.

F. Alternatives: Police procedures shall constantly be refined in the light of experience, and may provide, inter alia, that the police officer may deliver to a parent thereof a minor under appropriate circumstances. For example, a minor of tender age, near home, whose identity may readily be ascertained or is known.

G. Report: In any event, such police officer shall, within twenty-four (24) hours, file a written report with the chief of police, or shall participate to the extent of the information for which he is responsible. Said report shall be treated for purposes of juvenile records in accordance with state statutes.

H. Release of Minor: When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities; except to the extent that, in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of the parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.

Article C. Offenses against the Peace

Section 5-3C-1. Carrying Weapon; Discharging Firearms.

A. Carrying on Person: It shall be unlawful for any person to carry upon or about their person any pistol, revolver, knife, dagger, metal knuckle or other dangerous or deadly weapon or instrument, except when doing so in the line of duty or as may be permitted by law.

B. Transporting: It shall be unlawful for any person to transport a loaded firearm on any public street or alley within the corporate limits of the town, except when doing so in the line of duty.

C. Discharging: It shall be unlawful for any person to discharge a firearm within the corporate limits of the town, except: 1) when doing so in the line of duty; 2) when lawfully doing so in defense of oneself or of another person or property; 3) when otherwise authorized by state law or ordinance; 4) when doing so for the preservation of the peace, health or safety of residence or the abatement of nuisances; or 5) when engaged in authorized hunting or other related activities. It shall also be unlawful to discharge an air rifle or BB gun within the town in such a manner as to harm or damage persons or property.

Section 5-3C-2. Unlawful Assembly; Disturbing Lawful Assemblies.

A. It shall be unlawful for two (2) or more persons to assemble together to act in concert to do any unlawful act against the peace, to the terror of others, to make any movement thereto or any preparation therefor, or otherwise to assemble together for other unlawful purposes.

B. It shall be unlawful for any person to disturb any lawful gathering, by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

Section 5-3C-3. Disturbing the Peace; Obscene Gestures; Harassing Phone Calls.

A. It shall be unlawful for any person to disturb the peace of another or others by violent or improper conduct, by loud or unusual noise, by unseemly, obscene, insulting, offensive or abusive language, or by conducting oneself in a disorderly manner.

B. It shall be unlawful for any person to use a telephone to:

1. Make any obscene, lewd, lascivious, filthy or indecent comment, suggestion or proposal;

2. Make a telephone call without disclosing said person's identity and with intent to annoy, abuse, threaten or harass any person at the called number;

3. Knowingly permit any telephone under control of said person to be used for any purpose prohibited in this subsection; or

4. In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass any person at the called number.

C. It shall be unlawful for any person to make, demonstrate or otherwise symbolize any obscene gesture by use of said person's extremities, toward any other human being or object within the corporate limits of the town.

Article D. Offenses against Persons

Section 5-3D-1. Assault and Battery.

A. Definitions:

Assault
Any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

Battery
Any willful and unlawful use of force or violence upon the person of another.

B. Commission Unlawful: It shall be unlawful to commit an assault or an assault and battery within the town.

C. Commission against Police Unlawful: It shall be unlawful and an offense for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of the police officer or officer of the law, while said person is performing assigned duties.

Article E. Offenses against Property

Section 5-3E-1. Petit Larceny.

A. Defined: "Petit Larceny" is the taking of personal property of value not to exceed one hundred dollars ($100.00), accompanied by fraud or stealth, or with intent to deprive another thereof, when the property is not taken from the person of another.

B. Unlawful: Petit larceny is unlawful and any person who commits Petit larceny shall be guilty of an offense.

Section 5-3E-2. Receiving Stolen Property.

It shall be unlawful for any person to buy, receive, transport or bring into the town any property which said person knows has been stolen.

Section 5-3E-3. Damaging or Destroying property.

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

Section 5-3E-4. Unlawful Entry; Unlawful Intrusion; Private Property.

A. Entry: It shall be unlawful for any person to enter, without proper permission, upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), particularly when such entrance is plainly forbidden by signs or otherwise, or when the property, area or structure is enclosed, except when such entrance is in the line of duty, with the expressed or tacit consent of the owner or person in charge, or otherwise by authority of state law or ordinance.

B. Intrusion: Every person who intrudes or squats upon any lot or piece of land within the town without authority from the owner thereof, or who erects or occupies thereon any hut or other structure without such authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the town, any structure whatever, shall be guilty of an offense.

C. Private Property: It shall be unlawful to remain on private property at any time other than during posted hours of business operation, after having been directed to vacate such premises by a police officer or by the owner or other person in lawful possession of the premises or by the agent, servant or employee of the owner. The provisions of this subsection shall not apply to persons, including employees, whose presence on the premises is authorized by the owner or person in lawful possession of such premises, nor shall the provisions of this subsection apply unless the hours of the business operation are posted upon such premises. It shall also be unlawful to return to said private property before the posted time of opening for business operation on the next business day, after having been directed to vacate such premises under the terms of this subsection.

Section 5-3E-5. Posting of Advertising Matter.

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

Section 5-3E-6. Damaging Utility Polls.

A. Unlawful: It shall be unlawful for any person to mark, write, print, paint up, or otherwise make any signs or marks, by indentation or otherwise, or by posting signs or posters, upon any telephone, television, electrical power pole, either wood, concrete, steel or of any other substance, within the corporate limits of the town. The word "pole" shall be construed to mean any poll supporting telephone, television, electric or power wires or braces, and any device used to support or brace such pole.

B. Exception: This section shall not apply to the owners of such polls who may make such necessary or authorized marks or signs thereon.

Section 5-3E-7. Throwing or Shooting of Objects Unlawful.

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

Section 5-3E-8. Littering.

A. Litter Defined: For the purpose of this section, "litter" is defined to be any garbage, refuse, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, paper, wrappings, cigarette butts, cardboard, tin cans, yard clippings,

leaves, wood, grass, bedding or crockery and similar materials commonly referred to as rubbish or trash.

B. Vacant Property: No person shall throw or deposit litter in or upon any open or vacant property within the town, irrespective of the ownership of such property.

C. Public Places: No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the town, except in public receptacles, authorized private receptacles or in the municipal sanitary landfill.

D. Depositing in Public Places; Sidewalks Maintained: No person shall sweep into, or deposit in, any gutter, street or other public place within the town, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

E. Truck Loads Causing Litter: No person shall drive or move any truck or other vehicle within the town, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the town, the wheels were tires of which carry onto, or deposit in, any street, alley or other public place, mud, dirt, sticky substances, litter or for in a matter of any kind, in excessive or damaging amounts.

F. Handbills:

1. No person shall throw or deposit any commercial or noncommercial handbill on or upon any sidewalk, street or other public place within the town.

2. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; however, it shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver, a noncommercial handbill to any occupant of the vehicle who is willing to accept it.

3. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously vacant.

4. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested not to do so or if signs are posted bearing the words “no trespassing”, “no peddlers or agents”, “no advertisements”, or similar notice, indicating that the occupants do not desire to have their privacy disturbed.

5. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by transmitting them directly to the owner, occupant or persons present upon such private premises. In cases of inhabited private premises which are not posted, handbills must be distributed so as to prevent them from blowing on sidewalks or other public places.

6. The provisions of this subsection shall not apply to the distribution of mail by the United States Postal Service or to newspapers, except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk or public place, or on other private property.

G. Aircraft: No person in an aircraft shall throw out, drop or deposit within the town any litter, handbill or any other object.

Section 5-3E-9. Shoplifting.

A. Unlawful: It shall be unlawful for any person or persons to remove any merchandise from a commercial business without paying for said merchandise and without the consent of the owners of said business.

B. Arrest: Any police officer or licensed security guard may arrest, without warrant, any person if there is probable cause for believing said person has committed larceny of merchandise held for sale in retail or wholesale establishments, when such arrest is made in a reasonable manner.

C. Detaining Persons by Merchant: Any merchant, an agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner for a reasonable length of time for all or any of the following purposes:

1. Conducting an investigation, including reasonable interrogation of the detained person, as to whether there has been a wrongful taking of such merchandise or money;

2. Informing the police or other law enforcement officials of the facts relevant to such detention;

3. Performing a reasonable search of the detained person and said person’s belongings when it appears that the merchandise or money may otherwise be lost; and

4. Recovering the merchandise or money believed to have been taken wrongfully. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, an agent or employee criminally or civilly liable to the person so detained.

D. Presumption of Concealing Merchandise: Any person concealing unpurchased merchandise of

any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this section, and such concealment with a finding of such unpurchased merchandise concealed upon the person or among the belongings of such person, shall be conclusive evidence of reasonable grounds in probable cause for the detention, in a reasonable manner and for a reasonable length of time, of such person by a merchant, an agent or employee, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his agent or employee, criminally or civilly liable.

Article F. Offenses against Public Authority

Section 5-3F-1. Resisting Arrest.

It shall be unlawful for any person knowingly or willfully to resist, oppose or obstruct the chief of police, any police officer, the municipal judge or other municipal officers or employees in the discharge of their official duties; or, by threats or otherwise, to intimidate, or attempt to intimidate, any such officers or employees from the discharge of their official duties; or to assault, beat, revile, abuse, be disrespectful to or use abusive or indecent language toward or about, any such officers or employees, while such officers or employees are in the discharge of their official duties.

Section 5-3F-2. Impersonating Municipal Officer or Employee.

It shall be unlawful for any person to impersonate any municipal police officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any municipal officer or employee, without being duly authorized to do so.

Section 5-3F-3. False Representation to Municipal Officials.

It shall be unlawful for any person knowingly to make any material misrepresentation to any municipal officer, employee or agency in any official application to, or official dealing or negotiation with, such officer or agency, or to commit perjury before any tribunal or office of the town.

Section 5-3F-4. Escape of Prisoners.

It shall be unlawful for any person confined in the municipal jail or other place of confinement, working upon the streets or other public places pursuant to any judgment, or otherwise held in legal custody by authority of the town, to escape, or attempt to escape, from any such municipal jail, prison or custody.

Section 5-3F-5. Assisting Prisoners to Escape.

It shall be unlawful for any person, in any unlawful manner, to set at liberty, rescue or attempt to set at liberty or rescue, any prisoner from any officer or employee of the town having legal custody of such prisoner, or from the municipal jail or other place of confinement, or to assist such prisoner in any manner to escape from such prisoner custody, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist in said escape, or to give such prisoner any alcoholic beverages, narcotics or other controlled dangerous substances.

Section 5-3F-6. Removal of Barricades.

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the town to keep traffic off any pavement, street, curb, sidewalk or other area.

Section 5-3F-7. Flight from Police Officer.

A. Unlawful: Flight from an officer shall be unlawful and an offense.

B. Conditions of Offense: A person commits the offense of flight from a municipal police officer, if:

1. The person is the operator of a vehicle and refuses to stop said vehicle as soon as is safely possible, when signaled to do so by a law enforcement officer;

2. Upon stopping said vehicle at the signal of a law enforcement officer, abandon said vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or

3. The person is a passenger in a vehicle and abandons the vehicle after a law enforcement officer has signaled the vehicle to stop; or

4. After the vehicle has stopped, leaves the immediate area without the permission of the law enforcement officer; or

5. The person is a pedestrian and leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop or to remain in said area for a reasonable length of time.

Section 5-3F-8. Interference with Fire Alarm Systems.

No person shall cut or sever, or cause to be cut or severed, or interfere with in any manner, any wire of any fire alarm system in the town; or remove or change the same; or cut, injure, change, alter or remove any pole, cross arm, bracket or other support upon which said wires rest or in which said wires are enclosed; or disconnect said wires or any of them from the gongs, alarm boxes or instruments connected with said fire alarm system; or cause, in any manner, the working of the same to become obstructed or interfered with without being first duly authorized so to do by the chief of the fire department; nor shall any person deface or in any manner injure any of the fire alarm boxes or any instruments or appliances connected with or belonging to said fire alarm system; or tamper with said fire alarm or obstruct in any manner whatever, the boxes, keys or glass upon any of said boxes; or make or cause to be made, without authority from the chief of the fire department, keys to any alarm box or boxes; or to use, or cause to be used, any such key so made; nor shall any person place or fasten over or upon any fire alarm box a handbill, notice or sign of any kind, except the signs placed upon the same at the direction of the chief of the fire department and pertaining to the firebox; or cause

to be hitched any horse or animal to any pole on which is situated a fire alarm box.

Section 5-3F-9. False Fire Alarm.

No person shall turn in a false fire alarm, or in any manner shall deceive or attempt to deceive the fire department or any officer or employee with reference to any fire alarm or reported fire, or knowingly shall cause the fire department or its officers or employees to make a useless run.

Article G. Penalty

Section 5-3G-1. Penalty.

Any person, firm or corporation who shall violate any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in title 7 of this code. Each day's continuation of any such violation shall be a separate offense.

Chapter 4. Animal Control

Article A. General Provisions

Section 5-4A-1. Definitions.

The following words and phrases, when used in this chapter shall have the meanings prescribed in this section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning:

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

Animal Control Officer or Rabies Control Officer
The person responsible for enforcement of the town ordinances and regulations pertaining to animal control and the community.

Animal Shelter or Municipal Pound
Any premises formally designated by the town board of trustees for the purpose of impounding and caring for animals held under the authority of this chapter regardless of whether or not said premises is within or without the municipal corporate boundaries, and regardless of whether or not said premises is under actual municipal ownership or provided for under a contractual arrangement between the town and private sector owner.

At Large
Not securely confined by a fence or other means, on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of the immediate family over twelve (12) years of age or an agent of the owner, by lease or otherwise, whether on the owner's premises or not.

Chicken Coop
A chicken coop is a small structure or enclosure where chickens nest, roost, or perch and may include feeding and watering devices.

Chicken Run
A chicken run is an enclosed area physically connected to the coop where chickens are able to walk or run about which may include feeding and watering devices.

Dangerous Dog
Any dog that has inflicted injury on a human being without provocation on public or private property, or has been previously found to be potentially dangerous, the owner having received notice of such by the animal control officer, in writing, and the dog thereafter aggressively bites, attacks or endangers the safety of humans.

Harboring
Allowing any animal to habitually remain, or be fed, on premises under an owner's control.

Identifying Microchip
A permanent, functioning implant capable of being read by a microchip reader and placed under the dermas of an animal for the purpose of establishing ownership and identity of an implanted animal.

Kennel
Any structure or place where more than three (3) dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of more than three (3) dogs over six (6) months of age.

Livestock
All animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

Neuter
To render a male dog or cat unable to reproduce.

New Owner
A person legally competent to enter into a contract acquiring a dog or cat from the releasing agency.

Owner
Any person, firm or corporation owning, harboring or keeping an animal. Occupants of any premises to which a domesticated retained animal customarily returns for a period of ten (10) days or more, and shall be deemed to be harboring or keeping the animal, and thereby considered to be an "owner" of said animal.

Pet
Any animal primarily for pleasure, rather than for sale or other commercial purpose.

Proper Enclosure of a Vicious or Dangerous Dog
Means, while on the owner's property, the dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, with at least one hundred fifty (150) square feet of space for each dog kept therein which is over six (6) months of age, and which is suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

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

Releasing Agency
Any pound (municipal or otherwise), shelter or Humane Society organization, whether public or private.

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

Spay
To remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.

Sterilization
To spay or neuter a dog or cat.

Vicious Dog or Animal
Any dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons when not unduly provoked.

Wild Animal
Any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated. The term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition.

Section 5-4A-2. At Large Animals Unlawful.

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

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

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

2. Allow a dog to be under the control of any person, and placed on an inadequately sized leash so that it can reach or bite any person who may be using the public thoroughfares of the town, so the dog can reach beyond the limits of the lot or premises upon which the dog is kept and confined, or so the dog may reach any person who may be rendering necessary services to the house of such owner, upon the premises where the dog may be kept, harbored or possessed.

Section 5-4A-3. Disturbances by Animals; Public Nuisance Abatement.

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

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

C. Abatement: Abatement of such public nuisances shall be handled in accordance with the provisions of title 4, chapter 2 of this code.

Section 5-4A-4. Keeping Animals.

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

B. Particular Animals May Not Be Permitted: If no specific provisions are listed in this code for keeping a particular type of animal, said animal type shall not be kept at all within the corporate limits of the town.

C. Swine Prohibited; Exception: No swine shall be kept within the corporate limits of the town, with the exception of FFA and/or 4-H projects kept on public school property, or in appropriately zoned areas.

D. Structures for Animals: Every structure wherein any authorized animal is kept within the corporate limits of the town shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin, and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred feet (200') of any tenement, apartment house, hotel, restaurant, boardinghouse, and retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall provide a watertight and flytight receptacle for manure of sufficient size to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often it in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

E. Bees: The keeping of bees within the corporate limits of the town shall be permitted only in those areas zoned for agricultural or large lot (over 2 acres) residential uses, and in accordance with zoning ordinance provisions. No license or permit, other than zoning clearance, shall be required to keep or raise bees.

F. Domesticated Farm Animals: Except as provided otherwise, no animals commonly known as domesticated farm animals may be kept within the corporate limits of the town.

1. The keeping or raising of horses, sheep, and cattle may be permitted throughout the town as long as:

    i. The provisions of the town's existing or future zoning ordinance of this Code pertaining thereto are complied with; and

    ii. Such animals are FFA and/or 4-H projects kept on public school property, or in appropriately zoned areas; or

    iii. Such animals are located on premises considered a Farming and/or Ranching Operation consistent with the provisions of subsection (L) of this section, provided that:

        a) The owner or occupant of the land upon which such animals are kept and maintained erects and maintains a suitable barrier sufficient to insure compliance with the above distance requirements.

        b) Such animals maintained in single-family, two-family or multifamily districts are not permitted closer than:

            1) Twenty-five (25) feet to a lot line upon which is situated an inhabited dwelling, nor

            2) One hundred (100) feet to any dwelling other than the owner's.

        c) The owner or occupant of the land upon which such animals are kept and maintained complies with all other applicable provisions of this chapter, including Section 5-4A-17, and applicable requirements and regulations of other articles contained herein.

    iv. The premises on which such animals are maintained must be in full compliance with the provisions of subsection (D) of this section, and state and county health department requirements and standards.

2. Chickens, laying hens and/or roosters may be kept and within the corporate limits of the town so long as:

    i. The provisions of the town's existing or future zoning ordinance of this Code pertaining thereto are complied with; and

    ii. Such chickens, laying hens, or roosters are maintained on land upon which the owner or occupant resides; and

    iii. Chickens, laying hens and/or roosters may only be kept under the following conditions:

        a) No more than ten (10) total chickens and/or laying hens and one (1) rooster will be allowed per parcel unless additional setback conditions can be achieved as described in subsection (F)(1);

        b) One (1) rooster per residence is allowed;

        c) The chickens are kept within a designated chicken coop and chicken run, unless supervised as described in subsection (iii)(m) below;

        d) The chicken coop and chicken run shall be located in the rear or backyard of a residential property. No part of the coop or run shall be located in the side or front yard;

        e) The chicken coop and chicken run shall be attached and shall be located no closer than five (5) feet from any side or rear property lines and no closer than twenty-five (25) feet from any dwelling unit other than the owner's. Movable chicken enclosures are permitted as long as they meet the setbacks as indicated in this paragraph;

        f) The minimum size for a chicken coop shall be four (4) square feet per animal and the chicken run shall be eight (8) square feet per animal;

        g) During daylight hours, the chickens shall have access to a chicken run and a chicken coop;

        h) From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators;

        i) Chicken coops shall be predator resistant and any open walls or windows shall be designed to prevent access by predators;

        j) Chicken runs shall be adequately fenced and protected from predators;

        k) The outside openings of any enclosure shall be screened to prevent the spread of disease by flies and vermin;

        l) Water shall be provided onsite and accessible to chickens at all times;

        m) Chickens are permitted to be outside of a run or coop during

daylight hours but must be supervised and contained inside a fenced yard at all times; chickens that stray outside the fenced yard may be regarded as nuisance animals under Section 5-4A-3 of this chapter;

n) All chicken enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.

o) Unless specified otherwise within this section, the term 'chicken' may be used to describe chickens, laying hens and roosters generally.

iv. Outdoor slaughter of chickens is prohibited.

v. The premises on which such animals are maintained is in accordance with the provisions of subsection (D) of this section, and state and county health department requirements and standards.

vi. Electrical and heat sources shall comply with the City's building and fire codes.

G. Parakeets, Small Birds and Similar Fowl: the raising of parakeets and/or other small birds or similar fowl shall be permitted within the town without license or permit requirements, subject to the following provisions:

1. All activities associated with the raising of parakeets shall be completely enclosed and out of the public view;

2. Premises utilized for the raising of parakeets shall be maintained in accordance with subsection (D) of this section; and

3. All requirements of any adopted zoning ordinance shall be met.

H. Rodents: The raising or keeping of rodents, for any purpose, shall be permitted, in accordance with provisions of subsection (D) of this section and any applicable license and permit requirements outlined in article (B) of this chapter, as well as any applicable provisions of the adopted zoning ordinance.

I. Rabbits: The raising or keeping of rabbits shall be permitted in accordance with the provisions of subsection (D) of this section, as well as any applicable provisions of any adopted zoning ordinance.

J. Wild Animals: The keeping or raising of any wild animals shall be prohibited within the town, except for those wild animals which may be under the care of traveling shows or circuses, and for which the license requirements of article (B) of this chapter, are met and a permit obtained.

K. Snakes: No snakes which are poisonous in their natural state may be kept within the corporate limits of the town, except under the conditions and provisions of any license required for such snakes in article (B) of this chapter. It shall be unlawful for any person, firm or corporation to keep or raise such snakes within the town without having met permit requirements and having obtained a permit.

L. Farming and Ranching Operations: Consistent with provisions of the town's current or future zoning ordinance, persons living within the town corporate limits who are conducting farming and/or ranching operations on tracts of land of five (5) acres or larger, may keep and maintain such animals as may be required or useful in their operations; provided, that such sanitary requirements as may be detailed in this section and in this chapter, shall be complied with at all times, regardless of the size of the tract of land involved.

Section 5-4A-5. Responsibilities of Owners.

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

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

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

C. Owners shall not abandon their animals.

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

Section 5-4A-6. Cruelty to Animals.

A. Prohibited Acts: It shall be unlawful for any person knowingly, willfully or maliciously to:

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

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

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

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

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

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

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

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

Section 5-4A-7. Turning Confined Animals at Large Unlawful.

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

Section 5-4A-8. Pasturing in Public Areas Unlawful.

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

Section 5-4A-9. Rabies Control; Vaccination Requirements.

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

B. Bites; Duty to Report and Quarantine: The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer and county health department. The animal control officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the animal control officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the municipal pound or animal shelter. In case of animals whose ownership is unknown, such quarantine shall be at the municipal pound or animal shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies. The owner shall then pay any related charges for confinement.

C. Death While Under Observation: When an animal under quarantine has been diagnosed as being rabid, or is suspected of having rabies by a licensed veterinarian, and dies while under such an observation, the animal control officer, veterinarian or other designated person, shall immediately send the necessary part of such animal to the state Department of Health for pathological examination and shall notify the proper health officer of any reports of human contact.

D. Communitywide Quarantine: When a report gives a positive diagnosis of rabies and the county health director feels that a rabies crisis may be imminent, the health department may recommend to the town board of trustees communitywide quarantine. Upon the invoking of such quarantine by the town board of trustees, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the town without written permission of the animal control officer.

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

F. Removal of Suspected Animals Prohibited: No person shall remove from the town any animal suspected of having been exposed to rabies, or any animal that has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand. The animal control officer shall direct the disposition of said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer.

G. Time Limit for Vaccination: It shall be the duty of every person within the corporate limits of the town, owning or harboring any dog or cat which is six (6) months old or older, to procure a rabies vaccination certificate from a licensed veterinarian, or agent authorized by the town board of trustees, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

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

Section 5-4A-10. Confining Female Dogs and Cats.

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

Section 5-4A-11. Vicious Dogs at Large May Be Killed.

The animal control officer, designated representatives or any police officer of the town shall be required to kill any dog

running loose within the corporate limits of the town, which is determined by the animal control officer or police officer to be vicious or crazed and a threat to the public health and safety, in which the dog is found running at large without being restrained in a pen or on a leash (as provided by this article), without keeping said dog in the municipal pound for any period of time.

Section 5-4A-12. Inspections to Enforce Regulations.

A. Authority to Inspect: The local or county health official, the animal control officer, or any member of the town board of trustees, upon complaint of any person or on a self-initiated basis, shall inspect any structure or place wherein an animal is kept.

B. Orders: The local or county health official, or the animal control officer, may issue any such reasonable order as may be deemed necessary to the owner of such animal, to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance.

C. Complaint: The local or county health official, or the animal control officer, may make a complaint before the municipal judge against any person for violation of any provision of this article, or for any such reasonable order, but this shall not abridge the right of others to make such complaints.

Section 5-4A-13. Zoning Ordinance to Prevail.

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

B. No animal shall be kept in violation of the zoning ordinance.

Section 5-4A-14. Sterilization of Dogs and Cats.

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

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

C. Rules May Be Adopted: Releasing agencies may adopt any additional rules to implement the state dog and cat sterilization act; provided, that said rules do not conflict with the provisions or purpose of the state dog and cat sterilization act to require the spaying and neutering of all dogs and cats adopted from releasing agencies.

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

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

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

G. Adoption Standards: Subject to the provisions and purposes of the state dog and cat sterilization act and other laws of the state, releasing agencies may establish adoption standards for pets in their care; provided, that in the case of public facilities, said standards must be reasonably related to the prevention of cruelty to animals, or the reasonable management of dogs and cats in the interest of preserving the public health and welfare, and shall be applied in a fair and equal manner to all potential adopters.

H. Limitation of Applicability: The provisions of the state dog and cat sterilization act shall not be construed to require the sterilization of dogs and cats held in releasing agencies which might be claimed by the rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of 4 Oklahoma Statutes sections 391 through 402. Further, the state dog and cat sterilization act shall not be construed to interfere with municipal ordinances that meet or exceed the sterilization requirements set forth in the state dog and cat sterilization act.

Section 5-4A-15. Use of Leash, Rope, Chain or Similar Tether; Confinement.

A. It shall be unlawful for the owner of any dog or cat to keep or maintain a dog or cat on a leash, rope, chain, or similar tether, unless the dog or cat is being walked and is under the actual physical control of a responsible, competent person at least sixteen (16) years of age.

B. The owner of a vicious or dangerous animal shall confine the animal within a secure enclosure of sufficient height that the vicious or dangerous animal cannot escape, and display a sign on the premises that there is a vicious or dangerous animal on the premises. The enclosure must have a minimum of one hundred fifty (150) square feet for each animal and must have a secure top and sides designed to prevent the escape of the animal or entry by children. The enclosure must be securely locked at all times.

C. The owner of a vicious or dangerous animal shall not take the animal out of the building or secure enclosure unless the dog is securely muzzled and restrained by a chain or leash not exceeding six feet (6') in length and under the actual physical control of a responsible, competent person at least sixteen (16) years of age. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent it from biting any person or animal.

Section 5-4A-16. Pit Bulls Prohibited.

A. Prohibition: It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the town any pit bull.

B. Definitions: For the purposes of this section:

Owner
Any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.

Pit Bull
Any dog that is an American pit bull Terrier, American Staffordshire Terrier, Staffordshire bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

Secure Temporary Enclosure
A secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides, except for a "door" for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own.

C. Exceptions: The prohibition in subsection (A) of this section shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to subsection (E) of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under subsection (A) of this section:

1. The owner of a pit bull, who has applied for and received a dog license for such pit bull pursuant to section 5-4B-1 of this chapter on or before March 10, 2006, who has applied for and received a pit bull license in accordance with subsection (D) of this section, and who maintains the pit bull at all times in compliance with the pit bull license requirements of subsection (D) of this section and all other applicable requirements of this chapter may keep a pit bull within the town.

2. The town municipal animal shelter may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.

3. Any Humane Society operating an animal shelter which is registered and licensed by the town may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact the town municipal animal shelter and either turn the pit bull over to the municipal animal shelter employees or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of subsection (E) of this section.

4. A person may temporarily transport into and hold in the town a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the town board, must obtain any other permits or licenses required by town ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at any times when the pit bull is being transported within the town to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure", as defined in subsection (B) of this section.

5. Except as provided in subsection (C)(4) of this section, the owner of a pit bull may temporarily transport through the town a pit bull only if such owner has obtained a valid transport permit from the town clerk-treasurer. Upon request, the manager shall issue such permits only upon a showing by the owner that the pit bull is being transported either from a point outside the town to a destination outside the town, or from a point outside the town to an airport, train station or bus station within the town. In the latter case, such owner must provide evidence of intent to send or take the pit bull outside of the town by producing an airline, train or bus ticket, or other equivalent document, showing a departure time within six (6) hours of the time of the transport. At all times when the pit bull is being transported within the town, it must be kept confined in a "secure temporary enclosure", as defined in subsection (B) of

this section. In all cases, before issuing a transport permit, the town clerk-treasurer must find that the transport would not constitute an unnecessary or undue danger to the public health, welfare or safety, and shall not issue the permit where the town clerk-treasurer cannot so find. All transport permits issued shall only be valid for the time, date and pit bull specified on the permit, and shall not be construed to permit any activity otherwise prohibited.

D. Licensing Requirements: The owner of any pit bull which had been licensed pursuant to section 5-4B-1 of this chapter, on or before March 10, 2006, shall be allowed to keep such pit bull within the town upon compliance with the terms of the exception contained in subsection (C)(1) of this section only if the owner applies for and receives an annual pit bull license on or before May 1, 2006. As a condition of the issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all the following regulations:

1. The owner of the pit bull shall provide proof of rabies vaccination and shall pay an annual pit bull license fee of fifty dollars ($50.00).

2. The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a two dollar ($2.00) fee.

3. The owner must be at least twenty-one (21) years of age as of March 1, 2006.

4. The owner shall present to the town clerk-treasurer proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars ($100,000.00), covering any damage or injury which may be caused by a pit bull during the twelve (12) month period covered by the pit bull license. The policy shall contain a provision requiring the insurance company to provide written notice to the manager not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.

5. The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the manager documentary proof from a licensed veterinarian that this sterilization has been performed.

6. The owner shall bring the pit bull to the town animal shelter where a person authorized by the manager shall cause a registration number assigned by the department to be tattooed or otherwise marked on the pit bull. The town clerk-treasurer shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall notify the manager of any change of address.

7. At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined", as that term is defined in subsection 5-4A-15(B) of this article. At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull either securely leashed and muzzled or in a "secure temporary enclosure", as that term is defined in subsection (B) of this section.

8. The owner shall not sell or otherwise transfer the pit bull to any person, except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the manager within five (5) days in the event that the pit bull is lost, stolen, dies or has a litter. In the event of a litter, the owner must deliver the puppies to the town animal shelter for destruction or permanently remove the puppies from the town and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in the town of pit bull puppy born after March 1, 2006, that is more than eight (8) weeks old. Any pit bull puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to subsection (E) of this section.

9. The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept a conspicuous and clearly legible pit bull sign. Such a pit bull sign must be at least eight inches by ten inches (8" x 10") in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches (2") in height.

E. Impoundment and Disposal: Notwithstanding any other provisions of this chapter the town clerk-treasurer is authorized to immediately direct the impound of any pit bull found in the town which does not fall within the exceptions listed in subsection (C) of this section, and the municipal animal shelter may house or dispose of such pit bull in such manner as the town clerk may deem appropriate, except as the procedures in subsection (F) of this section, otherwise require.

F. Disputes; Hearing; Appeal:

1. When the town has impounded any pit bull dog pursuant to this section and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may

file a written petition with the town clerk-treasurer for a hearing concerning such classification no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The town clerk-treasurer will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the manager within seven (7) days of impoundment, the pit bull shall be destroyed. The hearing, if any, will be held before the town board. Any facts which the petitioner wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The town board shall make a final determination whether the dog is a "pit bull", as defined in subsection (B) of this section. Such final determination shall be considered a final order of the town board, subject to review by the District Court of Grady County, if appealed no later than ten (10) calendar days after the town mails to the petitioner the final determination of the town board.

2. If the dog is found to be a pit bull, it shall be destroyed, unless the owner produces evidence deemed sufficient by the town clerk-treasurer that the pit bull is to be permanently taken out of the town and the owner pays the cost of impoundment and all costs and legal fees incurred by the town.

3. If the dog is found not to be a pit bull, the dog shall be released to the owner.

4. The procedures in this subsection shall not apply and the owner is not entitled to such a hearing with respect to any dog that was impounded as the immediate result of an attack or bite, or as the result of the dog running loose or "at large", as defined in section 5-4A-1 of this article. In those instances, the dog shall be handled and the procedures governed by the provisions of section 5-4A-11 of this article.

Section 5-4A-17. Equine Maintained Within Town.

For the purposes of this section, an "equine" shall be defined as an animal belonging to the family Equidae, which includes, but is not limited to, horses, asses, mules, donkeys and zebras. In addition to the duties outlined in this chapter, including Section 5-4A-4 and applicable provisions of other articles contained herein, for the care, maintenance, regulation and control of equine, the owners of any equine shall have the following additional responsibilities and duties:

A. Distance to School: Except when used in connection with a school sanctioned activity, no equine shall be allowed on any school grounds or pastured within fifty feet (50') of any school grounds in the town.

B. Prohibited in Downtown Areas: Except when used in connection with an organized parade permitted by the town or an event sanctioned by the town, no equine shall be permitted on any private parking areas in downtown, nor shall any equine be permitted on the sidewalks of downtown, regardless of whether such equine is being led by reins or other device, or being ridden by the owner or other individual.

C. Number Permitted Determined by Area: No person shall allow an equine to be maintained upon any tract of land of less than seven (7) acres within the town, and equine shall not be located upon any tract of land within the town in concentrations of more than one equine per seven (7) acres of land.

D. Distance to Residence: No person shall allow one equine to be pastured within two hundred feet (200') of a residence occupied by any person other than the owner of the equine, unless the occupant of the residence consents in writing to a lesser distance.

E. No person shall keep or maintain an equine upon any tract of land unless one or more boundary line(s) of that tract abuts the municipal town limits.

Section 5-4A-18. Vicious or Dangerous Animals.

A. Confining Animals:

1. Confining Required: The owner shall confine within a building or secured enclosure any dangerous or vicious dog or other animal, and not take such dog or other animal out of such building or secured enclosure unless such animal is securely muzzled.

2. Impoundment and Redemption:

i. Any vicious, wild or dangerous animal found at large shall be impounded by the city and shall not be redeemed by the owners until such redemption is authorized by a court having jurisdiction and shall, prior to redemption, be implanted with an identifying microchip at the expense of the owner or keeper of said animal and the cost of said implant and chip shall be paid by the owner or keeper prior to redemption of the animal.

ii. Any animal described in subsection (A)(1) or (A)(2)(i) of this section found at large shall be impounded by the city and may be redeemed by the owners only as provided in this chapter.

B. Confiscation of Dangerous Dogs; Reasons for Confiscation. Any dangerous dog shall be immediately confiscated from public or private property by the animal control officer if:

1. The dog is not validly registered under the Dangerous Dog Registration and Fee Ordinance of the Town of Rush Springs.

2. The owner does not secure the liability insurance coverage or surety bond required under the Dangerous Dog Registration and Fee Ordinance of the Town of Rush Springs.

3. The dog is not maintained in the proper enclosure.

4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the physical restraint of a responsible person.

C. Court Authority Regarding Vicious or Dangerous Dogs or Animals:

1. Authority to Order Hearing: If any animal within the city shall bite, scratch, chase, or otherwise attack any person; and, if the person so attacked was not at the time trespassing upon the property of the owner of such animal; and, if it cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such animal, the municipal court shall have the authority to order and hold a hearing. The municipal court shall also have the authority to hold a hearing if an animal acts as if it intended to attack or bite, any person or persons when not unduly provoked. Said hearing may be held independently to determine whether an animal is vicious or dangerous or may be held in conjunction with a hearing of a citation issued for the violation of any provision of this Chapter.

2. Court Order: If the court determines that such animal is vicious or dangerous to persons or other animals, the court may order that such animal be kept muzzled, or that such dog be kept within a proper enclosure, or that such dog be permanently banned from the Town of Rush Springs or be delivered to the animal control officer and by him destroyed. The Court shall order all impounded vicious or dangerous dogs or animals, except those ordered to be destroyed, to be implanted with an identifying microchip and the cost of said identifying microchip and the cost of the procedure to implant said microchip shall be paid by the owner or keeper of the animal prior to redemption.

D. In addition to the Court Authority to hold a hearing on the disposition of a Vicious or Dangerous Dog or Animal, any person, firm or corporation who violates any provision of this Ordinance or any Ordinance in the Animal Control Chapter of the Code of Ordinances of the Town of Rush Springs shall be guilty of an offense, and upon conviction thereof, be fined in a sum not to exceed the limits established in the code of ordinances of the Town of Rush Springs. Every day shall constitute a separate offense.

Section 5-4A-19. Dangerous Dogs; Registration and Fee; Requirements.

A. Certification of Registration Required; Exception:
1. It shall be unlawful for an owner to have a dangerous dog in the corporate limits of the city without a certificate of registration issued under this section.

2. This section shall not apply to dogs used by law enforcement officials for police work.

B. Conditions for Issuance: The city clerk shall issue a certificate of registration to the owner of a dangerous dog if the owner presents the city with sufficient evidence of:

1. Proper Enclosure; Warning Sign: A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.

2. Liability Insurance: A policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under 36 Oklahoma Statutes, in the amount of not less than fifty thousand dollars ($50,000.00) insuring the owner for any personal injuries inflicted by the dangerous dog.

C. Annual Fee: The city may charge an annual fee not to exceed ten dollars ($10.00) in addition to regular dog licensing fees. Fees shall be retained by the city.

Article B. License and Permit Requirements

Section 5-4B-1. Dogs.

A. License Required: No person, without first obtaining a written dog license from the office of the town clerk-treasurer, shall own, keep, harbor or have custody of any dog over six (6) months of age; provided, that the town shall first have implemented such a license system.

B. Exceptions: No license shall be required for animals temporarily (7 days or less) brought and kept within the town, or for Seeing Eye dogs, when such dogs are actually used to aid blind persons.

C. Proof of Rabies Vaccination: Licenses shall be issued only upon presentation of proof of current vaccination for rabies, as required by section 5-4A-9 of this chapter.

D. Information Required: The owner of the dog shall, at the time of paying the license fee, register the dog by giving the town clerk-treasurer the name and address of the owner, the name, breed, color and sex of the dog and such other reasonable information is the town clerk-treasurer may request.

E. Tag Issued: The town clerk-treasurer shall deliver an appropriate tag for the dog, in addition to the written request. The tag shall constitute the license.

F. Affix Tag to Caller: The owner shall cause the tag received from the town clerk-treasurer to be affixed to the caller or harness of the dog upon which the license fee has been paid so that the tag

can be seen by police officers, and the owner shall see that the tag is so worn at all times.

G. Nontransferable Tags; Refunds: Dog license tag shall not be transferable from one dog to another, and no refunds shall be made for any dog license fee because of the death of the dog or the owner's departure from the community.

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

I. Fee for License: An annual license fee of five dollars ($5.00) for every dog more than six (6) months of age, is hereby levied upon the owner of any such dog that is kept or harbored within the town.

J. Payment of Fee: All license fees shall be paid to the town clerk-treasurer, and shall be due not later than July 1 of each year, or within one week after bringing such an animal into the town after such date.

K. Lost Tags: In the event of the loss of the tag before the end of the year for which it was issued, the owner may secure another for the dog by presenting the original receipt and the sum of one dollar ($1.00) to the town clerk-treasurer.

L. Agents to Sell Licenses: Licensed veterinarians or approved animal shelters may serve as agents for the town to sell dog licenses, subject to a written agreement being executed between said parties, delineating responsibilities, fees and charges for said service. Written proof of vaccination shall be provided from a veterinarian.

Section 5-4B-2. Poisonous Snakes.

A. License Required: No person shall keep, buy or otherwise acquire from another, any poisonous snake within the town, without first having obtained from the town clerk-treasurer a license to keep, purchase or otherwise acquire such poisonous snake.

B. Conditions for Issuance: The license shall not be issued by the town clerk-treasurer until the applicant therefore has made satisfactory showing to the town clerk-treasurer that there is ample and sufficient equipment to safely keep and confine any poisonous snake to be so kept or acquired in the community.

C. Fee for License: To cover the costs of issuing such license, the necessary investigations preliminary to issuing and policing such license (by seeing that any poisonous snakes so acquired by the licensee are safely kept in confined), the applicant shall pay to the town clerk-treasurer, upon issuance of such license, an annual license fee of fifty dollars ($50.00).

Section 5-4B-3. Wild Circus Animals.

A. License Required: All wild animals owned by a circus or traveling animal show, shall not be permitted within the corporate limits of the town, unless the owner or person in charge of said circus or show, or its designated representative, has first obtained a license for the animals from the town clerk-treasurer.

B. Conditions for Issuance: The license shall be issued by the town clerk-treasurer upon submission of a written, signed statement by the applicant that ample safeguards have been provided to protect the public health, safety and welfare.

C. Fee for License: To cover issuance and enforcement costs, the applicant shall pay a fee of twenty dollars ($20.00) to the town clerk-treasurer. The written receipt may constitute the license.

D. Term of License: The license, when so issued, shall be valid for a term of one month.

Section 5-4B-4. Catteries, Kennels[30] and Pet Shops.

A. Kennel License Required: No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the town, unless such kennel is licensed as hereinafter provided.

B. Application: Application for such license shall be made to the town clerk-treasurer and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located. The kennel must be in compliance with any applicable portions of any present or future zoning ordinance adopted by the town.

C. Fee for Kennel License; Animal Licenses: The annual kennel license fees shall be ten dollars ($10.00), and such license shall be exhibited in a conspicuous place on the premises. Each animal kept in a kennel shall also be required to have all other applicable licenses, tags, etc.

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

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

F. Maintenance of Kennels: Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this code at any present or future zoning ordinance. Nonconforming kennels shall be deemed a public nuisance.

G. Distance Restrictions: No kennel or other establishment wherein animals are kept shall be

[30] See definition of "kennel" in section 5-4A-1 of this chapter

maintained closer than forty feet (40') to any tenement or 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.

H. Operational Requirements: All pet shops, catteries and kennels shall:

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

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

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

I. Pet Shops: Pet shop shall be subject to the same requirements for licensing as kennels. In addition, any other requirements of this code or of the adopted zoning ordinance which may involve specific animals sold in a pet shop, shall also be included in those regulations applicable to pet shops.

Article C. Municipal Pound

Section 5-4C-1. Authority to Establish.

A. The town board of trustees is hereby authorized to establish a municipal pound, under the jurisdiction of the chief of police or the animal control officer, who shall provide proper sustenance for all animals impounded and treat them in a humane manner.

B. The municipal pound may be established on a shared or contractual basis with other units of government, or with a private individual or firm, and need not be physically located within the town.

Section 5-4C-2. Impoundment of animals.

A. Animals Running At Large:

1. It shall be the duty of the animal control officer (or any other designated officer or employee of the town), to take into custody, and impound, any animal running at large in violation of the provisions of this chapter.

2. The animal control officer shall also proceed to impound any dog that is running at large within the corporate limits of the town, or that is not confined with a secure and suitably sized leash (as provided in this chapter), regardless of whether or not the owner may have a permit, the dog has been vaccinated or the dog bears a tag.

B. Dogs Harbored in Violation: The animal control officer shall immediately pick up and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this code.

C. Returned to Owner: Any person appearing at the municipal pound who shall satisfy the keeper of the same of the fact of ownership with the right to the possession of any dog therein impounded, shall have such dog returned, upon the payment of the charges due, as authorized by the provisions of this article.

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

E. Scientific or Educational Institutions: Should any licensed institution request of the animal control officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution; provided, that, no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least five (5) days and remain unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.

F. Obstruction of Duties Prohibited: It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the municipal official or employee responsible for impounding animals.

Section 5-4C-3. Fees for Impounding and Keeping.

A. Determined by Town Board: The fees for impounding and keeping an animal, to be paid upon redemption, shall be as determined by motion of the town board of trustees.

B. Payment of Fees: All fees shall be paid to the town clerk-treasurer. Receipt for payment of fees on impounded animal shall be presented to the animal control officer or the person in charge of the municipal pound, before the animal shall be released.

Section 5-4C-4. Claiming Impounded Animals.

A. Owner Authorized: An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale, destruction or delivery to an institution, by paying the required fees against

the animal and meeting any other requirements prescribed by this chapter.

B. Licensing Requirements Prior to Release: Any person claiming an unlicensed dog shall pay the required license fee to the town clerk-treasurer, secure a tag and present the receipt therefor and a tag to the animal control officer before the latter releases the dog. If a dog is licensed, but not wearing the tag, the animal control officer shall require adequate evidence of proper licensing before the animal's release.

Section 5-4C-5. Sale of Impounded Animals of Value.

A. Notice Required: As soon as practicable after any animal of apparent value has been impounded, the animal control officer or the chief of police shall thereupon post a conspicuously visible notice thereof at the town hall. Such notices shall describe the animal, notify the owner to pay charges thereon, and remove said charges prior to the time fixed for the sale thereof, and also state that, unless that animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the third day after posting of the notice, and the time of holding such sale for all other animals shall not be before the tenth day after the posting of the notice.

B. Conduct of Sale: Sales provided herein shall be for cash to the highest bidder. The minimum bid shall cover fees for impounding and keeping the animal until the date of sale, plus a five dollar ($5.00) fee to reimburse the town for the sale expense, and shall be conducted by, or under the direction of, the chief of police. If there is no bid, the chief of police shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the town hall, if there is reason to believe that a bid would be made at a later time; otherwise, after an offering of an impounded animal in a sale without a bidder, the animal shall be disposed of by the animal control officer as provided in this article.

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

D. Payment of Money: The chief of police shall pay to the town clerk-treasurer all monies received from the sale of impounded animals on the day it is received or on the next day upon which the office of the town clerk-treasurer is open for business.

E. Excess Claimed by Owner: The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee of five dollars ($5.00) to reimburse the town for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim is so made and approved by the town board of trustees, the town clerk-treasurer shall pay the claimant the excess. If a claim is not so made, the excess shall belong to the town.

Section 5-4C-6. Breaking Into Pound.

No unauthorized person shall break open, or attempt to break open, the municipal pound, or take or let out any animal therefrom, or take or attempt to take, from any officer or employee of the town, any animal taken into custody as provided by this code, or in any manner interfere with or hinder such officer or employee in the discharge of duties relating to the taking into custody and impounding of animals, as provided in this code.

Article D. Penalty

Section 5-4D-1. Penalty.

Any person, firm or corporation who violates any provision of this chapter or who violates or neglects to carry out any reasonable order made by any health officer, the chief of police or the animal control officer, pursuant to this chapter shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed the limits established in title 7 of this code, and shall be subject to revocation of any license or operating permit issued pursuant to the provisions of this chapter. Every day's violation of any provision of this chapter or of such order of the health officer, animal control officer or chief of police, shall constitute a separate offense.

Title 6 - Motor Vehicles and Traffic

Chapter 1. Oklahoma Highway Traffic Safety Code

Section 6-1-1. Code Adopted.

A. Adoption; Amendments: The Oklahoma highway traffic safety code, 47 Oklahoma Statutes, as amended, and every ten (10) year recodifications thereof, is hereby adopted and incorporated in this code as if set out at length herein, for the purposes of establishing locally appropriate rules and regulations for the control of traffic within the municipality.

B. Definitions: The definitions of words used in this title shall be the same as those definitions in 47 Oklahoma Statutes sections 1-101 through 1-186, as amended.

C. Copies on File: The office of the town clerk-treasurer shall maintain at least three (3) copies of the current Oklahoma highway traffic safety code adopted by this code on file in the office of the town clerk-treasurer.

Chapter 2. Traffic Regulations

Section 6-2-1. Town May Adopt and Enforce Regulations.

A. Authority: The town board of trustees is hereby empowered to adopt and provide for the enforcement of regulations necessary to make the provisions of this title and any other traffic or related ordinances of the town effective, and to adopt and provide for the enforcement of temporary regulations to cover emergencies or special conditions.

B. Failure to Comply: No person shall willfully fail or refuse to comply with any lawful order or direction of the chief of police, any police officer, firefighter or any other authorized municipal employee.

Section 6-2-2. Speed Regulations.

A. Reasonable Speed: No person shall drive a vehicle on any street within the corporate limits of the town at a speed greater or less than is reasonable or prudent under the conditions then existing (including, among other things, the condition of the vehicle, roadway, weather, visibility, amount of traffic, presence of pedestrians and any obstruction of view).

B. Ability to Stop: No person shall drive any vehicle upon a street at a speed greater than will permit a stop within the assured clear distance ahead.

C. Speed Limits: No person shall drive any vehicle, except an authorized emergency vehicle, as provided in section 6-2-4 of this chapter, at a speed greater than:

1. Twenty-five (25) miles an hour on Blakely Avenue and any street adjacent to any school, or in any school zone, between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M., on days when school is in session, unless otherwise posted; and

2. Twenty-five (25) miles per hour on other streets and on streets adjacent to schools at other times than that specified in subsection (C)(1) of this section, unless otherwise posted.

Section 6-2-3. Citation Tags; Failure to Comply.

A. Authority to Issue: Police officers are hereby authorized to give notice to persons violating provisions of this title, by delivering citation tags to violators or, in cases where vehicles without drivers are parked or stopped in violation of this title, by affixing such tags to the vehicles by means of which the violation occurred. Such citation tags shall indicate briefly the charge, shall bear the registration number of the vehicle, and shall direct the violator to present the tag at the police station or other designated place within ten (10) days, or such other reasonable time as may be specified thereon. Nothing in this section shall abridge the power to arrest any violator, to take said person into custody or to file a complaint against any violator at any time.

B. Numbering of Citation Tags: The town board of trustees may require that police officers use serially numbered citation tags furnished by the town clerk-treasurer, and the town board may also regulate the use and handling of citation tags.

C. Failure to Appear: If a violator of any provision of this title who has been given a citation tag as provided above, fails to appear in accordance with the instructions of such tag, the chief of police or an authorized agent shall send a letter or other written notice to the owner of the vehicle involved, informing said person of the violation, warning said person to appear and directing that, in the event such letter or notice is disregarded for a period of five (5) days, a complaint will be filed and a warrant of arrest issued; provided, that nothing in this section shall abridge the power to file a complaint prior to the expiration of such time.

D. Compliant; Warrant: In the event any person fails to comply with a citation tag given to such person, or attached to a vehicle, the chief of police shall have a complaint entered against such person before the municipal judge, and the judge shall issue a warrant for the persons arrest.

Section 6-2-4. Authorized Emergency Vehicles.

A. Privileges Authorized: The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of a law or ordinance, or when responding to, but not upon returning from, a fire alarm, may exercise the following privileges:

1. Park or stand (irrespective of the provisions of this title);

2. Proceed past a red or stop signal or sign (slowing down as may be necessary for safe operation);

3. Exceed the maximum speed limits, so long as this action does not endanger life or property; or

4. Disregard regulations governing direction of movement or turning in specific directions.

B. When Applicable: The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle is making use of audible and/or visual signals, except that an authorized emergency vehicle, operated as a police vehicle, need not be equipped with, or display, a red light visible from the front of the vehicle.

C. Drivers to Yield Right of Way: Upon the immediate approach of any authorized emergency vehicle making required use of audible and/or visual signals, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, or shall clear the roadway in the safest possible manner, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

D. Duty to Drive with Care: This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

Section 6-2-5. Duties of Police and Fire.

A. Traffic Enforcement: It shall be the duty of the chief of police and any police officers to enforce the traffic regulations of the town and all of the state vehicle laws applicable to traffic in the municipality, to make arrests for traffic violations, to investigate accidents, to cooperate with other municipal officials in the administration of the traffic laws and in developing ways to improve traffic conditions, and to carry out those duties specifically imposed upon the police officers by this title and any other traffic or related ordinances of the municipality.

B. Conduct of Enforcement: The chief of police and all assistants are hereby authorized to direct all traffic by voice, hand or signal, in conformance with traffic laws and ordinances. In the event of a fire, other emergency, or to expedite traffic or safeguard pedestrians, such officers may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and ordinances.

C. Firefighters Assisting Police: Firefighters, when at the scene of a fire, may direct or assist police officers in directing traffic.

Section 6-2-6. Stopped School Bus.

A. Passing Prohibited: No person shall pass any “school bus”, as defined by state law, when such bus is stopped for the purpose of discharging or taking on passengers, and is displaying flashing red lights, as required by state law.

B. Stop Required: All persons shall stop upon approaching a stopped school bus, as described in subsection (A) of this section, regardless of the direction of said approach.

Section 6-2-7. Accident Reports; Leaving Accident Scene.

A. Reporting Required: The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to, or death of, any person, or damage to any vehicle or other property to an apparent extent of more than three hundred dollars ($300.00), shall, as soon as practicable, report such accident to the chief of police or to the police department. Making out a written report of the accident in the police department as soon as practicable after the accident (to be forwarded to the state Department of Public Safety in accordance with state law), shall be deemed compliance with this section.

B. Leaving Scene Unlawful: Leaving the scene of an accident, as defined by current state law, shall be unlawful within the corporate limits of the town.

Section 6-2-8. Driving by Unauthorized Persons.

A. Unlicensed Driver: It shall be unlawful for any person who does not have a valid driver’s license, as required by state law, to operate a motor vehicle within the corporate limits of the town.

B. Permitting Unlicensed Driver: It shall also be unlawful and an offense for any person to permit an unlicensed driver to operate a motor vehicle within the corporate limits of the town.

C. Permitting Unauthorized Driver: It shall be unlawful and an offense for any person to authorize, or knowingly permit, any vehicle owned by, or under, said person’s control, to be driven upon any of the streets or highways of the town, by any person who is not authorized, under the laws of the state, to operate such vehicle.

Section 6-2-9. Reckless Driving.

It shall be unlawful for any person to drive any vehicle within the corporate limits of the town, in a careless, negligent or reckless manner, without regard for the safety of persons, property or the lawful use of the streets. Such person shall be guilty of reckless driving.

Section 6-2-10. Driving Under the Influence.

It shall be unlawful for any person who is under the influence of alcoholic beverages, narcotic drugs or other controlled, dangerous substances, to drive, or be in actual physical control of, any vehicle within the corporate limits of the town.

Section 6-2-11. Vehicles not Driven on Sidewalks.

The driver of any vehicle shall not drive upon any sidewalk or sidewalk area, except at a permanent or temporary driveway.

Section 6-2-12. Following Too Closely.

The driver of any vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles and the traffic upon, and the condition of, the roadway.

Section 6-2-13. Backing.

A. Safety Consideration: The driver of any vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

B. Distance Limitation: The driver of any vehicle shall not back the same greater distance than is necessary to permit it to enter the immediately available proper driving lane. No extended backing shall be permitted.

Section 6-2-14. Manually Composing, Sending or Reading Electronic Text Messages.

A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the Town while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection 1 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 1 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 service; 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 bandwidth reserved for cellular telephones;

2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;

3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and

4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.

Chapter 3. Impoundment of Vehicles

Section 6-3-1. Purpose and Effect of Impoundment.

Impoundment of vehicles under the authority of the provisions of this title shall be construed as an enforcement procedure for protection of the public peace, safety, welfare and safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares in the town from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

Section 6-3-2. Place of Impoundment.

Every vehicle that is impounded under the provisions of this title shall be removed to the nearest garage, or other place of safekeeping designated by the town board of trustees, and shall not be removed to any other place.

Section 6-3-3. Duration of Impoundment.

A. Order for Release: Unless otherwise provided hereinafter, any vehicle impounded under the provisions of this code shall be stored and held safely until a written order for its release, signed by the chief of police (or a designated representative), has been issued.

B. Conditions: The written order for release shall be conditioned upon:

1. Payment of all impoundment costs and accrued storage charges assessed against the vehicle, by the person to whom the release is issued; and

2. Payment of all fines and costs due the town because of traffic law or other law violations involving the vehicle, or proper security posted for said fine or law violation.

Section 6-3-4. Redemption and Release of Vehicle.

A. Presentation of Order for Release: The person holding the written order for release shall be entitled to obtain possession of the vehicle upon presentation of the order for release at the place of impoundment, together with payment (or tender of payment) of all impoundment costs and accrued storage charges due.

B. Release of Vehicle: The town clerk-treasurer is hereby authorized to release vehicles which have been impounded (and accept agreements and bonds to save the town harmless by such releases) to persons other than the registered owner of the vehicle.

C. Parties Claiming Interest; Requirements: Any party claiming an interest in an impounded vehicle shall submit (by written instruments or other documents) to the town clerk-treasurer and the chief of police, proof of compliance with the following requirements:

1. Proof of interest; and

2. Agreement to save and hold harmless the town and all of its employees.

Section 6-3-5. Authority to Impound Vehicles.

A. Authority: The chief of police, and members of the municipal police department, are hereby authorized, within the limits set forth in this title, to impound vehicles under the circumstances hereinafter enumerated.

B. Order, Compliance Required: No impoundment shall be valid unless made under order of an authorized police officer, and in strict adherence to the procedures established in this title and other policies of the town.

Section 6-3-6. Causes of Impoundment.

A. Disabled Vehicle: A disabled vehicle upon any street or highway may be impounded, under the following circumstances:

1. If left unattended and improperly parked on a street or highway;

2. If left unattended longer than seventy-two (72) hours on the shoulder of any highway; or

3. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal.

B. Unattended Vehicle: Any unattended vehicle left upon any bridge, viaduct, causeway or within the structure of a grade separation, may be impounded.

C. Arrested Persons: Whenever the driver, or person in charge, of any vehicle is placed under arrest, taken into custody and detained by police under circumstances which leave, or will leave, a vehicle unattended on any street or highway, the vehicle may be impounded.

D. Unattended, Illegally Parked Vehicle: A vehicle left unattended upon any street, alley or thoroughfare, and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic, shall be impounded.

E. Derelict Vehicle: When any derelict vehicle is discovered by the police department to have been parked upon any street in the town for a period of seventy-two (72) hours, or more, the police department is authorized to impound the vehicle, and if the owner of the vehicle may be ascertained by reasonable diligence, the owner shall be notified of the action by the police department.

F. Trespassing, Unattended Vehicle: A trespassing, unattended vehicle may be impounded when the required complaint has been properly made and filed. The owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's (or legal occupant's) property. If the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe a violation has occurred, the police department shall cause the vehicle to be impounded and placed in storage.

G. Prohibited Parking Area: Any unattended vehicle parked at the street curbing of any zone where parking is prohibited, and where official signs are in place giving notice thereof in violation of the prohibition, may be impounded.

H. Vehicle Blocking Access: Any vehicle illegally parked in such a manner that it blocks a fire escape, ladder or exit, or blocks ready access to a fire hydrant, shall be impounded.

I. Within Intersection: Any unattended vehicle illegally parked in any street intersection, shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

J. Stolen Vehicle: Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time, not exceeding eight (8) hours, or cannot be determined from the registration papers or other identification in the vehicle (or from records or information available from reports of stolen cars), the vehicle may be removed to the nearest authorized place of impoundment and the registered owner of the vehicle notified of the location of the place of impoundment as soon as possible by the police department. If the registered owner is identified, located and notified of the recovery of the stolen

vehicle, the owner shall be given the right to make arrangements for the removal of the vehicle within a period of twenty-four (24) hours from the time he or she is actually notified of its recovery. If the owner is unable or unwilling to affect the removal within the time specified, the vehicle may be impounded.

Section 6-3-7. Abandoned, Wrecked, Non-operating Vehicles.

A. Definitions: For the purpose of this section, the following terms, phrases, words, or derivation shall have the meanings respectfully ascribed to them in this section:

Abandoned
To cease from maintaining or using a vehicle as originally intended.

Motor Vehicle
Any vehicle which is self-propelled and/or designed to travel along road, ground or water, and the term shall include, but not be limited to, automobiles, boats, buses, motorbikes, motorcycles, motor scooters, trucks, tractors and recreational vehicles.

Non-operating
Any "motor vehicle", as defined in this section, which does not have lawfully affixed thereto an unexpired license plate or plates and/or is in such condition that it cannot be driven.

Private Property
Any real property within the town which is privately owned and which is not public property.

Wrecked
Something disabled or in a state of ruin or dilapidation.

B. Prohibitions: Except as otherwise provided, no person shall park, store, or permit the parking, storing or leaving of any abandoned, partially dismantled, non-operating, wrecked or junked vehicle, nor leave such vehicle for such time and under such condition as to cause it to reasonably appear to have been abandoned by any present property, town street, public easement or right-of-way, and vehicles so abandoned or left shall constitute a public nuisance.

C. Exceptions: Persons excepted from the provisions of subsection (B) of this section are those who maintain such vehicles:

1. In enclosed buildings;

2. On the premises of a business enterprise operated in a lawful place and manner, when such vehicle is necessary to the operation of such business;

3. In an appropriate storage facility or depository which is maintained by or for the town.

D. Presumptions of Abandonment: A presumption shall exist that vehicles have been abandoned when:

1. Weed and/or grass undergrowth indicates to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

2. One or more wheels are flat or missing;

3. Portions of the vehicle which are needed for its operation or control are missing;

4. Neighbors offer statements as to the time length such vehicle has been standing in one place without removal, or statements that parts are taken from or added to such vehicle which would indicate a salvage garage operation;

5. Evidence exists that provisions of this code pertaining to junk and salvage yards[31] are being violated;

6. License plate or plates are not current.

E. Removal; Impoundment: Appropriate town officials, including, but not limited to, the chief of police and the town clerk-treasurer, may remove and impound or cause to be moved or impounded those vehicles which appear:

1. In violation of this section;

2. Lost;

3. Stolen; or

4. Unclaimed.

F. Notice to Remove: Prior to the removal and impoundment of any abandoned vehicle located on private property, the appropriate town officer shall attempt to notify, by certified mail, the registered owner or tenant or occupant of such a location that such vehicle appears to be in violation of this section and that he or she has ten (10) days from the date of the notification and the posting of the vehicle, with a notice affixed to the vehicle containing similar provisions, to remove or repair the same. (Mailing of notification and posting will be completed on the same day.)

G. Requirements upon Removal of Abandoned Vehicle: Upon removal of any abandoned vehicle located on highways or other public property, notice will be provided as required pursuant to the provisions of 47 Oklahoma Statutes section 901 et seq., directing such removal.

H. Redemption of Vehicle:

1. Vehicles removed from highways or public places may be redeemed in accordance with regulations as provided by the Department of

[31] See section 3-1C-4 of this code

Public Safety upon payment of reasonable costs of removal and storage of such vehicle.

2. Vehicles removed from private property may be redeemed any time after the vehicle's removal upon proof of ownership, posting of any required bond, payment of any fines and costs assessed by the court for violations of this chapter, and payment of any towing and storage fees to the parties removing and/or storing said vehicle.

I. Lien: The parties lawfully in possession of any removed vehicle shall have a lien thereon for the compensation due to him from the owner for all expenses incurred.

J. Foreclosure: After the lien has accrued for at least ten (10) days, the lien may be foreclosed upon by the sale of such abandoned vehicle upon the giving of notice by mail to the owner, and any other persons claiming an interest in the abandoned vehicle, at their last known mailing address by registered mail. Additionally, notice of said sale shall be posted in three (3) public places in the county in which the vehicle is to be sold at least ten (10) days prior to the time specified for such sale.

K. Notice of Foreclosure: The notice required by subsection (J) of this section shall include:

1. The name of the parties bringing action, name of the owner or any person claiming interest therein;

2. A full description of the vehicle, giving all available information make, year, serial number, license tag with year and state from which the tag was issued;

3. A full statement of all the facts;

4. Amount of the claim, giving a full description of the work, labor, storage and any other costs involved;

5. The date, time and place of the sale.

L. Application of Funds Received from Sale: Funds received from the sale of the abandoned vehicle shall first be applied to the cost of the sale of the vehicle, then to the satisfaction of the lien. Any remaining available funds will go to the owner of the vehicle, if known, and if unknown, to the general fund of the municipality.

Chapter 4. Vehicle and Equipment Prohibitions

Section 6-4-1. Injurious or Obstructive Vehicles; Oversized Vehicle Permits.

A. Injurious or Obstructive Vehicles: No vehicle or object which injures, or is likely to injure, any street within the town shall be driven or moved on any street within the municipality.

B. Oversized Vehicle Permits: No person shall drive any vehicle which is in such condition, so constructed or so loaded as to cause, or be likely to cause, a delay in traffic or constitute a hazard to persons or property, without having obtained an oversized vehicle permit from the office of the town clerk-treasurer.

Section 6-4-2. Size and Weight of Vehicles; Truck Routes.

A. State Permit: No person shall drive or convey through any street any vehicle, the width, height, length, weight or load of which exceeds that authorized by state laws, except in accordance with the permit issued by state authority.

B. Use of Designated Truck Routes, State, Federal Highways: Except for the purpose of making local deliveries, vehicles required by state statute to be licensed or permitted for three (3) ton or greater capacity, shall be prohibited from using any public street, alley or place within the town for travel, except legally designated truck routes or state and federal highways.

C. Truck Routes: The town board of trustees may prescribe routes through the municipality for the use of trucks and/or other vehicles, which are not ordinary private passenger vehicles, passing through the town. When it is necessary for vehicles of the class herein described to travel to and from the location on any of the town public streets, alleys or places for the purpose of loading or unloading merchandise, or the provision of necessary services at such location, the route traveled shall be as short and direct as possible from and to the most available, legally designated truck route or state or federal highway.

D. Signs Required: The town board of trustees shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes. When such signs are erected and in place, the driver of a truck or other vehicle for which a route has been so prescribed, while passing through the town, shall keep on such route and shall not deviate therefrom, except in case of emergency.

Section 6-4-3. Mufflers and Cutouts.

No motor vehicle with an internal combustion engine shall be operated within the town unless the exhaust from such engine is muffled by a suitable and sufficient muffler. No muffler, cutout, or exhaust or vacuum whistle shall be used on any motor vehicle, except that exhaust whistles may be used on authorized emergency vehicles.

Section 6-4-4. Golf Carts on Streets.

A. Prohibited: Except as provided in this section, the operation of golf carts on municipal streets within the town is prohibited.

B. Exceptions; Conditions: Golf carts may be operated on municipal streets that are not a part of the state highway system during daylight hours only, under the following conditions:

1. The operator of the golf cart must be the holder of a handicap permit issued by the

state and must be in possession of said handicap permit at all times that the golf cart is operated upon the municipal streets of the town;

2. The operator of the golf cart must possess proof of liability insurance in the amounts required by the laws of the state for all liability arising from the operation of the golf cart upon the municipal streets of the town.

C. Operation on State Highway Prohibited: Golf carts are prohibited from being operated on municipal streets that are part of the state highway system, except to transverse or cross said street at a right angle to the centerline of the street in an attempt to reach the other side of the street.

Section 6-4-5. Use of Hand-held Mobile Communication Devices Prohibited in School Zones.

A. For the purposes of this section the following definitions apply:

Engaging in a Call or Electronic Communication
Shall mean talking into, dialing, answering or listening, transmitting or sending text messages on a hand-held mobile communication device, but shall not include holding a mobile communication device to deactivate such mobile device.

Hands-free Mobile Communication Device
Shall mean a mobile electronic device that has an internal feature of function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, b which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of physically disabled person), whether of not the use of either hand (or prosthetic device) is necessary to activate, deactivate or initiate a function of such telephone.

Hand-held Mobile Communication Device
Shall mean a mobile communication device with which a user engages in a call using at least one (1) hand (or prosthetic device or aid in the case of physically disabled person).

Mobile Communication Device
Shall mean the device used by subscribers and other users of wireless telephone, text or other communication service to access such service and shall include personal digital assistants and smart phones.

Personal Digital Assistant
Shall mean a device operated using a wireless telecommunications service that provides for data communication other than by voice.

Smart Phone
Shall mean a device capable of internet, voice, text and data communication.

Wireless Communication Service
Shall mean two-way real-time voice, text, data or internet communications service that is interconnected to any available electronic or data signal that enables the receiver of such service to wirelessly communicate with others.

B. Except as otherwise provided below, it shall be unlawful for a person to drive or operate a motor vehicle in a school zone, as designated by any lawful authority, on official school days, during the hours when school zones are in effect, and when school zone signs and signs prohibiting hand-held mobile communication devices are posted in place, while using a hand-held or hands free mobile communication device to engage in a call or to create, send or read messages or otherwise communicate wirelessly.

C. Except as otherwise provided below, it shall be unlawful for a pedestrian to walk, run, or stand within any crosswalk, street or traveled portion of any roadway within a school zone, as designated by any lawful authority, on official school days, during hours when school zones are effect and when school zone signs and signs prohibiting hand-held mobile communication devices are posted in place, while using a hand-held or hands-free mobile communication device to engage in a call or to create, send or read messages or otherwise communicate wirelessly.

D. An operator of a motor vehicle who holds a mobile communication device to, or in the immediate proximity of his or her ear or holds or positions a mobile communication device in such a manner as to view the screen or otherwise receive and transmit audible or text-based communications, while such vehicle is in motion is presumed to be engaging in a call or electronic communication within the meaning of this section. Immediate proximity shall mean that distance as permits the operator of a mobile transmitted over such mobile communication device, but shall not require physical contact with such operator's ear.

E. A pedestrian who holds a mobile communication device to, or in the immediate proximity of his or her ear or holds or positions a mobile communication device in such a manner as to view the screen or otherwise receive and transmit audible or text-based communications, while walking, running, or standing within any crosswalk, street or travelled portion of any roadway within a school zone, is presumed to be engaging in a call or electronic communication within the meaning of this section. Immediate proximity shall mean that distance as permits the operator of a mobile communication device to hear or see audible or text-based communications transmitted over such mobile communication device, but shall not require physical contact with such operator's ear.

F. Subsection (B) and (C) shall not apply to:

1. The use of a mobile communication device for the sole purpose of communicating with an emergency response operator; a law enforcement dispatcher, a medical responder or a medical provider, providing such communication relates solely to an emergency situation existing at the time of the communication.

2. Any law enforcement, public safety or police officers, emergency services officials, first aid, emergency medical technicians and personnel, or any fire safety officials in the performance of duties arising out of and in the course of their employment as such; or

3. The use of a hands-free mobile telephone when being used in a hands-free manner.

Section 6-4-6. Motorized Bikes, Go-carts and All Terrain Vehicles; Restrictions.

IT shall be unlawful for any person to operate, within the city limits, a minibike, trail bike, dirt bike, go-cart, a three-wheel or four-wheel all-terrain vehicle, or other recreational motorized vehicle within three hundred thirty (330) feet of a residential dwelling without the permission of the owner and the occupant of the residential dwelling. However, such vehicles shall be exempt from the provisions of this section while being used in any parade or other public function approved by the Town of Rush Springs. Provided further, that any such vehicles may be used for agricultural, commercial, or non-recreational purposes and such use shall not violate the provisions of this ordinance. For purposes of this section, a Residential Dwelling is defined as an occupied structure used solely or primarily for residential purposes.

Further, notwithstanding any other provision of this section, no person shall operate any motorized bicycle, motorized scooter, minibike, go-cart, all terrain vehicle, electric bicycle, electric scooter, or other device propelled in whole or in part by a motor upon Rush Street or Blakely Street within the corporate limits of the Town of Rush Springs or upon any sidewalk within the Town of Rush Springs.

Chapter 5. Traffic Control Devices

Section 6-5-1. Installation of Traffic Control Devices.

The town board of trustees shall have traffic control signs, signals and devices placed and maintained, as required under the ordinances of the town, to make the provisions of such ordinances effective.

Section 6-5-2. Specifications for Traffic Control Devices.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state highway department. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the municipality. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter, shall be official traffic control devices.

Section 6-5-3. Turn Signs and Indicators.

A. Authority to Regulate: The town board of trustees is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event, the same shall be plainly indicated on said signs.

B. Obedience to Signs: Whenever authorized signs are erected, indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

C. Right Turns: Unless otherwise indicated by such signs, a right turn on red or stop shall be permitted after the vehicle has come to a complete stop.

Section 6-5-4. Designation and Marking of One-Way Streets.

Whenever the town board of trustees designates any street, alley or part thereof as a one-way street or alley, the town board shall have signs placed, giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 6-5-5. Marking of Traffic Lanes.

A. Authority: The town board of trustees is hereby authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

B. Obedience Required: Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lanes, except when lawfully passing another vehicle, preparing to make a lawful turning movement or as otherwise authorized by ordinance.

Section 6-5-6. Crosswalks Marked and Designated.

The town board of trustees shall have the authority to designate, by appropriate devices or lines upon the surface of the roadway, crosswalks at intersections or other places where, in its opinion, there is particular danger to pedestrians crossing the roadway.

Section 6-5-7. Unauthorized Signs or Devices.

A. Prohibited: No person shall place, maintain or display, upon or in view of any highway, an unauthorized sign, signal, marking or device which purports to be, is an imitation of, or resembles an official traffic control device or railroad sign or signal, which attempts to direct the movement of traffic, which projects any flashing or revolving beams of light, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. Commercial Advertising: No person shall place or maintain, nor shall any public authority permit, upon any highway, any traffic sign, signal or device bearing thereon any commercial advertising.

C. Exception: This section shall not be deemed to prohibit the placement, upon private property, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

D. Removal: Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance, and the town board of trustees is

hereby empowered to remove the same, or cause it to be removed.

Section 6-5-8. Classification of Streets.

A. Authority to Adopt: The town board of trustees may adopt, by resolution, a street classification system for the town. Whenever such a system is adopted, it shall be the duty of the town board to have stop signs placed and maintained, or if deemed more appropriate at any intersection, yield signs, on each and every street involved in the implementation of the classification system (unless traffic at any intersection is controlled at all times by traffic control signals).

B. Intersections: The town board of trustees is hereby authorized to determine and designate intersections where a particular hazard exists and to determine:

1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event it shall cause to be erected a stop sign in every such place where a stop is required; or

2. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection, in which event, it shall cause to be erected a yield sign at every place where obedience thereto is required.

C. Placement of Stop and Yield Signs: Every stop and yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

Chapter 6. Parking, Stopping and Loading

Section 6-6-1. Stopping or Parking Prohibited in Specified Places.

A. Places Prohibited: No person shall stop or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with state law, ordinance, the directions of a police officer or traffic control device, or in an emergency situation, in any of the following places:

1. On any sidewalk or between the sidewalk and any street;

2. In front of, or obstructing, any public or private driveway;

3. Within an intersection;

4. Within fifteen feet (15') of a fire hydrant (except in an officially marked parking space);

5. Within or on a crosswalk;

6. Within twenty feet (20') of the driveway of any fire station;

7. Near any street work or excavation, when stopping or parking would obstruct traffic;

8. On the roadway side of any vehicle stopped or parked at the edge or curve of the street (double parking or double stopping);

9. In an alley where less than ten feet (10') of the roadway will be left available for the movement of vehicular traffic; or

10. At any place where official signs prohibit stopping.

B. Authority to Establish Limits; Signs: The town board of trustees is hereby authorized to establish parking time limits, and to prohibit parking on designated streets and parts of streets by having appropriate signs placed thereon.

C. Prohibited Parking: It shall be unlawful for any person to place or park a motor vehicle in any parking space on: 1) private property accessible to the public and where the public is invited; or 2) on public property, that is designated and posted as a reserved area for parking of motor vehicles of physically disabled persons, unless such person has a physical disability insignia consistent with the provisions of 47 Oklahoma Statutes, and such insignia is displayed as provided in 47 Oklahoma Statutes, or other regulations adopted pursuant thereto.

Section 6-6-2. Angle Parking.

A. Authority to Designate: The town board of trustees may determine upon what streets and parts of streets, angle parking shall be permitted, and shall have such streets marked or signed.

B. Adherence to Signs: On those streets which have been so signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings, or outside of the area enclosed by said markings.

Section 6-6-3. Standing or Parking Close to Curb; Breaks.

A. Requirements: 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 within the right-hand wheels of such vehicle parallel to, and within eighteen inches (18") of, the right-hand curb; provided, that every vehicle stopped or parked upon the left-hand side of a one-way street where there are adjacent curbs, shall be parked or stopped with the left-hand wheels parallel to, and within eighteen inches (18") of, the left-hand curb.

B. Brakes Set: Adequate brakes shall be set on all parked vehicles.

Section 6-6-4. Parking on Private Property; Truck Parking.

A. Permission Required: It shall be unlawful to place or park a motor vehicle or a trailer upon the posted private property of another, without first obtaining permission from the person in charge of such property, except where said placing or parking is involuntary.

B. Removal: A landowner, or other person in charge of the land, may cause any motor vehicle or trailer which is left on private property after posted hours, to be removed and impounded by an appropriate wrecker service. The police department or any police officer is also authorized to remove any unauthorized vehicles from private property upon direction of the owner of the property or persons in charge of the property. The town, any landowner or person in charge of the property shall not be liable for any damages which may occur to the trespassing vehicle or trailer under the terms of this section, while the same is trespassing, while it is being removed from said property or while it is in storage.

C. Prohibited Trucks in Residential Areas: It shall be unlawful for any person to park a truck or trailer over one ton capacity or being used for transport of gasoline or liquefied petroleum gas, on any street or alley in any residential area of the town.

Section 6-6-5. Presumption in Reference to Illegal Parking.

A. Stated: In any prosecution charging a violation of any law or ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

B. Application: The foregoing stated presumption shall apply only when the procedure of giving a citation tag has been followed.

Section 6-6-6. Loading Zones.

A. Authority to Determine; Signs: The town board of trustees is hereby authorized to determine the location of passenger and freight curb loading zones, and shall have appropriate signs placed, indicating the same and stating the hours during which the provisions of this section are applicable. By the same authority, such loading zones may be changed or discontinued.

B. Reimbursement to Town Required for Signs: When such a loading zone is established upon the request of any person, firm or corporation, the town board of trustees shall not have signs placed until the applicant has paid to the town clerk-treasurer an amount of money estimated by the town board to be adequate to reimburse the town for all costs of establishing the signing of the same.

C. Permitted Parking in Loading Zones: No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone, during hours when the provisions applicable to such zones are in effect.

Chapter 7. Bicycles

Section 6-7-1. Traffic Laws Applicable.

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, declaring the rules of the road applicable to vehicles, or by the ordinances of the town, applicable to the driver of the vehicle, except as to special regulations in this title and to those provisions of state law or ordinances which, by their nature, can have no application.

Section 6-7-2. Bicycle Equipment.

Every bicycle in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from all distances, up to five hundred feet (500') to the front, and with a red reflector on the rear, of a type which shall be visible from all distances up to three hundred feet (300') to the rear, when directly in front of lawful upper beams of headlamps on a motor vehicle.

Section 6-7-3. Obedience to Traffic Control Devices.

A. Required: 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. Disobedience to Signs; Exception: Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

Section 6-7-4. Riding on Bicycles.

A. Number of Persons Permitted: No bicycle shall be used to carry more persons at a time than the number for which it is designed and equipped.

B. Right Side of Roadway: Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a vehicle standing or proceeding in the same direction.

C. Path to Be Used When Available: Whenever a usable path for bicycles has been provided

adjacent to a roadway, bicycle riders shall use such path and not the roadway.

D. Speed: No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

E. Yielding Right of Way: The operator of a bicycle emerging from an alley, driveway or building shall yield the right-of-way to all approaching pedestrians, and upon entering a roadway, shall yield the right-of-way to all approaching pedestrians, and upon entering a roadway, shall yield the right-of-way to all vehicles approaching on such roadway.

F. Signs: The town board of trustees is authorized to have signs placed on any sidewalk or traffic way prohibiting the riding of bicycles thereon by any person. When such signs are in place, no person shall disobey the same.

Chapter 8. Pedestrians

Section 6-8-1. Application of Chapter.

Pedestrians shall be subject to traffic control signals, but at all other places, shall be granted those rights and be subject to those restrictions in this chapter.

Section 6-8-2. Pedestrians.

A. Driver to Yield Right-of-Way: When traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk.

B. Pedestrian in Path of Vehicle: No pedestrian shall suddenly leave any place of safety, or walk or run into the path of a vehicle.

C. Driver Approaching Stopped Vehicle: Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 6-8-3. Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or confused or incapacitated person upon a roadway.

Chapter 9. General Provisions

Section 6-9-1. Obedience to Title.

A. Required: It shall be unlawful for any person, firm or corporation to authorize or knowingly to permit any vehicle registered in his, her or its name, to be driven or be parked in violation of any provisions of this title.

B. Parents, Guardians: The parent or guardian of any child or ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this title.

Section 6-9-2. Public Officials and Employees.

A. Applicability: The provisions of this title shall apply to the driver of any vehicle owned by, or used in the service of, the United States government, and any state, county, municipal or other governmental unit or agency, as well as to other vehicles. It shall be unlawful for any such driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state law.

B. Exceptions: This title shall not apply to the military forces of the United States and organizations of the National Guard when performing military duty.

Section 6-9-3. Necessity of Signs.

No provisions of this title for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Section 6-9-4. Vehicles; Equipment, Licensing, Inspection, Security form.

A. Proper Equipment Required: It shall be unlawful to operate a vehicle which is not equipped as required by law upon any street within the town. It shall also be unlawful to fail to use such equipment in the manner required by law, use it in a manner prohibited by law or to operate a vehicle which has equipment prohibited by law upon any street within the town.

B. Valid License Plate: It shall be unlawful to operate a vehicle of any kind upon a street of the town, unless such vehicle is licensed and displays a valid license plate thereon, as required by state law.

C. State Inspection Sticker: It shall be unlawful to operate a motor vehicle, or any combination of such vehicles licensed by the state tax commission, unless said vehicle bears a valid, official state inspection sticker issued by an official inspection station licensed by the state Department of Public Safety; provided, that such sticker is required by current state law.

D. Security Verification Form: The owner of a motor vehicle registered in this state and operating said vehicle within the boundaries of the town shall carry in such vehicle at all times a current owners security verification form (or an equivalent form which has been used by the Department of Public Safety) listing the vehicle, which shall be produced by any driver thereof, upon request, for inspection by any law enforcement officer and, in case of a collision, the form shall be shown, upon request, to any person affected by said collision.

E. Exception to Form: The following shall not be required to carry an owner's or operator's security verification form (or an equivalent form) from the Department of Public Safety during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior, 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 taxicabs; and

5. Any vehicle owned by a licensed, used motor vehicle dealer.

F. Definitions: The following definitions shall apply to subsections (D), (E), (G), (H), (I) and (J) of this section:

Compulsory Insurance Law
The law requiring liability insurance in conjunction with the operation of a motor vehicle in this state, as found in 47 Oklahoma Statutes Chapter 7, article VI.

Operator's Policy
The term "operators policy" of liability insurance shall insure the named person against loss from the liability imposed by law for damages arising out of the operation or use of any motor vehicle not owned by said person, subject to the same limits of liability required in an owner's policy.

Owner's Policy
The term "owners policy" of liability insurance:

1. Shall designate, by explicit description or by appropriate reference, all vehicles with respect to which coverage is thereby to be granted;

2. Shall insure the person named therein and insure any other person, except as provided in this subsection, using an insured vehicle with the express replied 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;

3. May provide for exclusions from coverage in accordance with existing law; and

4. Shall be issued by an authorized carrier providing coverage in accordance with 47 Oklahoma Statutes section 7-204.

Security
1. A policy or bond meeting the requirements of 47 Oklahoma Statutes section 7-204;

2. A deposit of cash or securities having the equivalency of limits required under 47 Oklahoma Statutes section 7-204, as acceptable limits for a policy or bond; or

3. Self-insurance, pursuant to the provisions of 47 Oklahoma Statutes section 7-503, having the equivalency of limits required under 47 Oklahoma Statutes section 7-204, as acceptable limits for a policy or bond.

Security Verification Form
A form, approved by the state board of property and casualty rates, verifying the existence of security required by the compulsory insurance law of the state of Oklahoma. The form shall contain the following minimum information:

1. Name and address of carrier;

2. Name and address where security may be verified, if other than carrier;

3. Name of insured;

4. Notice that an owner's policy has been issued pursuant to compulsory insurance law;

5. Year, make, and at least the last three (3) digits of VIN of each insured vehicle (not required if owner's form states "fleet coverage");

6. Inclusive dates liability policy is in effect; and

7. A warning to the owner of state law requirements.

G. Liability Coverage: Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle within the corporate limits of the town, carry either an operators or an owners security verification form issued by a carrier (providing the operator is not excluded from coverage thereon) or an equivalent form issued by the Department of Public Safety, reflecting liability coverage and owners security verification form issued to the owner of a motor vehicle may be used as an operator security verification form by an operator who is not the owner of the motor vehicle, if said operator is not excluded from coverage on the motor vehicle liability insurance policy for the vehicle. Any such exclusions from said policy shall be included on the owner's security verification form. An owner or operator who fails to produce for inspection a valid and current security verification form (or equivalent form) which has been issued by the department, upon request of any peace officer or the police department, shall be guilty of an offense.

H. Suspension of Sentence: A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

I. Dismissal: Any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting this liability coverage for such person was in force at the time of the alleged offense, shall be entitled to dismissal of such charge.

J. Abstract: Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the Department of Public Safety within ten (10) days, reflecting the action taken by the court.

Section 6-9-5. Inspection of Vehicles.

Police officers shall have authority to inspect and test any vehicle upon the streets of the town at any time, with reasonable cause, to determine whether it is safe, properly equipped and whether it's equipment is in proper adjustment and repair.

Section 6-9-6. Motorcycles.

A person operating a motorcycle, motor scooter or motor bicycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person, nor shall any other person ride on the vehicle, unless it is designed to carry more than one person. In such event, a passenger may ride only upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

Section 6-9-7. Construction Zones.

A. Authority to Control Traffic: Municipal personnel, contractors or utility companies, while repairing or improving the streets of the town, or when installing, improving or repairing lines or other utility facilities in the streets, are hereby authorized, subject to control by the town board of trustees, to close any street, or section thereof, to traffic during such activity and shall erect or cause to be erected, proper control devices and barricades to warn the public that such street has been closed to traffic.

B. Obedience Required: When any street has been closed to traffic under the provisions of subsection (A) of this section and traffic control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle under, over, around or through such traffic control devices or barricades, or otherwise to enter the closed area (except that the provisions of this subsection shall not apply to persons while engaged in such construction, maintenance and repair, or to persons having their places of residence or business within such closed area, who may travel through such area at their own risk).

C. Warning Devices: Whenever construction, repair or maintenance of any street, utility line or facility is being performed, and the street is not closed to traffic in accordance with this section, the municipal personnel, contractor or utility company concerned shall erect warning devices for the public. Every person using such street shall obey such warning devices.

Section 6-9-8. Persons Working on Streets.

A. Exception to Traffic Laws: Unless specifically made applicable, the provisions of this title, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of the street, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities; provided, that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen.

B. Applicability: The provisions of this title shall apply to such persons and vehicles when traveling to or from such work.

Section 6-9-9. Riding or Clinging to Vehicles.

A. No person shall ride upon any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or persons riding within truck bodies in space intended for merchandise.

B. No person riding upon any bicycle, coaster, rollerskates, skateboard, sled or toy vehicle shall attach the same to any vehicle upon a roadway.

Section 6-9-10. Dangerous Objects in Streets.

It shall be unlawful for any person to place, cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass, stick or other thing which is likely to injure persons, damage property or render a street unsafe for traffic.

Section 6-9-11. Funerals.

A. Driving Between Vehicles Prohibited: No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

B. Exception: This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Section 6-9-12. Eluding Police Officer.

It shall be unlawful and an offense for any operator of a motor vehicle who has received a visual and/or an audible signal (red light and/or a siren) from a police officer driving a motor vehicle, with insignia showing the same to be an official police, sheriff or highway patrol car, directing the operator to bring his vehicle to a stop, to willfully increase his speed or extinguish his lights in an attempt to elude such police officer, to willfully attempt, in any other manner, to elude the police officer, or to elude such police officer.

Section 6-9-13. Following Fire Apparatus.

The driver of any vehicle, other than when on official business, shall not follow any fire apparatus traveling in response to a fire alarm, closer than five hundred feet (500'), or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 6-9-14. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of any fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 6-9-15. Obstruction to Driver's View.

A. No person shall drive a vehicle when it is so loaded, or when there are, in the front seat, such a number of persons exceeding three (3) as to obstruct the view of the driver to the front or 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 or her control over the driving mechanism of the vehicle.

Section 6-9-16. Seat Belt Usage; Child Passenger Restraint System.

A. Every operator and front seat passenger of a passenger car operated in the town shall wear a properly adjusted and fastened safety seatbelt 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 47 Oklahoma Statutes, except that "passenger car" shall not include trucks, pickup trucks, truck tractors, recreational vehicles, vans, motorcycles or motorized bicycles, unless and until said exempt vehicles are included in coverage provisions by state law.

B. This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that said person is unable to wear a safety seatbelt system for medical reason; provided, that the issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such position thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of such failure to wear a safety belt system.

C. This section shall not apply to an operator of a motor vehicle who is a route carrier of the United States Postal Service.

D. Every driver, when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets or highways of the town, shall provide for the protection of said child by properly using: 1) a child passenger restraint system in the car; or 2) a properly secured seatbelt in the rear seat of the motor vehicle. For purposes of this section, "Child passenger restraint system" means an infant or child restraint system, as set by the United States Department of Transportation.

E. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seatbelt.

F. The provisions of subsections (D) and (E) of this section shall not apply to:

1. A nonresident driver transporting a child in the town;

2. The driver of a school bus, taxi cab, 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. The driver of a vehicle if all the seatbelts in the vehicle are in use; or

5. The transportation of children who for medical reasons are unable to be placed in such devices.

G. 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 subsections (D) and (E) of this section, and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seatbelts in the motor vehicle.

H. Any person convicted of violating subsections (A), (B), (D) or (E) of this section shall be punished by a fine of ten dollars ($10.00), and shall pay fifteen dollars ($15.00) court costs thereof, plus the LEOTF amount required by current state law. This fine and all costs shall be suspended in the case of the first offense, against subsections (D) and (E) of this section, only upon proof of purchase, or acquisition by loan, of a child passenger restraint system.

Chapter 10. Penalty

Section 6-10-1. Penalty.

Any person, firm or corporation who violates any provision of this title, performs any unlawful act as defined in this title, or fails to perform any act required in this title, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in title 7 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Title 7 - Municipal Court

Chapter 1. Application of Title; Jurisdiction of Court

Section 7-1-1. Application of Title.

A. Stated: This title shall govern the organization and operation of the Municipal Court of the town, as put into operation and continued by resolution, duly passed and filed in accordance with state law, on and after January 13, 1969.

B. Conflicts: To the extent of conflict between any provisions of this title and the provisions of any other ordinance of the town, the provisions of this title shall control.

Section 7-1-2. Jurisdiction of Court.

The Municipal Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any provision of this code or of any other ordinance of the town is charged, including any such prosecutions transferred to said court, in accordance with applicable laws.

Chapter 2. Organization and Procedure

Section 7-2-1. Judge; Alternate Judge; Acting Judge.

See section 1-8-4 of this code.

Section 7-2-2. Compensation of Judges.

The compensation of the judge and the alternate or acting judge of the municipal court of the town shall be as determined by motion of the town board of trustees.

Section 7-2-3. No Change of Venue; Disqualification of Judge.

A. In prosecutions before the municipal court, no change of venue shall be allowed, but the municipal judge before whom the case is pending may certify a personal disqualification or may be disqualified from sitting, under the terms, conditions and procedures provided by law for courts of record.

B. If the municipal judge is disqualified, the matter shall be heard by an alternate or acting judge, appointed as provided in section 1-8-4 of this code.

Section 7-2-4. Chief of Police.

All writs or process of the municipal court shall be directed to the chief of police of the town, who shall be the principal officer of the court.

Section 7-2-5. Municipal Attorney[32].

The municipal Attorney, or a duly designated assistant, shall be the prosecuting officer of the municipal court, and shall be authorized to prosecute all alleged violations of the ordinances of the town and to prosecute and resist appeals and proceedings in error and review from the court to any other courts of the state. The municipal attorney shall also be authorized to represent the town in all proceedings arising out of matters of the court.

Section 7-2-6. Clerk of the Court.

A. Duties: The town clerk-treasurer, or a designated deputy, shall be the clerk of the court. Duties of the court clerk shall include the following:

1. Assisting the municipal judge in recording the proceedings of the court and in preparing writs, process and other paper;

2. Administering oaths required in proceedings before the court;

3. Entering all pleadings, process and proceedings in the dockets of the court;

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

5. Receiving and receipting for forfeitures, fees, deposits and sums of money payable to the court; and

6. Assuming responsibility for placing, or having placed, all money received (except such special deposits or fees as shall be received to be dispersed for special purposes) in the general fund of the municipality, or in such other fund and in such manner as the town board of trustees may direct by motion or resolution.

B. Bond Required; Amount: The clerk of the court shall give bond to the town in the sum of one thousand dollars ($1000.00).

Section 7-2-7. Traffic Violations Bureau; Fine Schedule.

A. Established: A traffic violations bureau is hereby established as a division of the office of the clerk of the court, to be administered by said clerk, or by designated subordinates.

B. Fine Schedule: Persons who are cited for violation of any of the following offenses set forth in this code, may elect to pay a fine or post a bond in the office of the town clerk-treasurer according to the following schedule:

[32] See section 1-8-5 of this code

FINES AND BOND SCHEDULE

Statute	Description of Violation	Fine
47-11-801(B)	Driving vehicle 1-10 miles/hour over legal limit	$155.00
	Driving vehicle 11-15 miles/hour over legal limit	$170.00
	Driving vehicle 16-20 miles/hour over legal limit	$190.00
	Driving vehicle 21 or more miles/hour over legal limit	$225.00
47-11-801(A)	Driving vehicle other than reasonable and proper	$200.00
47-11-806.1	Speed in school zone (fines double) (note code will be the amount of speed) to include all school zone violations	DOUBLE
47-11-603	Unsafely move vehicle from (stopped)(parked)(standing) position	$250.00
47-11-901	Reckless driving 1st offense	$400.00
47-11-901	Reckless driving 2nd offense	$500.00
47-6-209B	Fail to surrender (canceled)(denied)(suspended)(revoked) Driver License	$100.00
47-6-301.1.a	(display)(possess)-(suspended)(revoked)(canceled) license	$105.00
47-6-303.A	Operate vehicle without a Driver License (Note – never had a D/L)	$300.00
47-6-115	Operate a vehicle without a valid Driver License in possession	$65.00
47-6-303B	Driving while revoked	
	1st offense	$375.00
	2nd and subsequent offense	$450.00
	If under Revocation (alcohol/drugs) Check 10-42	$500.00
47-6-303B	Driving while suspended	
	1st offense	$375.00
	2nd and subsequent offense	$450.00
	If under revocation (alcohol/drugs) Check 10-42	$500.00
47-6-303B	Operate vehicle while driving after license is denied or canceled	
	1st offense	$375.00
	2nd and subsequent offense	$450.00
	If under revocation (alcohol/drugs) Check 10-42	$500.00
47-6-303B	Note if revoke, suspended or cancelled CDL use (DL8) code	
47-6-112	Operate vehicle without Driver License in possession	$105.00
47-7-402b	Willfully fail to return (driver license)(vehicle registration) Check 10-42	$175.00
47-6-113.D	Violation of Driver License Restriction(s)	$185.00
47-6-101.A	Operate vehicle without Driver License required for type of vehicle operated	$225.00
47-6-305	Permit unauthorized minor to drive vehicle	$185.00
47-7-602.A.1	Fail to carry current owner's security verification form in vehicle	$105.00
47-7-606.A.1	Fail to comply with compulsory insurance law	$250.00
47-12-217.E	Operate vehicle with Auxiliary lamps	$105.00
47-12-201	Defective/improper light (other than headlight)	$105.00
47-12-203.a,b,c	Defective/improper headlights	$105.00
47-12-203.2.1	Fail to dim lights when meeting	$105.00
47-12-203.2.2	Fail to dim lights when following within 200 ft.	$105.00

47-11-103	Fail to obey lawful (order)(direction) of police officer (pertains to traffic only)	$325.00
21-540.A	Elude peace officer	$500.00
21-540	Obstruct public officer in discharge of duties	$325.00
21-1753.3.A	(throw)(deposit) Litter from a vehicle upon (highway)(public property)	$225.00
21-1753.3C	(throw)(deposit)-(flaming)(glowing) substance from a vehicle upon (highway)(public property)	$265.00
21-1753.3.D	(throw)(deposit)-(flaming)(glowing) substance from a vehicle upon (highway)(public property) during burn ban	$500.00
47-11-304.b	Improperly overtake on right	$105.00
47-11-307.B	Drive on left side of road in no-passing zone	$185.00
47-11-311	Left of Center	$105.00
47-11-310.a	Follow too close	$105.00
47-11-502.a	Fail to yield to pedestrian in crosswalk	$250.00
47-74-1137.1	Display temporary license plate for more than 30 days	$250.00
47-74-1151.A.5	Operate vehicle without (license plate/decal)(having paid taxes due state)	$250.00
47-4-107.D	Improper use/display of license plate	$400.00
47-11-404	Fail to yield from private drive	$150.00
47-11-403.B	Fail to (stop at)(yield right of way from) stop sign	$150.00
47-11-403.C	Fail to yield from yield sign to (vehicle)(pedestrian)	$150.00
47-11-604.A.C	Failure to signal	$105.00
47-11-1003.A	Unlawfully (stop)(stand)(park) vehicle	$250.00
47-11-405.A	Fail to (yield to)(pull to right and stop until passed by) emergency vehicle	$285.00
47-12-417.A	Fail to wear properly adjusted safety seat belt system (Driver)	$20.00
47-12-417.A	Fail to wear properly adjusted safety seat belt system (Passenger)	$20.00
47-11-1112.A	Fail to protect child under 4 by use of restraint system	$50.00
47-11-1112.B	Fail to protect child under age 13 by use of (restraint system)(seat belt)	$50.00
47-11-902.A.1	(Operate)(APC of) vehicle while having BAC of .08 or more/under the influence of alcohol	$500.00
47-11-902.D	Aggravated driving under the influence (BAC in excess of .15)	$500.00
47-67-761.A	Operate vehicle while ability is impaired by consumption of alcohol	$500.00
21-1220	Transport open container of (intoxicating)(non-intoxicating beverage)	$500.00 + $100.00 Special Assessment Trauma Care Fee
47-11-902.A.1	DUI/APC Second or subsequent (felony) District Court	County
37-537.A.1	Furnish alcohol to person under 21	$500.00
10A-2-8-222	Person Under 21 in Possession of Intoxicating beverage	$100.00
10A-2-8-222	Person Under 21 in Possession of low point beer	$100.00
37-241.A	Provide low-point beer to person under 21 – 1st Offense	$500.00
37-241.A	Provide low-point beer to person under 21 – 2nd offense within 1 year	$800.00
37-246.A	Person under 18 to 21 purchasing, consuming or possessing with intent to consume low point beer in public place – 1st Offense	$300.00

37-246.A	Person under 18 to 21 purchasing, consuming or possessing with intent to consume low point beer in public place – 2nd Offense	$600.00
37-246.A	Person under 18 to 21 purchasing, consuming or possessing with intent to consume low point beer in public place – 3rd Offense	$900.00
37-537(A)(8); 37-566	Public Intoxication	$500.00
37-537(A)(8); 37-566	Public intoxication aggravated	$500.00
37-8	Under influence of drugs in public place	$100.00
21-856	Contributing to the Delinquency of a Minor	$300.00
21-1289.13A	Traffic loaded pistol in vehicle when stopped for moving traffic violation without SDA license concealed or plain view (take pistol for evidence)	$500.00
21-644.A	Assault	$350.00
21-644.B	Assault and battery (simple)	$500.00
47-14-118.G	Move farm equipment during hours of darkness	$105.00
47-12-301.C.1	Fail to equip trailer in excess of 3000 pounds with (brakes)(breakaway device)	$150.00
47-14-106	Tow trailer (without proper)(with improper) stay chains	$150.00
47-14-105.a	Allow load to (drop)(sift)(leak)(blow)(escape) onto highway	$500.00
47-14-105.b	Fail to (secure)(cover)-(load susceptible to blowing)(covering)	$250.00
NOTE	Note: big rig with farm tag can use Class “D” license if within 150 miles of home	
47-4-102	Unauthorized use of vehicle or implement of husbandry	Felony
21-1740	Pump gasoline into vehicle gas tank and leave without paying	$500.00
	All other traffic Violations	$200.00
Title 63	Drugs or Releated Charges	District Court
	Municipal Fines	
63-2-405.B,C	Possession of drug paraphernalia	$500.00
63-3-402	Possession of marijuana	$500.00
Section 5-3B-13	Curfew for minors	$215.00
21-70-1835	Trespass after being forbidden	$250.00
	Failure to appear	$200.00
47-11-1102	Improper Backing	$29.00
6-6-1 through 6-6-6	Parking violation except for Parking on Private Property	$88.00
47-11-1006	Parking on Private property	$20.00
11-2-7	All other municipal violation max fine (fine will be set by court)	$500.00
	Non-resident compact info omitted	
	Additions	
47-11-705	Failure to stop for school bus loading/unloading	$500.00
	Traffic violations with personal property damage	$255.00
47-10-103	Leaving the scene of property damage accident	$500.00
47-11-902V1	Actual physical control	$500.00
47-11-301A	Failure to Keep Right on Roadway of Sufficient Width	$69.00
47-11-308	Driving wrong way on one way street	$133.00
47-11-307	Passing in a No Passing Zone	$79.00
47-11-701	Going around railroad crossing gate	$400.00
47-11-702	Failure to stop for railroad crossing	$400.00
47-11-1116	Improper riding of ATV on city streets	$150.00
47-11-1007(B)	Parking in handicapped parking	$500.00

47-11-1003	Illegal parking next to fire hydrant	$200.00
47-1151(A)(5)	Expired Tag/Failure to Pay Taxes Due State	$250.00
47-12-101	Defective Equipment	$105.00
47-12-402(A)	Improper Modification of Exhaust to Create Noise	$150.00
47-12-609(A.2)	Operation of a Motorcycle without windshield or proper eye protection	$150.00
47-12-609(A.1)	Operation of Motorcycle without proper rear view mirrors	$150.00
47-12-609(B)	Operation of Motorcycle by person under 18 without a protective helmet	$150.00
47-11-1114	Allowing passenger to ride outside passenger compartment of a vehicle	$10.00
47-11-1103	Too many passengers	$39.00
Section 6-4-2	Operating truck on city streets over 3 tons	$250.00
21-1362	Disturbing the peace	$100.00
Section 10-2-1(C)	Improper use of city utilities without establishing service	$250.00
Section 10-2-2	Tampering with city utilities	$250.00
Section 5-3E-8	Littering	$125.00
Section 5-3C-1	Discharging firearm within city limits	$500.00
Section 4-1-2	Public Nuisance	$150.00
21-1021	Indecent exposure	$500.00
37-537	Illegal drinking in public place	$500.00
21-1704	Petty larceny	$309.00
	Illegal dumping	$400.00
Section 5-4A-6	Animal neglect/abandonment	$150.00
Section 5-4A-11	Vicious animal	$350.00
Section 5-4A-2	Animal at large (first offense)	$100.00
Section 5-4A-2	Second and subsequent offense	$150.00
Section 5-4A-9	No rabies vaccination	$100.00
Section 5-4B-1	Not city registration for animals	$100.00

C. Amounts Stated are Exclusive of Additional Fees and Costs. The amount of fine set forth above does not include the court costs or any fees or costs mandated by the State of Oklahoma. Court Costs and state mandated fees and costs shall be paid in addition to the bond/fines set forth above.

D. Rules Adopted; Failure to Pay Fine: The court may adopt further rules to implement this section. Payment of a fine under this section shall constitute a final determination of the case against the defendant. If a defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under other provisions of this chapter.

E. Appearance Bond. Bonds paid by or on behalf of a defendant shall include: 1) the fine as set forth in this section; 2) court costs as allowed by this code in the maximum amount allowed by 11 O.S. section 27-126, as amended; and 3) all additional state-mandated fees, including LEOTF, CLEET, AFIS and any other fees established by state law.

Section 7-2-8. Traffic Violations; Release upon Personal Recognizance.

If a police officer observes facts which are believed to constitute a violation of the traffic ordinances of the town committed by any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for violation of a municipal traffic ordinance, such person shall be released by the arresting officer upon personal recognizance if:

A. The arrested person has been issued a valid license to operate a motor vehicle by the state, another state jurisdiction within the United States, or any participating jurisdiction of the nonresident violator compact;

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

Section 7-2-9. Style of Prosecutions.

All prosecutions for violation of this code or other ordinances of the municipality, shall be styled “The Town of Rush Springs, Oklahoma, Plaintiff, vs. (Naming defendant or defendants)”. Except as otherwise provided with respect to traffic violations, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint and setting forth concisely the offense charged.

Section 7-2-10. Summons.

A. Issuance; Content: Upon the filing of a complaint charging a violation of this code or other ordinance of the town, the municipal judge, unless the judge determines to issue a warrant of arrest, unless the defendant previously has been issued a citation, or unless said defendant has been arrested and given bond for such appearance, shall issue a summons, naming the person charged, specifying

the address or place of residence (if known), stating the offense charged and giving notice to answer the charge in the Municipal Court on a day certain, five (5) days hence (Sundays and holidays excepted), or the next Municipal Court date after the summons is served, containing a provision for the official return of the summons and including such other pertinent information as may be necessary.

B. Service of Summons: The summons shall be served by delivering a copy to the defendant personally. Failure to appear and answer the summons within the prescribed period shall constitute indirect contempt of court, and a warrant shall be issued for the defendant's arrest, as provided by this chapter.

Section 7-2-11. Complaints against Corporations.

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

B. Service of Summons: The summons must be served at least two (2) days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, secretary, cashier or managing agent or director of the Corporation.

C. Trial: At the time appointed in the summons, the municipal judge shall try the complaint in the same manner as in the case of any other person brought before the court.

D. Collection of Fine: When a fine is imposed upon conviction, it may be collected by the municipal judge making a transcript of the proceedings thereof, together with the judgment of the court duly certified and filed with the clerk of the district court, and execution shall be issued thereon and served by the sheriff of the county, as in cases of execution generally.

Section 7-2-12. Warrant of Arrest.

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

The Town of Rush Springs, Oklahoma to the chief of police of the Municipal Court of Rush Springs, Oklahoma:

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

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

Judge of the Municipal Court of the Town of Rush Springs, Oklahoma.

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

Section 7-2-13. Bail; Temporary Bonds.

A. Release; Conditions: Whenever a resident of the town is arrested for a violation of any ordinance by a police officer of the town, the officer shall immediately release such person if said individual acknowledges receipt of a citation by signing it, unless it reasonably appears to the officer that the person may cause self-injury or injury to others, or damage to property, if released, or if it reasonably appears that the person will not appear in response to the citation. (If such person fails to appear in response to the citation, an arrest warrant shall be issued and an appearance in court shall be compelled.)

B. Admitted to Bail: Whenever a resident of the town is arrested by a police officer of said town for the violation of any ordinance, and is not released by being permitted to sign a citation as provided in subsection (A) of this section, the resident shall be admitted to bail either before or after arraignment, or released on said person's own recognizance.

C. Other Than Traffic Violations: Whenever a nonresident of the town is arrested by a police officer of said town for a violation other than a traffic violation, the defendant shall be eligible to be admitted to bail either before or after arraignment.

D. Posting Bail: The town may require any person who is arrested by a police officer of the town for a municipal traffic violation to comply with statutory procedures for state traffic violations, with respect to the release of the arrested person. The following methods of posting bail shall apply:

1. Posting cash bail, in exchange for a receipt therefor, issued by the arresting officer;

2. Depositing with the arresting officer a "guaranteed arrest bond certificate"; or

3. Depositing with the arresting officer a valid motor vehicle operator's license, in exchange for a receipt therefor, issued by the arresting officer, which shall be recognized as an operator's license and shall authorize the persons operation of a motor vehicle to the date of the hearing; provided, that the date shall not exceed twenty (20) days from the date of arrest.

E. Amount, Conditions of Bail Determined: The amount and any conditions of bail granted under this section shall be determined by the municipal

judge, who shall prescribe rules for the receipt of bail and for release by personal recognizance. In the event of arrests at night, other emergencies, or when the municipal judge is not available, the chief of police (or a designated representative) shall be authorized by the municipal judge, under such conditions as shall be prescribed by the judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused, but in no event shall the cash bond be more than the allowable maximum fine for each offense charged. The chief of police (or his designated representative) is authorized, subject to such conditions as shall be prescribed by the municipal judge, to release a resident of the town on said person's own recognizance.

Section 7-2-14. Arraignment.

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

Section 7-2-15. Postponement of Trial.

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

Section 7-2-16. Trial Procedure.

In all trials in the Municipal Court as to matters not covered: a) in this chapter; b) by the statutes relating to municipal criminal courts; or c) by rules duly promulgated by the Supreme Court of the state, the procedure applicable in trials of misdemeanors in the District Court shall apply to the extent that they can be made effective.

Section 7-2-17. Contempt.

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

B. Offense: It shall be an offense to be in contempt, directly or indirectly, of the municipal court of the town and of its orders.

Section 7-2-18. Defendant Present at Trial; Failure to Appear.

A. Presence Required: The defendant must be personally present at the trial in the municipal court.

B. Failure to Appear: If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of the bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when presence in court or before the magistrate may be lawfully required, the municipal judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. Without advancing court costs, the judge shall then cause the forfeiture to be certified to the District Court of the county wherein the situs of government is situated, where it shall be entered upon the judgment docket and shall have the full force and effect of a District Court judgment. At such time as the forfeiture is entered upon the District Court judgment docket, the district court clerk shall proceed in accordance with the applicable provisions of state statutes.

Section 7-2-19. Judgment.

A. Entered: At the close of the trial in the municipal court, judgment must be rendered by the municipal judge, who shall cause it to be entered in his docket.

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

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

Section 7-2-20. Cost upon Judgment of Conviction; Court Costs; Training Fund, AFIS and Other State Mandated Fees.

A. Court Costs to be taxed to the Defendant: If judgment of conviction is entered, the court clerk shall tax court costs to the defendant in the maximum amount allowed by state law (11 O.S. section 27-126, as amended) plus the following additional costs:

1. All fees and mileage of jurors and witnesses;

2. All additional state-mandated fees, including LEOTF, CLEET, AFIS; and

3. Any other fees established by state law.

B. In the event that a sentence imposed by the municipal judge includes probation or any type of deferral or other sentence that requires the municipal clerk to monitor the driving record of a municipal defendant one or more times during the course of the probationary period or the running of the deferral or other sentence, the Defendant shall be obligated to pay an administrative monitoring fee in the amount of fifty dollars ($50.00) to help defray the time and expense incurred by the Town of Rush Springs in monitoring the driving record and/or driving status of the defendant, which fee shall be in addition to the fine, court costs and any other fee established by this Code or by the law of the State of Oklahoma. Said fee shall be due on the same date that all fines and other costs are due to be paid by the Defendant. Failure to pay

said administrative monitoring fee shall be a violation of the Defendant's probation or deferred sentence.

Section 7-2-21. Enforcement by Imprisonment; Persons Unable to Pay.

A. Enforcement: If a defendant who is financially able, refuses or neglects to pay a fine or costs, or both, payment may be enforced by imprisonment, until the same shall be satisfied, at the rate of five dollars ($5.00) per day.

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

Section 7-2-22. Suspension of Sentence; Community Service.

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

B. Community Service: The municipal judge may, in lieu of imprisonment or fines, order the defendant to engage in a term of specified community service, without compensation.

Section 7-2-23. Witness Fees.

A. Amount: Witnesses in any proceeding in the Municipal Court, other than police officers or peace officers, shall be entitled to two dollars ($2.00) for each day of attendance, plus ten cents ($0.10) for each mile actually and necessarily traveled in going to, and returning from, the place of attendance, if their residence is more than five (5) miles outside the corporate limits of the town. No witness shall receive fees or mileage in more than one case for the same period of time or the same travel.

B. Deposit by Defendant: A defendant seeking to subpoena witnesses must deposit with the clerk of the court, a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned. Such deposit shall not be required from an indigent defendant who files an affidavit setting out:

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

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

3. The testimony of such witnesses is material; and

4. Their attendance at the trial is necessary for proper defense.

C. Payment of Fees by Town: The fees of witnesses in such cases described in subsection (B) of this section shall be paid by the town.

Chapter 3. Penalty

Section 7-3-1. Penalty.

A. If the judge of the Municipal Court of the town of Rush Springs is a licensed attorney and the trial is to the court, the court may impose a fine up to the maximum amount permitted by the law of the State of Oklahoma for Municipal Courts Not of Record.

B. If the judge of the Municipal Court of the town of Rush Springs is not a licensed attorney but has complied with the requirements of 11 Oklahoma Statutes section 27-104(F) and the education requirements of 47 Oklahoma Statutes section 18-101, the court may impose a fine up to Five Hundred Dollars, provided state law does not otherwise limit the specific amount of any such fine for a specific offense.

C. If the Judge of the Municipal Court of the Town of Rush Springs is not a licensed attorney and has not complied with the requirements of 11 Oklahoma Statutes section 27-104(F) and the education requirements of 47 Oklahoma Statutes section 18-101, the Court may not impose a fine in excess of Fifty Dollars ($50.00) and may not order the defendant imprisoned except for non-payment of fine or costs.

Title 8 - Transportation

Chapter 1. Railroads

Section 8-1-1. Railroads to Improve Certain Streets and Alleys.

A. When a railway occupies or crosses any portion of the street with its tracks either on or adjacent thereto, the railroad company shall improve as much of the street as is occupied by its tracks and two feet (2') on either side thereof, in a manner satisfactory to the town board of trustees.

B. Whenever a railroad company crosses or occupies an alley with its tracks, such company shall improve, drain, grade and/or pave such alley, in order to eliminate problems created by the presence of its tracks.

C. When more than one track crosses a street within a distance of one hundred feet (100') (measuring from inside rail to inside rail), the railroad company shall grade, drain and curb the street area between its tracks and surface, in a manner satisfactory to the town board of trustees.

D. Railroad companies shall keep all such improvements made by them in good state of repair at all times.

Section 8-1-2. Climbing on Trains.

A. It shall be unlawful for any person to climb upon, hold onto, or in any manner attach to any train or railroad car while such is in motion within the town, unless such person is acting in the line of duty.

B. It shall also be unlawful to board any train or railroad car (passenger, freight or other) without a proper ticket or the permission of the person in charge of the train or railroad car, or not in the line of duty.

Section 8-1-3. Speed of Trains.

It shall be unlawful for any person to operate or drive a train or railroad car at a speed greater than twenty-five (25) miles per hour within the corporate boundaries of the town.

Section 8-1-4. Loitering on Railroad Premises.

It shall be unlawful for any person not acting within the line of duty, not having any proper business or not being on any proper mission requiring said person's presence therein, to loiter anywhere in a railroad yard or upon nother railroad premises.

Section 8-1-5. Blocking of Streets by Trains.

It shall be unlawful for the operator of any train to block any street intersection within the corporate boundaries town at any time for more than five (5) minutes; provided, that this shall not apply to cars is motion, other than those engaged in switching.

Chapter 2. Taxicabs

Section 8-2-1. Taxicab Defined.

For the purpose of this chapter, the term "taxicab" means any vehicle carrying passengers for hire.

Section 8-2-2. License Required.

No person, firm or corporation within the town shall engage in an intracity taxicab business without first having obtained from the town clerk-treasurer a license therefore, and without having complied with all other provisions of this chapter and the provisions of 47 Oklahoma Statutes.

Section 8-2-3. Fee for License.

For the purpose of regulating the taxi businesses within the town, there shall be assessed a license fee against each person, firm or corporation engaged in the business of carrying passengers for hire, in the sum of twenty-five dollars ($25.00) per year for each motor vehicle operated by said person, firm or corporation. The fees shall be payable in advance for each year of operation, or fractional part thereof.

Section 8-2-4. Insurance Required.

Any person, firm or corporation engaged in the taxi business within the town is required to insure each motor vehicle engaged in said business, up to five thousand dollars ($5000.00) for injury to or death of one person, or to ten thousand dollars ($10,000.00) for injury to or death of more than one person, and up to one thousand dollars ($1000.00) for property damages, with an insurance company licensed to do business in the state. A copy of such policy on each motor vehicle engaged in such business must be filed with the town clerk-treasurer, at the time of payment of the said license fee.

Chapter 3. Penalty

Section 8-3-1. Penalty.

Any person, firm or corporation who violates any provision of this title shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in title 7 of this code. Each day's continuation of any such violation shall be deemed a separate offense.

Title 9 - Public Ways and Property

Chapter 1. Use and Obstructions of Streets and Other Public Areas

Section 9-1-1. Trees and Shrubbery.

A. Duty of Owners: The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the public right-of-way and on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as herein required of the owner.

B. Injury Prohibited; Exception: It shall be unlawful for any person to injure any tree or shrubbery within any public right-of-way; provided, that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

C. Obstructions Prohibited: Any owner, lessee or occupant of any property abutting on any street shall not allow any man-made or natural view obstruction at any corner intersection, particularly within the “sight triangle” created by definition in the town adopted zoning ordinance.

Section 9-1-2. Rights of Way and Easements.

A. Obstructions Prohibited: It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to any publicly used street, alley, easement or other municipally owned property, whether platted or unplatted; provided, that the town may prevent or provide access to such streets, alleys, easements and municipally owned properties from time to time, in the public interest.

B. Authority of Town to Make Inaccessible: The town board of trustees may permit certain streets, alleys, easements and municipal properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that the town board or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.

C. Requirements for Fenced Property: Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened, streets, alleys, easements or municipally owned properties, as permitted above, shall:

1. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;

2. Maintain the property so that no nuisance is created;

3. Immediately relinquish any rights presumed to be held concerning the property, upon notice by the town; and

4. Permit access to the property at any time when requested to do so by a municipal officer or employee.

D. Construction of Fence Prohibited: It shall be unlawful for any person, firm or corporation to construct, erect, build, or cause to be constructed, erected or built, any fence, of whatever height or material, within any dedicated road right-of-way in the town.

Section 9-1-3. Obstructions.

A. Obstructions Prohibited: It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights of way of the town in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose of the easement or right-of-way.

B. Depositing Refuse: It shall be unlawful for any person, firm or corporation to deposit, throw or sweep into or upon streets, alleys, parking areas are sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

C. Hazardous Areas: It shall be unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk.

D. Cellar Doors Left Open: It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grading of any kind in or upon any street, sidewalk or alley of the town.

E. Excavations: It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public ground, or to remove any earth or construction material therefrom, except where authorized to do so by the town board of trustees. Excavations so authorized shall be properly guarded and protected to prevent the excavations from being or becoming dangerous to life or limb.

F. Blocking Water: It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever, that will obstruct or prevent the natural flow of water through the easement or into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

Section 9-1-4. Drainage of Polluting Substance.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance, as defined by 82 Oklahoma Statutes section 1084.2, as amended, into any street, alley, sidewalk or public right-of-way of the town.

Section 9-1-5. Penalty.

A. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery, as provided in section 9-1-1 of this chapter, after receiving ten (10) days' notice from the chief of police to do so, shall be guilty of an offense.

B. Any violation of this chapter shall be deemed an offense and, upon conviction thereof, shall be punished by a fine not to exceed the limits established in title 7 of this code. Every day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Closing Public Ways and Easements

Section 9-2-1. Definitions.

For the purpose of this chapter, the following terms, words and phrases shall have the meanings indicated in this section, except where context clearly indicates a different meaning:

A. Close: An action by the Board of Trustees discontinuing the public use of a public way or easement without affecting title to real property.

B. Easement: Rights in real property as set forth in 60 Oklahoma Statutes Section 49.

C. Public Agency: Includes the town, state or federal governments or any of their agencies or political subdivisions.

D. Public Way: A street, avenue, boulevard, alley, lane, or thoroughfare open for public use.

Section 9-2-2. Procedure for Closing.

A. Any person or corporation desiring to have a public way or easement closed within the corporate limits of the town shall submit a formal application to the Town Clerk. The application shall consist of:

1. A map showing the public way or easement the applicant wishes closed.

2. A statement why the applicant desires the closing and whether the public way or easement is presently being used or when it was last used by the public.

3. A list of all owners of record abutting the public way or easement or whose property is within three hundred feet (300') of the external boundary of said public way or easement, taken from the current year's tax rolls of the county treasurer and certified by a bonded abstracter.

4. A list of all franchisees and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement.

5. Applicant shall provide this required information at its own expense. Unless the applicant is a public agency, the application should also be accompanied by a fee of two hundred fifty dollars ($250.00) to cover the costs of mailing and publication.

B. The Board of Trustees shall set a date for a public hearing on the application. The Town Clerk shall provide proper notice of the hearing to the public and to all property owners and franchisees. A minimum of thirty (30) days public notice prior to the hearing shall be published in the official newspaper of general circulation in the town. Written notice of the hearing shall be given to all property owners within three hundred feet (300'), all franchisees, and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to the hearing on the application by mailing the notice to the last known address of each person entitled to notice.

C. Following the public hearing and consideration of the application, the Mayor and Board of Trustees may disapprove the application or may pass an ordinance closing to the public use the public way or easement within the town if the Board of Trustees deems such closure necessary or expedient.

D. Any ordinance closing a public way or easement shall state that the town retains the absolute right to reopen the public way or easement whenever the town deems it necessary and that closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

Section 9-2-3. Reopening a Closed Public Way or Easement.

Unless foreclosed by district court action, a closed public way or easement may be reopened by Ordinance of the Board of Trustees whenever:

A. The Board of Trustees deems it necessary; or

B. An application of the property owners owning more than one-half (1/2) an area of the property abutting the public way or easement previously closed is filed with the Board of Trustees.

Title 10 - Public Facilities and Utilities

Chapter 1. Municipal Utility Systems

Section 10-1-1. Provision and Operation.

A. The town provides water, sewer and solid waste services for the residence of the municipality.

B. Water and sewer services are operated through the Rush Springs public works authority, a municipal trust of which the town is the beneficiary. The trust shall have control over the operation, maintenance and administration of said systems and services. Solid waste collection and disposal is the responsibility of the town.

Section 10-1-2. Use of Municipal Utility Systems.

Every residential inhabitant within the corporate limits of the town, and every commercial or business entity or enterprise who may practically do so, shall secure all of its potable water requirements from the water system owned by the town and leased to the Rush Springs public works authority; connect to the sanitary sewer system owned by the town and leased to said authority, and not otherwise dispose of sewage, unless it is impossible or not feasible to do so; and utilize the municipal solid waste collection and disposal system, unless said service is not offered.

Section 10-1-3. Operation of Systems.

A. Water and Sewer: The operations of the municipal water and sewer systems shall be the responsibility of the Rush Springs public works authority. The authority shall have the power to establish fees, rates, deposits, charges and such other rules and regulations as may be necessary for the efficient operation of the systems.

B. Solid Waste: The operators of the municipal solid waste collection and disposal system shall be the town board of trustees. The board shall have the authority to establish fees, charges and operational procedures and regulations as may be necessary for efficient operation of the system, and to ensure continued operation of the Rush Springs authority, or any other trust of which the town is a member, participant or beneficiary.

C. Administration: Administrative processes for all systems may be combined for more efficient operation, at the discretion of the town Board of Trustees and the Rush Springs public works authority board.

D. Ordinances Applicable: Ordinances relating to these municipal utility systems shall be applicable, whenever possible, to all municipal utility systems, including those operated by the public works authority.

Chapter 2. Water System

Section 10-2-1. Mandatory Use of Municipal Water System.

A. Connection Required: The owners of all houses, buildings or properties used for human occupancy, employment, education, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a municipal water line, are hereby required, at their expense, to connect their facility with the proper municipal water line (in accordance with all municipal requirements) and pay all municipal fees and use charges therefore, within one hundred twenty (120) days after the date of official municipal notice to do so; provided, that the municipal water line is within three hundred feet (300') of the property line.

B. Private Wells Prohibited Generally: It shall be hereinafter unlawful for any person to maintain or establish a private water well to serve a facility, unless said person shall first be connected to the municipal water system and pay the monthly water fees and charges; provided, that the person also meets all the requirements for mandatory hookup established in subsection (A) of this section.

C. Application for Connection: No unauthorized person shall make any connections with any municipal water line without first having made application therefore to the town clerk-treasurer, and without first having paid the established fee.

D. When Private Wells Permitted: Where a municipal water line does not lie within three hundred feet (300') of the property line, or is not scheduled to be placed within three hundred feet (300') of the property line in the near future (1 to 5 years), an individual may utilize or establish a private water well without connection to the municipal water system and therefore, without payment of the municipal water system fees and charges.

E. Meter Required: All persons receiving water services in or out of the corporate boundaries of the town must have a working water meter installed and operating, and approved by the municipal government, at each individual residence, other building or account. All sales outside said corporate boundaries after July 20, 1998, shall be on the basis of a water sales contract.

F. Exception to Requirements: The requirements of this section shall not apply to persons currently being served directly by an existing rural water district.

Section 10-2-2. Tampering with or Injuring System.

A. It shall be unlawful for any person to injure or deface or in any way tamper with, any portion of the municipal water system, or to turn the water off or on from any main at any time or place, unless the person is duly authorized to do so by the Rush Springs Municipal Improvement Authority.

B. Tampering with the municipal water system shall include the withdrawal of water from the municipal water system in any manner inconsistent with any rule, regulation, policy or resolution of the Town of Rush Springs.

C. The fine for tampering with or injuring the municipal water system shall be Five Hundred Dollars ($500.00) plus the court costs, plus restitution for all damages caused by said tampering or injuring the municipal water system.

D. The fine and costs set forth herein shall be in addition to any fines, penalties or assessments made by the Oklahoma State Department of Health or any county, state or federal entity having jurisdiction over the municipal water system.

Section 10-2-3. Fees, Rates and Charges.

A. Water Rates: The following rates shall be in effect from and after January 1, 2015, for the water service provided to in-town customers by the Rush Springs Public Works Authority:

Monthly Water Meter Usage	Monthly Water Rate
0-999 gallons	13.50
1,000-1,999 gallons	14.50
2,000-2,999 gallons	16.50
3,000-3,999 gallons	19.50
4,000-4,999 gallons	23.50
5,000-5,999 gallons	28.50
6,000 gallons or more	$6.00 per additional 1,000 gallons

That effective on January 1 of each calendar year after 2015, the Water Rates for in-town customers of the Rush Springs Public Works Authority water system shall automatically increase by two percent (2%) per year.

B. Water Service Deposits.

Residential service on rental property	150% of the highest water bill within the last 12 months that the premises were occupied and receiving water service, but in no event any less than $150.00
Residential service on non-rental property	$150.00
Business service	$150.00

In the event any customer receives more than three (3) cutoff notices in a twelve (12) month period, the customer will be required to immediately post an additional deposit to the amount of their original deposit.

C. Water Tap Fees:

3/4 inch tap	$100.00
1 inch tap	$125.00
1 1/2 inch tap	$150.00
2 inch tap	$175.00

D. Water Service Initiation Fee: A water service initiation fee in the amount of twenty-five dollars ($25.00) to cover the costs of account initiation, initial meter reading and turning on water service shall be paid at the time that any service is requested.

E. Due Date, Past Due Date, Late Fees, Disconnect Fees and Reconnect Charges:

1. Water service billings shall be mailed on the last day of the month.

2. Water service payments shall be due upon receipt of the billing.

3. Water service billings shall become past due on the tenth day of the month.

4. In the event the bill is not paid in full by three o'clock (3:00) P.M. on the fifteenth day of the month, a late fee of ten dollars ($10.00) shall be added to the bill.

5. In the event the bill is not paid in full by three o'clock (3:00) P.M. on the twentieth day of the month, the service shall be subject to disconnection. A disconnect notice shall be prepared and delivered to the service address and a disconnect notice preparation and delivery fee of fifteen dollars ($15.00) shall be added to the bill, in addition to all other fees and charges.

6. In the event water service is disconnected due to nonpayment, a disconnect fee of thirty dollars ($30.00) shall be added to the bill in addition to all other fees and charges.

7. All outstanding billings, fees and charges shall be paid in full at the time that a request for reconnection is made.

8. Reconnection's shall be made between the hours of nine o'clock (9:00) A.M. and four o'clock (4:00) P.M., Monday through Friday.

9. Requests for water initiation or water reconnection made for any time other than nine o'clock (9:00) A.M. to four o'clock (4:00) P.M., Monday through Friday, shall be subject to the availability of personnel and equipment and shall incur additional charges of twenty-five dollars ($25.00) per man hour with a minimum charge of fifty dollars ($50.00).

Section 10-2-4. Permits for Water Wells.

A. Permit Required; Conditions: In order to protect the town water supply in the financial security of the municipal water supply system, it shall be unlawful for any person, firm or corporation to have or drill a new water well within the corporate limits of the town without first having obtained a permit to do so from the office of the town clerk-treasurer. The permit shall be issued, for a fee to be established by motion of the town board of trustees, upon written agreement by the applicant to the following conditions:

1. There be no resale of water obtained from any well;

2. Water from any well drilled in the town shall be for use only by the individual property owner drilling said water well;

3. No cross connection shall be allowed to any component of the municipal water system, including water lines, on private property, which are connected to the municipal water system; and

4. Well shall meet all local, county and state Department of Health requirements.

B. Commercial Uses Prohibited: No permit shall be issued for any type of commercial use or commercial water use.

Section 10-2-5. Water Shortages.

A. Authority of Town Board: Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity, or failure of equipment or material, the mayor of the town board of trustees, by majority vote thereof at any regular, special or emergency meeting, is hereby authorized to restrict or prohibit the use of water from the municipal water system.

B. Determination of Emergency: An emergency exists whenever the mayor of the town board of trustees (by majority vote thereof at any regular, special or emergency meeting) reasonably determines that the municipal water system is unable, or will, within sixty (60) days, become unable, to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

C. Proclamation: Upon the determination that such an emergency exists, the mayor or the town board of trustees shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the municipal system. Such an order may: 1) restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and 2) prohibit usages not essential to public health and safety. The order may be revised from time to time as the mayor or the town board of trustees deems necessary.

D. Publication of Proclamation: The proclamation required by subsection (C) of this section shall be published in a newspaper of general circulation in the town or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the town. The emergency shall be in full force and effect upon publication. Substantial compliance with this subsection is sufficient to affect the emergency.

E. Immediate Threat: Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the notice of the proclamation may be given by any reasonable means, including, but not limited to, electronic means or by mail. The emergency shall be in full force and effect upon such notice; provided, that if any such means as other than that required in subsection (D) of this section, the proclamation shall be republished in accordance thereof within twenty-four (24) hours of the first notice.

F. Effect of Proclamation: A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the mayor or the town board of trustees shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the town board, by resolution approved by a majority of all its members, extends the proclamation.

G. Appeal: Any person feeling aggrieved by a proclamation of the mayor or the town board of trustees, shall have the right to present the matter at the next regular or special meeting of the town board or to any emergency session called to discuss the water emergency. The town board may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order, upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the town board, by a majority vote of all its members, shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the town board, all water users shall be bound by the proclamation.

Chapter 3. Sewer System

Section 10-3-1. Use of Municipal Sewer System.

It shall be unlawful for any person, firm or corporation to make any connection to the municipal sewer system without first complying with all applicable provisions of this code and all requirements of the Rush Springs public works authority.

Section 10-3-2. Mandatory Sewer Connections.

A. Required: The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the town, and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the town, are hereby required, at their own expense, to install suitable toilet facilities therein, and have such facilities connected directly with the proper public sewer within one hundred twenty (120) days after the date of official municipal notice to do so; provided, that such public sewer is within three hundred feet (300') of the property line.

B. Notice Requirements: The notice provided in subsection (A) of this section shall be served by any designated agent of the town by delivering a true and correct copy to the property owner, or leaving the same at said person's usual place of

residence with a member of the family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

C. Failure to Comply: Any person who shall fail, neglect or refuse to comply with the terms of this section after having been notified so to do, as provided herein, shall be guilty of an offense. In the event of a continuous violation of this section by any property owner, the town may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

Section 10-3-3. Private Sewage Disposal Facilities.

A. Prohibitions: Except as otherwise provided in this code, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage, within the corporate limits of the town.

B. Facilities Permitted: Where a connection to a public sanitary sewer lines is not required under the provisions of section 10-3-2 of this chapter, a private septic tank facility for sewage disposal may be constructed and maintained, provided it is constructed and maintained under the rules and regulations of the local and county health officer, and in compliance with the recommendations and requirements of the state department of health and the state and federal departments of environmental quality. No septic tank shall be permitted to discharge to any public sewer or natural outlet.

C. Operation and Maintenance: The owners of private septic tanks shall operate and maintain the same in a sanitary manner at all times, at no expense to the town, and no statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the local, county or state health officers.

D. Availability of Public Service: At such times as a public sewer becomes available to a property served by a septic tank, a direct connection shall be made to such public sewer in compliance with section 10-3-2 of this chapter, and the septic tank shall immediately be abandoned and filled with suitable material.

Section 10-3-4. Fees, Rates and Charges.

A. Effective January 1, 2015, the charges for Sewer Service provided by the Rush Springs Public Works Authority for in-town customer, shall be:

Monthly Water Meter Usage	Monthly Sewer Rate
0-999 gallons	$9.00
1,000-1,999 gallons	$9.50
2,000-2,999 gallons	$10.50
3,000-3,999 gallons	$12.00
4,000-4,999 gallons	$14.00
5,000-5,999 gallons	$16.50
6,000 gallons and more	$2.00 per additional 1,000 gallons

That effective on January 1 of each calendar year after 2015, the Sewer Rates for in-town customers of the Rush Springs Public Works Authority sewer system shall automatically increase by two percent (2%) per year.

B. A fee of one hundred dollars ($100.00) minimum shall be charged for each sewer tap.

Chapter 4. Solid Waste System

Section 10-4-1. Collection and Disposal Declared Municipal Function.

The collection and disposal of garbage, trash and refuse, and other solid waste is hereby declared to be a municipal function of the town, as a protection of the public health. The police powers of the town shall be invoked when necessary for the enforcement of this chapter. In addition, the town may collect and dispose of refuse as it deems necessary; provided, that such disposal shall be an approved method of incineration (not open burning), or by landfill and daily cover.

Section 10-4-2. Purpose.

It is the purpose of this chapter and it is hereby declared to be the policy of the town, pursuant to the authority of the Oklahoma solid waste management act, 27A Oklahoma Statutes section 2-10-101 et seq., as amended, to regulate the collection and disposal of solid waste in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the community environment.

Section 10-4-3. Definitions.

Refuse
Tree trimmings, junked building and roofing materials, manufacturing waste, rocks, dirt and other waste material not defined as “solid waste” or “trash”, as defined in this section.

Solid Waste
Shall include all putrescible and non-putrescible refuse in solid or semi solid form, including, but not limited to, garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semi-solid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).

Solid Waste Management System
The entire process of storage, collection, transportation, processing and buying solid waste at or in a site approved by the Oklahoma State Department of health.

Trash
Paper, rags, containers or paper, tin cans, yard and house sweepings and all other household waste, but not tree trimmings, building and manufacturing waste, sewage and rocks, raw dirt, rainwater and other liquid refuse properly disposable through the sanitary sewers of the town.

Section 10-4-4. Accumulation Deemed Nuisance; Containers.

A. Accumulation Deemed Nuisance; Abatement: It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be admitted therefrom or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this chapter and punishable as such. In addition, such is declared to be a nuisance and may be abated as such.

B. Containers on Construction Sites:

1. Any person constructing any structure within the town shall, prior to construction on any premises, furnish and place on said premises a container of suitable size and design (35 gallon maximum) to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises. The container shall be used by the person concerned at all times to keep the premises from becoming unsightly with solid waste, and shall always be kept covered.

2. Any person who fails to keep the premises on which any structure is being built or installed free from solid waste and to allow said waste to blow or be carried from the premises to adjoining or other property or into the streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this code prescribed therefor.

Section 10-4-5. Burning of Solid Waste.

A. Prohibited: It shall be an offense for any person to start or maintain any fire or cause any fire to be started or maintained for the purpose of unlawfully burning or incinerating any solid waste.

B. Unlawful Incinerator: It shall be an offense to construct or install, within any building in the town, an unlawful incinerator designed to burn solid wastes.

Section 10-4-6. Fees, Rates and Charges.

A. For the purpose of supporting the operation of the Solid Waste Collection and Disposal System, pursuant to the authority of the Oklahoma Solid Waste Management Act of 1970, there is levied and assessed the following rates and charges, to be adjusted annually based upon the charges incurred by the Town of Rush Springs and the Rush Springs Municipal Improvement Authority, against every owner, occupant or person in charge of any dwelling unit, business, industrial or institutional user unit within or without the corporate limits as they currently exist, or as they might from time to time be changed according to law:

Immediately after the receipt of notification of an increase in charges assessed to the Rush Springs Municipal Improvement Authority or the Town of Rush Springs, the Rush Springs Municipal Improvement Authority shall compute the new rate to customers of the Solid Waste Collection System of the Town of Rush Springs. The new rate shall be based upon the following factors and shall become effective immediately upon the rate change incurred by the Rush Springs Municipal Improvement Authority:

1. Residential Rate = Three (3) % of cost

2. Commercial Rate = Three (3) % of cost

B. Each new customer shall b required to post a deposit equal to the monthly charge for one month of service, plus a security deposit of Twenty Dollars ($20.00) for each polycart and Twenty Dollars ($20.00) for each dumpster. The customer shall be responsible for the care and maintenance of each polycart and/or dumpster allocated to the customer. If the polycart or dumpster must be replaced due to the acts or omissions of the customer, then customer shall be liable for the actual cost of replacement.

Section 10-4-7. Trash Roll Offs/Dumpsters.

From time to time, the Town of Rush Springs may provide Roll Offs/Dumpsters for residential customer use, which shall be limited to residential “trash” as defined in this Chapter. The acceptance of trash for disposal in Roll Offs/Dumpster shall be within the sole discretion of the Town of Rush Springs and a person is not guaranteed the right to use the Roll Offs/Dumpsters. Customers must provide a utility bill showing a current utility account and customers shall be limited to one load per month. Roll Offs/Dumpsters may not be used for any commercial/monetary purpose, including, but not limited to use resulting in receipt of payment for disposal of trash and/or disposal of items stored in a storage building. Any person who violates the provisions of this Section shall, upon conviction, be punished by a fine of One-Hundred Dollars ($100.00).

Section 10-4-8. Dumpsters Prohibited on Streets; Polycart Removal Required.

A. Dumpsters Prohibited on Public Streets. It shall be unlawful for any person, firm, or corporation to place, locate, or maintain any dumpster, roll-off container, or similar waste container upon any public street alley, or right-of-way within the Town, unless expressly authorized in writing by the Town.

B. Temporary Placement Exception. The Town may authorize temporary placement of a dumpster or roll-off container upon a public street upon such terms and conditions as the Town deems appropriate, including time limitations, safety requirements, and placement restrictions.

C. Polycart Placement for Collection. Polycarts or other approved residential waste containers may be placed at the curb or designated location within the public right-of-way solely for the purpose of scheduled collection.

D. Required Removal of Polycarts. All polycarts shall be removed from the public street, alley, or right-of-way and returned to the premises served within

twenty-four (24) hours after collection. Polycarts shall not be stored within any public street, alley, or right-of-way except during the period reasonably necessary for collection, and shall not be placed so as to obstruct vehicular or pedestrian traffic or drainage.

E. Responsibility. The owner, occupant, tenant, utility account holder, or person in control of the premises served shall be responsible for compliance with this section. The Town may enforce this section against any or all such persons.

Chapter 5. Park and Recreation Facilities

Section 10-5-1. Rules and Regulations for Municipal Parks.

A. Hours of Operation: Jeff Davis Park in the park and recreational areas and facilities owned and operated by the town shall be closed to the public from ten o'clock (10:00) P.M. of each night until six o'clock (6:00) A.M. of the following day, and it shall be unlawful for any person to remain in or upon said areas or facilities between said hours for any purpose. Use of the Jeff Davis Park during these hours shall be limited to those receiving written permission.

B. Use of Motor Vehicles: It shall be unlawful for any motor vehicles to be used in or upon said park areas or facilities, except in those areas designated (by markings or signs) as roadways, driveways or parking areas, within said park areas facilities.

C. Damage to Facilities: It shall be unlawful for any person or group of persons to damage, remove, deface or destroy any equipment or property owned by the town, located within said park areas or facilities.

D. Camping Prohibited: The town public park areas may not be used for overnight camping purposes by any person, firm or corporation, whether a resident or a nonresident of the town.

Chapter 6. Cemetery

Section 10-6-1. Control and Supervision.

A. Board of Trustees: The municipal cemetery shall be under the control and supervision of the board of trustees of the town.

B. Cemetery Board: Control and supervision of the municipal cemetery by the town board of trustees shall be coordinated with the activities and responsibilities of the town cemetery board.

Section 10-6-2. Cemetery Board.

See title two, chapter 4 of this code for provisions relative to the cemetery board.

Section 10-6-3. Use, Care, Charges for Lots.

A. Lot Defined: The term "lot" means a plot of ground within the cemetery set aside for the burial of one person.

B. Use of Lots: Lots shall be used for no purpose other than the burial of the human dead.

C. Sales: All lots are sold subject to perpetual care (25% of each lot sale price shall be set aside, according to state law, in the perpetual care fund), and all work thereon shall be done by employees of the town under the direction of the town board of trustees, except where written permission has been granted by the town board.

D. Charges for Services: Grave opening and closing charges shall be paid in full at time of need. The fee for opening and closing charges for each combined opening and closing shall be established by resolution of the town board of trustees.

E. Warranty Deeds: Warranty deeds to grave spaces and lots shall be issued upon receipt of the purchase price for the spaces. Deeds to grave spaces and lots will be transferable from the original purchaser to another with the approval of the town board of trustees, or its agent. The price for grave spaces shall be determined by resolution of the town board of trustees.

F. Options: When a family chooses a grave space or lot and asks for an option on an additional lot or space, they will have four (4) weeks from the date to exercise the option.

Section 10-6-4. Decorations.

A. Fences Prohibited: No curbs, copings or fences will be allowed around any lot or grave space in the cemetery.

B. Plantings Require Approval: The planting of shrubs, bushes and flowers must be approved by, and have the permission of, the town board of trustees, or its agent.

C. Removal: Flowers, plants and sprays placed on graves for decoration will be removed when they have served their purpose, or when necessary to improve the care and landscaping of the cemetery.

D. Grade: Lots will be allowed to be built up with dirt from flush to the highest side (natural grade level) of the lot, to only four inches (4") higher than grade level of the low side of the lot.

E. Monuments: To ensure permanency, all monuments, markers and memorials shall have a concrete foundation large enough and deep enough to keep the monument, marker or memorial level, as specified by the town board of trustees, or its agent.

Chapter 7. Industrial Wastes

Section 10-7-1. Prohibited Discharges.

A. Specified: No person may discharge to a public sewer any waste which by itself or by interaction with other wastes may:

1. Injure or interfere with wastewater treatment processes or facilities;

2. Constitute a hazard to humans or animals; or

3. Create a hazard in the receiving waters of the wastewater treatment plant effluent.

B. New Connections: Any new connections from inflow sources into the sanitary sewer portions of the sewer shall be prohibited.

C. Intent of Regulations: It is the intention of the town to regulate present and future industrial wastewater which might be discharged by a user of the facilities. Wastewater introduced into the facilities shall contain no toxins or other pollutants in amounts or concentrations that endanger public safety or the physical integrity of the treatment works, or cause violation of effluent or water quality limitations, or preclude the use of the most cost-effective wastewater treatment and sludge disposal system.

Section 10-7-2. New Sewers and Connections.

A. Conformance with Codes: The connection of all building sewers into the public sewer lines shall conform to the requirements of the building and plumbing codes adopted by, and the other applicable rules and regulations of, the town.

B. Design and Construction: All new sanitary sewage works shall be designed and constructed in accordance with the requirements and regulations of the state Department of Health.

Section 10-7-3. User Charge Schedule.

A. Formula: As the BOD, suspended solids, and other pollutant concentrations discharged shall be approximately equal for all domestic users, user shall be charged on a volume basis in accordance with the following formula:

$$CU=C_b + C_t/V_t\ (V_u)$$

B. Symbols, Definitions: Symbols and definitions shall be as follows:

CU = A user's charge per unit of time.

C_b = A user's base minimum charge (for debt retirement, billing, administration, etc.) per unit of time.

C_t = Total operation and maintenance (O&M) cost per unit of time.

V_t = Total volume contribution from all users per unit of time (may include extraneous flows).

V_u = Volume contribution from a user per unit of time.

Section 10-7-4. Excessive Strength Charges.

A. Formula: For any user, when the BOD exceed 250 mg/l (maximum limit for average domestic waste), the suspended solids exceeds 250 mg/l (maximum limit for average domestic waste), or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated in the following formula:

$$C_s = (B_c\ (B) + S_c\ (S) + P_c\ (P)\ V_u$$

B. Symbols, Definitions: Symbols and definitions shall be as follows:

C_s = A surcharge for waste waters of excessive strength.

B_c = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).

B = Concentration of BOD from a user above a base level.

S_c = O&M cost for treatment of a unit of suspended solids (SS).

S – Concentration of SS from a user above a base level.

P_c = O&M cost for treatment of a unit of any pollutant.

P = Concentration of any pollutant from a user above a base level.

V_u = Volume contribution from a user per unit of time.

Section 10-7-5. Review and Revision.

The user charge shall be reviewed not less than every two (2) years regarding the wastewater contribution of users and user classes, the total costs of the operation and maintenance of the treatment works, and it's approved user charge system. The charges for users or user classes shall be revised to accomplish the following:

A. Maintain the proportionate distribution of operation and maintenance costs among users and user classes;

B. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation (including replacement) of the treatment works; and

C. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall be adjusted accordingly.

Section 10-7-6. Toxic Pollutants Charges.

Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

Section 10-7-7. Notification.

Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment services. Costs shall be broken down to show the operation and maintenance costs attributable to that user.

Section 10-7-8. Charges for Extraneous Flows.

The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/flow) shall be distributed among users on the same basis as operation and maintenance charges.

Section 10-7-9. Records.

A record-keeping system shall be established and maintained by the town clerk-treasurer to document compliance with federal regulations pertaining to the user charges.

Section 10-7-10. Billing.

Users will be billed on a monthly basis with payment due twenty (20) days after the date of billing. Users on metered water services will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the town board of trustees. Users with delinquent accounts of twenty (20) days will be notified in writing by the utility superintendent that water and/or wastewater services will be terminated unless the account is paid in full.

Chapter 8. General Provisions

Section 10-8-1. Turning on Utilities.

A. It shall be unlawful for any person to turn a utility on to any premises from any municipal utility system, without written permission of the town clerk-Treasurer. Utilities shall not be turned on until any and all deposits and charges have been paid. The town clerk-treasurer shall see that the utility is turned on when all requirements for service have been complied with.

B. When a utility has been turned off by municipal personnel, it shall not be turned on again without written permission of the town clerk-treasurer.

Section 10-8-2. Service Connection until Bills Paid; Discontinuance.

A. Payment Required: A person owing delinquent municipal utility bills or other charges in connection with any municipal utility system shall not be extended additional services until such bills and charges have been paid.

B. Reasons for Discontinuance: Utilities may be cut off and service discontinued for any of the following reasons:

1. Violation of any ordinance provision relating to any municipal utility or service system, or violation of any ordinance provision or any provision of a code adopted by reference, relating to water and sanitary plumbing or electrical installations, as the case may be; or

2. Failure to pay a utility bill or other proper charge made in connection with the municipal utility system by the time specified by ordinance.

C. Any Service May Be Discontinued: A particular service may be cut off for any act or omission in regard to the abuse of another municipal system or service, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.

D. Authority of Town: The town reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, to protect life or property, or to repair or improve the municipal utility system.

Section 10-8-3. Customers to Maintain Service Pipes.

All customers using any municipal utilities systems shall keep their service pipes and other apparatus in good repair and in proper operation, and shall not unnecessarily waste water nor contribute to unsanitary conditions.

Section 10-8-4. Town not Responsible for Utility Interruption.

The town shall not be responsible for any damages due to stoppage or interruption of any utility or service.

Section 10-8-5. Inspection of Private Premises by Town.

Personnel in the service of the town may enter any private premises served by municipal utilities at any reasonable time, and inspect the pipes, fixtures and/or wiring on the premises.

Section 10-8-6. Interference with Fire Hydrants; Damage to Utility System.

A. Interference with Hydrants; It shall be unlawful for any person, unless duly authorized, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the town.

B. Obstructing Access to Hydrants: It shall be unlawful for any person to, in any manner, obstruct access to any fire hydrant by placing around or there on brick, lumber, dirt or other thing.

C. Damage to System: It shall be unlawful for any person to damage, destroy or tamper with any pipes, lines, meters or other equipment or property which is a part of any municipal utility system.

Chapter 9. Penalty

Section 10-9-1. Penalty.

Every person who violates any provision of this title, or of any ordinance, code or standard adopted by this title, or maintains or permits to continue any situation defined by this title as unlawful, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in title 7 of this code. Every day upon which a violation continues shall be deemed a separate offense.

Title 11 - Building Regulations

Chapter 1. Building and Construction

Article A. Codes and Code Administration

Section 11-1A-1. Model Construction Codes Adopted.

The particular model construction codes listed below (with revisions as may be hereinafter set forth) is hereby adopted and incorporated in this code, as fully as if set out at length herein, for the purposes of establishing and regulations for the following committees carried on within the corporate limits of the town:

A. Building Code: The construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures:

Basic building code (recommended by Building Officials and Code Administration International-BOCA), current edition.

B. Plumbing Code: The installation or alteration of plumbing and drainage systems for buildings and structures:

Basic plumbing code (recommended by Building Officials and Code Administrators International-BOCA), current edition.

C. Electrical Code: The installation or alteration of electrical equipment for buildings or structures:

National electrical code (recommended by the American Insurance Association), current edition.

D. Housing Code: The provisions of basic, minimum housing standards for the preservation of the health, safety and welfare of occupants:

Basic housing and property maintenance code (recommended by Building Officials and Code Administrators International-BOCA), current edition.

E. Fire Prevention Code[33]: The provision of basic safeguards to life and property from the hazards of fire and explosion:

Basic fire prevention code (recommended by Building Officials and Code Administrators International-BOCA), current edition.

F. Gas Codes: The installation or alteration of gas systems for buildings or structures:

Rules, regulations and standards for the storage and handling of liquefied petroleum gases for the state of Oklahoma (adopted by the state of Oklahoma), current edition; and rules and regulations relating to the liquefied petroleum gas industry of the state of Oklahoma (prepared through the state liquefied petroleum gas board), current edition.

G. Energy Conservation Code: The provision of basic standards for energy conservation and building and structures:

Basic energy conservation code (recommended by Building Officials and Code Administrators International-BOCA), current edition.

H. Mechanical Code: The provision of basic standards for mechanical installations in buildings and structures:

Basic mechanical code (recommended by Building Officials and Code Administrators International-BOCA), current edition.

I. Life Safety Code; All Volumes: The provision of basic standards for life safety considerations in buildings and structures:

Life safety code (recommended by the American Insurance Association), current edition.

Section 11-1A-2. Modifications to Adopted Codes.

A. Wherever the words “city”, “town” or “municipality” are used in these model construction codes adopted, it shall mean the town of Rush Springs, Oklahoma.

B. Wherever the words “inspector”, “building inspector”, “zoning administration officer” or “administrative official” are used in these model construction codes adopted, it shall mean the municipal official currently assuming the duties and responsibilities of municipal building inspector for the town.

C. All official titles used in those model construction codes adopted shall be interpreted as defined in this code.

D. Maximum penalties for violations of provisions of those model construction codes adopted shall be as provided in section 11-1D-1 of this chapter.

E. Notwithstanding any provisions of any of those model construction codes adopted by this article, wood shingles may be used for roofing.

F. All limits, except “fire limits”, referred to in any of those model construction codes adopted by this article, are hereby established as the corporate limits of the town.

Section 11-1A-3. Codes on File; Conflicts.

A. At least one copy of each of the model construction codes adopted by the town shall be placed on file in the office of the town clerk-treasurer.

B. From the effective date hereof, the provisions of said codes, as herein modified, shall be controlling in those areas set forth herein, within the corporate limits of the town.

[33] See section 5-1-2 of this code for enforcement of fire prevention code

C. Whenever any provision of any of those model construction codes adopted by this article conflicts with this code.

Section 11-1A-4. Enforcement of Codes Adopted.

Any certified municipal official, or other certified employee designated by the town board of trustees, shall be responsible for enforcing the model construction codes adopted by this article. Said persons may bear such titles as "building inspector", "gas inspector", "plumbing inspector", "electrical inspector", "zoning administration officer", etc., as may be deemed appropriate to indicate their respective areas of concern, and shall be appointed or designated by the town board of trustees.

Section 11-1A-5. Historic Sites.

A. Maintenance of Exterior: Every person in charge of an improvement on a locally designated historic site or in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair. This section shall be in addition to all other provisions of law, local ordinance or codes requiring buildings or structures to be well-maintained.

B. Variances, Waivers: In so far as they are applicable to a historic landmark, historic site or improvement in a historic district, any provision of any adopted model construction codes may be varied or waived, upon application, by the municipal building inspector; provided, that such variance or waiver does not endanger public health or safety.

C. Applicability of Other Agencies: Nothing contained in this article shall prohibit the construction, reconstruction, alteration, demolition or any improvement on a historic site or in a historic district, pursuant to written order of any federal or state agency or pursuant to any court judgment to remedy conditions determined to be dangerous to life or health. In such case, no approval from the preservation commission shall be required.

Article B. Permits and Certificates

Section 11-1B-1 Building Permits.

A. Buildings and Structures:

1. Permit Required: No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile, modular or manufactured home, or initiate any other construction, without first obtaining a separate building permit for each such building or structure from the office of the town clerk-treasurer. Said permit shall be in addition to, and separate from, all other requirements for zoning clearance permits, occupancy certificates or certificates of appropriateness.

2. Fencing: An application for a building permit related to the construction, replacement or major repair (more than 50%) of any type of fence in the town shall comply with the following requirements:

   i. The fence shall be in full compliance with the town adopted zoning ordinance, including specific references, if any, to setback limitation;

   ii. Any fencing located in front of the main structure shall be no higher than three feet (3');

   iii. Fencing shall not cause any obstruction to any public right-of-way or drainage easement, excluding utility easements (where fencing shall be placed on either the easement line or the property line, depending on the remaining fence placements in the adjacent lots);

   iv. No fencing shall be allowed to obstruct the sight triangle at intersections or corners.

3. Noncompliance: Noncompliance shall be grounds for non-issuance or revocation of the permit by the town clerk-treasurer.

B. Flood Hazard Area: No man-made change to improved or unimproved real estate located within a designated "flood hazard area", including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be initiated until a separate building permit has been obtained for each such operation from the office of the town clerk-treasurer.

C. Mobile, Manufactured or Modular Homes: No mobile, manufactured or modular homes shall be placed on improved or unimproved real estate without first obtaining a separate building permit for each such home from the office of the town clerk-treasurer.

D. Exception for Minor Repairs, Accessory Buildings: Minor repairs of buildings or structures, the cost of which shall not exceed one thousand dollars ($1000.00), may be made without obtaining a building permit; provided, that all plumbing, electrical or mechanical work covered by adopted model construction codes, shall require an appropriate permit. Construction of accessory buildings under one hundred fifty (150) square feet in area may also occur without a building permit; provided, that the structure cannot have any water, sewer or electrical hookups, and the structure is not to be constructed within any dedicated road or alley right-of-way, or in violation of the zoning ordinance.

E. Applications Signed, Submitted with Fee: All applications for building permits shall be signed and in writing, upon an official blank form supplied by the office of the town clerk-treasurer, or the municipal building inspector, and shall be

submitted to either of said officials, along with the required fee.

F. Fees for Permit: Building permit fees shall be as determined by the town board of trustees, and shall be based primarily upon the municipal costs incurred in the administration of the municipal building permit system.

G. Administration Responsibility: The office of the town clerk-treasurer shall be responsible for the administration of the building permit process; provided, that building permit application forms may be obtained from, and submitted to, the municipal building inspector.

H. Information Required in Application: Applications for building permits shall contain all applicable information required on the building permit form, and shall be accompanied by drawings of the proposed work (drawn to scale), showing floor plans, structural details, computations and such additional information as may be required by the applicant by the office of the town clerk-treasurer, the municipal building inspector, this code or the town board of trustees.

I. Review of Application: Upon receipt of a complete building permit application and the required fee, the town clerk-treasurer shall immediately turn the application over to the municipal building inspector, who shall review the application to ensure that:

1. The involved land is properly zoned for the proposed use;

2. Applicable zoning district provisions (including floodway and floodway fringe district provisions) and any applicable historic preservation provisions, have been met;

3. Legally dedicated roadway access is available, and proof of such dedication has been provided;

4. Adequate and sanitary provisions have been made for utilities and fire protection is also adequate;

5. All easements and street right-of-way areas provided in the recorded plat, if any, are not encroached upon. To this end, the builder of any structure located in the town shall, by receipt of the building permit, agree to furnish the purchaser of the structure with a survey of the lot and structure thereon, upon completion of construction, indicating compliance with this requirement. The survey shall be signed by a surveyor licensed in the state;

6. All other floodplain regulations, if applicable, have been met and the required information provided;

7. Applicable historic preservation regulations have been met (including any appropriate provisions of title 12 of this code); and

8. All other required municipal permits and/or licenses have been obtained.

J. Non-liability for Flood Damage: Issuance of a building permit for development within an identified “flood hazard area” shall not create liability on the part of any municipal official for any flood damages resulting from reliance upon the provisions of this section, or any administrative decision lawfully made thereunder.

K. Issuance of Permit: If the municipal building inspector is satisfied that the proposed work described in the application and attached materials conform to the requirements of the adopted zoning ordinance, building code and other regulations and requirements, the issuance of the building permit shall be authorized by signing the application and forwarding it to the office of the town clerk-treasurer, who shall return a copy to the applicant.

L. Disapproval: If the application or attached materials do not conform to pertinent municipal regulations, the municipal building inspector shall not approve said application, but shall return the application to the town clerk-treasurer, along with written reasons for disapproval. The town clerk-treasurer shall return the application, with written reasons attached, to the applicant. The applicant may subsequently amend the application, if possible, and resubmit it, or initiate other action to correct the deficiency.

M. Review Processes; Reasonable Time: The municipal building inspector and the office of the town clerk-treasurer shall complete all required review processes in an efficient and effective manner, without unreasonable or unnecessary delay.

N. Limitation of Permit Authority: A building permit, once approved and issued, shall be construed as authorization to proceed with the work and shall not be construed as authority to violate, cancel, alter or set-aside any municipal regulations, nor shall such issuance prevent the municipal building inspector from thereafter requiring a correction of errors in plans, construction or a violation of this code.

O. The Term of Permit; Extension: If the work allowed under and issued building permit has not been initiated within six (6) months from the issuance date of the permit, such permit shall become null and void, unless a request for an extension is submitted to, and approved by, the town board of trustees. The extension request must be submitted to the town board prior to the end of said six (6) month period. If the permit becomes null and void, a new permit must be obtained and the regular fee incident thereto collected, in order for the work to be initiated or resumed.

P. Records Maintained: The town clerk-treasurer shall keep a permanent and accurate accounting of all building permits, and shall transmit copies of each permit issued to the municipal building inspector, for information purposes. The town clerk-treasurer shall keep a permanent and

accurate record of all building permit fee payments.

Q. Revocation of Permit: The town clerk-treasurer may revoke a building permit in case there has been any false statement or misrepresentation as to a material fact in the application or attached materials on which the building permit approval was based.

R. Display of Permit on Site: Building permits shall be conspicuously displayed on the project or site, in a manner visible from the street.

S. Requests for Connection to Utilities: The town clerk-treasurer and the municipal building inspector shall monitor municipal utility hookup requests and shall not allow municipal utilities to be turned on to any unit, structure or project for which a building permit has not been issued.

T. Appeals: Appeals from any aggrieved person concerning a decision of the town clerk-treasurer relative to the granting of building permits, shall be taken to the town board of trustees, who shall act as the permit board of appeals for the town.

U. Conflicts: In the event of any conflict between the building permit provisions delineated herein and any provision of the building code adopted by the town board of trustees, the provisions of this chapter shall prevail.

Section 11-1B-2. Electrical Inspections and Services; Fees.

A. Issuance of Permit: Electrical work on new buildings or remodeling work shall require that the office of the town clerk-treasurer issue a permit for said work consistent with the requirements of the town adopted electrical code. The permit shall be issued upon application, but signed/approved only when the municipal electrical inspector has completed an inspection of said work.

B. Fees for Inspections: The fees for said inspections shall be as determined by motion of the town board of trustees.

Section 11-1B-3. House Moving Permit.

A. Permit Required: Before any person shall move any house, building or heavy structure (but not including a mobile or manufactured home) on or over any nonfederal or nonstate roadway within or through the town, it shall first be necessary to obtain a house moving permit to do so from the office of the town clerk-treasurer. The permit shall first be approved by the mayor or acting mayor.

B. Fee for Permit: The fee for a permit to move such housework structure shall be twenty-five dollars ($25.00). In the event it is necessary to move utility lines, poles, signs or other structures to facilitate the move, the cost therefore will be paid by the applicant, in addition to the normal fee.

C. Bond; Cash Deposit: No permit shall be issued to any person to move a house or structure unless the person has an effective bond or a cash deposit with the town clerk-treasurer in the sum of one thousand dollars ($1000.00), conditioned that the mover will indemnify the owners of any property (public or private, including pavement, curbs, etc.) for any damage thereto resulting from the moving of any house or structure, and holding the town harmless from liability for any such damages.

D. Route Approved: It shall be the duty of the mayor or acting mayor to approve or determine the route that may be used and the potential for damages, if any, to any property. Such rules and regulations as are necessary to promote an effective move and the protection of persons and property may also be prescribed by the mayor or acting mayor. The mover shall erect all necessary danger signals during the operation of moving.

E. Liability for Damages: Any person moving any house or any other structure on or over any street or alley, shall be liable (personally and upon bond) for any damage to trees, public property, persons or any matter whatsoever resulting from such move. This shall not be construed to authorize any person to cut or trim any trees, or commit any injury to any public or private property which cannot be immediately restored to its former condition. No permit shall authorize any moving under any conditions which will promote such damage.

Section 11-1B-4. Pavement Cutting Permits.

A. Permit Required; Exception for Emergency: Any public utility contractor, firm or other person desiring to bore or cut into, or in any manner cross, any public street, alley, sidewalk or public ground of any sort, whether paved, graveled, bricked, black topped or not for any purpose whatever, shall first obtain a pavement cutting permit from the town clerk-treasurer to cross or open such street, alley, sidewalk or ground. Exception to this requirement will be made only when a bona fide emergency exists. In such case, the municipal building inspector or the mayor shall be notified at the earliest practical time.

B. Surface Types: On all weather streets or alleys with bituminous or concrete surface, boring will be required without exception. Cutting or ditching will be allowed on all streets or alleys with a dirt or gravel surface. If for any reason these requirements cannot be complied with, cutting of a street will be allowed, but shall require the street surface to be replaced with a minimum of six inches (6”) of concrete, twenty-four inches (24”) wider than the cut or the ditch.

C. Restoration: When any street, alley, sidewalk or public ground has been crossed for the purposes of laying gas, water or sewage pipe, or for any other purpose, the service will be restored with similar material and workmanship to that existing in the street, alley, sidewalk or public ground before the same was torn up. All work shall be completed and refilled to the satisfaction of the municipal building inspector, or a representative, and approval issued as previously stated.

D. Backfill: Materials used to backfill any opening in a street or alley shall be placed in lifts not to exceed ten inches (10”), and each lift shall be tamped either mechanically or by hand to ninety-five percent (95%) compaction. Six inches (6”) of crushed aggregate base material shall be used to fill to the existing surface all streets and alleys. Openings in concrete surfaces shall be filled with base material to within four inches (4”) of the bottom of the slab. The remaining four inches (4”) of the opening shall be filled with sand to the bottom of the concrete slab to be replaced. On major streets, the thickness of crushed aggregate base material required may vary.

E. Lights and Barricades: In all cases where the surface of the street, alley, sidewalk or public ground is disturbed, the party so cutting into the opening shall place lights at night and maintain suitable barricades at all times to protect persons from danger.

F. Failure to Comply: Should any person, firm, corporation, contractor or franchise holder with the town fail to comply, said party shall be summoned before the town board of trustees for removal of their license or franchise. Any person not licensed with the town who fails to comply, shall be fined and required to pay costs of repair, plus labor.

G. Fee for Permit: The fee for such permit shall be:

Excavation in concrete pavement of surface	$30.00 (minimum), plus $15.00 per square yard
Excavation in brick, asphalt or oil mat pavement or surface	$20.00 (minimum), plus $10.00 per square yard
Excavation in untreated or unimproved street or surface	$5.00 (minimum), plus $1.00 per square yard
Modification or removal of curb or curbing	$10.00

Section 11-1B-5. Ditching Permits.

A. Permit Required: It shall be unlawful for any person, firm or corporation to initiate any ditching operation involving any public easement, right-of-way, place, area or building within the town without first obtaining a ditching permit from the office of the town clerk-treasurer. The permit shall first be approved by the mayor or acting mayor.

B. Conditions of Issuance: Such permit shall be issued only if the applicant meets the following conditions:

1. The applicant shall provide a map of the proposed project to the mayor prior to initiating work. The map shall show, or have placed upon it, all municipal utility line locations in the project area, and all areas of public easement, right-of-way or places, areas or buildings potentially affected by the proposed project.

2. The applicant shall provide written proof that there is full coordination with all other applicable utility companies (telephone, electric, gas and CATV) and complete awareness of the locations of all such lines.

3. The applicant shall provide a surety bond (or cash deposit), suitable to the town as to dollar amount and form, to ensure that any damages will be repaired. Upon completion of the project, the town will review any damage claims and make appropriate arrangements.

4. The applicant shall agree, in writing, to maintain proper safeguards, particularly at night.

C. Revocation of Permit: Violation of any of these provisions shall be grounds for revocation of the applicant’s permit at any time.

D. Fee for Permit: The fee for such permit shall be twenty-five dollars ($25.00).

Section 11-1B-6. Permits for Pipes across Streets.

A. Permit Required: Oil and gas companies, and other persons, firms and corporations not operating pursuant to a franchise granted by the municipality are not operating pursuant to a license or permit granted by the state corporation commission, shall secure a permit from the office of the town clerk-treasurer before placing, installing, laying, constructing, operating or maintaining any pipe, cable, wire, conduit or line across, over, under, along, through or upon any street, alley, public way or public place within the corporate limits of the town. The permit shall first be approved by the mayor or acting mayor.

B. Information Required in Application: The application for the permit shall specify:

1. The location of the pipe, cable, wire conduit or line; and

2. The privileges and proposed terms which the applicant desires to secure from the town and to exercise.

C. Terms of Issuance; Revocation: If the permit is granted, the mayor or acting mayor will grant it on written terms which are mutually agreeable. The mayor or acting mayor may revoke the permit after adequate opportunity for a public hearing, for any of the following reasons:

1. Failure to abide by the terms upon which the permit was granted;

2. Violation of state law or municipal ordinances; or

3. Failure to provide for the protection of the public peace, health, safety or welfare.

D. Fees for Permit: The applicant shall pay such fees for such permit and for its periodic renewal, as the town board of trustees may establish by motion.

E. Refusal to Renew: The mayor or acting mayor may refuse to renew a permit.

F. Bond May Be Required: The town board of trustees may require an applicant to provide a bond for the protection of the town and/or the public in such sum and with such terms as the town board deems desirable. When the town board of trustees requires such a bond, a permit shall have no force or effect unless the required bond is also in effect.

Section 11-1B-7. Demolition Permits.

A. Permit Required: A demolition permit shall be required, in addition to the regular building permit, prior to the demolition of any building or part thereof.

B. Information Required in Application: Application for permits to wreck or demolish any building, or part thereof, shall be accompanied by a statement in writing by the owner or agent, giving the full name and residence of each of the owners of the building to be demolished, the name and addresses of the person who is to do the work and any other information which may be required.

C. Demolition Regulations:

1. In no case shall any wall be taken down more than one story in advance of any other wall.

2. All material and debris shall be immediately lowered to the ground and shall not be placed on the floors of the building.

D. Fees for Permit: The fees for a permit to wreck a building within the fire limits shall be six dollars ($6.00) for a one story building and four dollars ($4.00) for each additional story. If outside the fire limits, the fee shall be four dollars ($4.00) and two dollars ($2.00), respectively.

Section 11-1B-8. Liquefied Petroleum Gas State Permits.

A. It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, containers, 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 all provisions of state law and town ordinances relating thereto, and has any license or permit which may be required by state law. Except as otherwise provided by state law or ordinance, the code established in section 11-1A-1 shall govern the storage and handling of such gases.

B. No storage of liquefied petroleum gas except by retail customers in reasonable amounts for their own use, or a retail outlet for liquefied petroleum gas has been established shall be permitted within the town. Location is to be determined by the town fire chief.

Section 11-1B-9. Certificate of Appropriateness for Restoration Work.

A. Purpose: The purposes of issuing a certificate of appropriateness are to make all concerned parties aware that all required submittals and approvals have been completed and that the proper permit may be issued for the start of restoration work.

B. Scope of Requirements: The certificate of appropriateness is required before a building permit is issued for any of the following to occur in a historic district or on a locally designated historic landmark or historic site:

1. Demolition of property;

2. Moving of property;

3. Material changes, such as exterior reconstruction, alteration or color changes other than those approved in the original application; or

4. Building of new structures on property.

C. Application Procedure: The following procedures shall be used for applications:

1. A ten dollar ($10.00) filing fee shall be collected by the office of the town clerk-treasurer.

2. The applicant shall submit for review any sketches, plans, drawings, photos or other information which would clearly show the preservation commission what changes will be made.

3. The application shall be filed with the town clerk-treasurer.

4. The certificate of appropriateness shall be reviewed by the preservation commission in generally the same manner as a rezoning application and request.

5. If work authorized by a certificate of appropriateness is not begun within sixty (60) days, the certificate of appropriateness shall expire and reapplication must be made, unless a thirty (30) day extension is granted by the preservation commission. No more than two (2) extensions may be permitted on one project.

Article C. General Provisions

Section 11-1C-1. Structure Numbering System.

A. All buildings, structures and houses in the town shall be numbered. The mayor shall be responsible for designating the proper numbers for houses and buildings.

B. The North and South baseline shall be Rush Avenue. All buildings east of the baseline shall be known and numbered as east, and all buildings west of the baseline shall be known and numbered as west.

C. The East and West baseline shall be Blakely Avenue. All buildings north of this baseline shall be known and numbered as north and all billing south of this baseline shall be known and numbered as south.

D. There shall be 100 numbers applicable to each block, beginning with 101 on the odd side and 102 on the even side of the street.

E. Each twenty-five feet (25') of frontage on each block shall be entitled to a separate number.

F. The first block from the baseline in either direction shall be given numbers from 1 to 99, and the second block shall be given numbers from 101 to 199, and so on in consecutive order by 100s to each block in succession.

G. The even numbers shall be on the east side of the streets extending north and south, and on the south side of the streets extending east and west. The odd number shall be on the opposite sides of such streets.

H. The suffix "1/2" shall be added to the last number in designating stairway or garage apartments.

I. It shall be the duty of the owner of any building, structure or house in the town to visibly display the assigned street number on the building, structure or house. The displayed numbers must be a minimum size of three inches (3") per number, and must be in a color that will be visible to emergency vehicles from the street.

J. In situations where the plat or pattern of the area does not fit this numbering system, the planning commission shall study the area and recommend to the town board of trustees, for adoption by ordinance, an appropriate amendment to this section.

Section 11-1C-3. Registration of Plumbers, Electricians and Mechanical Contractors.

A. Plumbers:

1. Any person desiring to engage in the business of plumbing or plumbing contracting in the town shall first register with the office of the town clerk-treasurer. All registrants shall be state licensed.

2. No person shall do any plumbing, gas fitting, extensions, connection of fixtures or repairs to any gas fitting, except a state licensed and locally registered plumber, as provided in this section.

3. The fee for plumbers registration shall be twenty dollars ($20.00) per year.

B. Electricians:

1. All persons, firms, partnerships, corporations or individuals, engaged, or hereafter engaging, in the business of installing electrical fixtures, wiring or apparatus in or on any building within the town shall register with the office of the town clerk-treasurer before they may engage in said activities. All registrants shall be state licensed.

2. The electricians registration fee shall be twenty dollars ($20.00) per year.

C. Mechanical Contractors:

1. All persons in the business of designing, assembling, directing, constructing, installing, altering, servicing, repairing or maintaining refrigeration, air conditioning, heating and/or ventilation systems must first register with the office of the town clerk-treasurer. All registrants must be state licensed, if required.

2. The mechanical contractors registration fee shall be twenty dollars ($20.00) per year.

3. It shall be unlawful for any person to install or make repairs on any air conditioning, refrigeration or heating system without registering in accordance with the provisions of this section. It shall likewise be unlawful for any contractor to employ any person to do such work unless such employee is registered under the provisions of this section.

D. Inspections: Every person owning, leasing, operating or in possession of any building or structure within the town shall permit the municipal building inspector to enter such building or structure as often is it shall be deemed necessary by the inspector for the purpose of discharging any duties prescribed by this section, and it shall be unlawful for any owner, occupant or lessee of any premises to prevent or to refuse to permit such entry. The inspector shall, upon request of the owner, occupant or lessee of any premises, exhibit the authority to make such entry.

E. Revocation or Suspension of Registration: The municipal building inspector may revoke or suspend the registration of any person, persons or corporation convicted of any violation of this chapter or for any of the following reasons:

1. Willful fraud or misrepresentation practiced in procuring or renewing any registration or license;

2. Dishonesty;

3. Gross incompetency;

4. Conduct likely to, or intended to, deceive or defraud the public;

5. The loaning of any license, registration or permit to any person or persons for any reason whatsoever;

6. The obtaining of compensation by fraud or misrepresentation;

7. The willful advertising or publishing, or otherwise making known, of any grossly

false, fraudulent or misleading statements of business skill, knowledge or methods of operation;

8. The construction, design, installation, alteration, repair or maintenance of any refrigeration or air-conditioning equipment in such a manner as to be detrimental to the safety, health or welfare of the general public;

9. For any misconduct in the use of a registration or transaction thereunder; or

10. For the violation or disregard of any regulations of the town.

F. Variances: If, in the performance of any work under this chapter the contractor finds that, on account of the mechanical construction of the building, location of fixtures, or some other reason, it would be impossible to abide by the letter of this chapter the municipal building inspector may be asked for a variance, by stating reasons for any changes in setting forth the conditions, with a statement of the desire to request exceptions to the provisions of this chapter for the particular job. If the inspector finds that the conditions warrant and that it would be impractical and unreasonable to require strict conformance, a special ruling may be made to safeguard life and property on the proposed work. In all such cases persons engaged in such work or installation, and holding registration under this chapter shall be notified in writing of the decision.

Section 11-1C-4. Grease, Oil and Sand Interceptors.

A. Where Required: A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in restaurants, hotel kitchens, cafeterias and food processing establishments, and in any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchen wares are washed, or any other establishment where grease or broken glass can be introduced into the drainage system in quantities that can affect the line stoppage or hinder sewage disposal. Grease, oil and sand interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other ingredients harmful to the buildings drainage system, the public sewer or the municipal sewage treatment plant.

B. Exceptions: Interceptors shall not be required for private living quarters or residential dwelling units.

C. Type, Capacity, Location; Inspection: All interceptors shall be of a type and capacity as defined in the town's current adopted plumbing code and shall be approved by the municipal building inspector. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be properly inspected following construction by the municipal building inspector, and shall be privately maintained, at the owner's expense, in continuously efficient operation at all times.

D. Oil Separator: An oil separator shall be installed in the drainage system of any establishment where, in the judgment of the municipal building inspector, a hazard exists or where oils or other flammables can be introduced or admitted into the public sewer by accident or otherwise.

E. Garages, Filling Stations, Car Washes: All garages, filling stations and carwashes having carwash racks or facilities shall install combination grit and grease interceptors.

F. Commercial Laundries: All commercial laundry shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons or other materials detrimental to the municipal sewer system from passing into the drainage system.

G. Bottling Plants: Bottling plants shall discharge all processed wastes into an interceptor which will provide for the separation of broken glasses or other solids, before discharging liquid wastes into the municipal sewer or storm drainage systems.

H. Slaughterhouses: Slaughterhouses shall equip all slaughtering room drains with a separator, which shall prevent the discharge of feathers, entrails and other material likely to clog the drainage system.

I. Compliance Time Limits: All existing establishments listed in subsection (A) of this section shall have ninety (90) days from the effective date hereof to install an improved interceptor or separator. Establishments covered under subsection (D) of this section will be handled on a case-by-case basis to determine whether an oil separator is required. All establishments covered under subsection (A) of this section, constructed henceforth, shall include an approved interceptor.

J. Inspections: The municipal building inspector, utility superintendent or mayor shall have the right of entry during usual business hours to conduct an inspection of an interceptor or separator.

K. Notice of Violation: Any person found to be in violation of this section shall be served with written notice stating the violation and providing seventy-two (72) hours for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event an establishment is cited with a second violation within six (6) months of the first, the time allowed for correction shall be reduced to forty-eight (48) hours. A third citation within six (6) months from the first violation will be cause for the town to immediately discontinue water service to the establishment, during which time the offender shall correct the violation.

L. Penalty: Any person who shall continue any violation beyond the time limit provided for in subsection (K) of this section and upon conviction thereof, shall be fined in an amount not exceeding the limits established in title 7 of this code for each violation. Each day in which any such violation

shall continue shall be deemed a separate offense.

Section 11-1C-5. Non-liability of Officers and Employees.

A. Any officer or employee of the town charged with the enforcement of this chapter and acting in good faith and without malice, for the town, in the discharge of official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act or omission required or permitted in the discharge of such duties.

B. Any suit brought against any officer or employee because of such act or omission performed in the enforcement of any provisions of such codes may be defended by the municipal attorney until the final termination of the proceedings.

Article D. Penalty

Section 11-1D-1. Penalty.

Any person, firm or corporation who shall fail to do anything required by this chapter or by any code adopted by this chapter who shall otherwise violate any provisions of this chapter or of any code adopted by this chapter or who shall violate any lawful regulation or order made by any of the officers provided for in this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in title 7 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Chapter 2. Manufactured Homes, Mobile Homes, Travel Trailers and Modular Housing

Article A. General Provisions

Section 11-2A-1. Purpose.

A. The purpose of this chapter is to provide regulations for areas within the corporate boundaries of the town wherein the location and development of manufactured housing, mobile homes, mobile home parks, trailer parks, manufactured and mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.

B. The regulations set forth in this chapter are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of manufactured housing and mobile home parks and subdivisions, trailer parks and modular housing units and additions.

Section 11-2A-2. Definitions.

For the purpose of this chapter the following terms, words and phrases shall have the meanings indicated in this section:

Buffer Planting Strip
A visual screening facility, consisting of not less than one row of shrubbery spaced not more than eight feet (3') apart, which will grow to a height of not less than twelve feet (12') in less than five (5) years, under normal circumstances. Such a strip may, as an alternative, consist of an earthen berm or solid fencing, or any combination of earthen berms, fencing and/or landscaping, all of which shall total at least eight feet (8') in height.

Dependent Manufactured or Mobile Home
Any mobile home, which does not have a flush toilet and a bath or shower. For purposes of this chapter a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.

Freestanding Manufactured Home, Mobile Home or Travel Trailer
Any manufactured home, mobile home or travel trailer not located in a manufactured or mobile home park or travel trailer park respectively, licensed by the town, or in an approved mobile home subdivision.

Greenbelt Planting Strip
A landscaped area, not less than twenty feet (20') in width, used along all subdivision boundaries. Such Greenbelt planting strip shall be composed of: a) one row of deciduous and/or evergreen trees, spaced not more than forty feet (40') apart; b) not less than three (3) rows of shrubs, spaced not more than thirty feet (30') apart; and c) not less than three (3) rows of shrubs, spaced not more than eight feet (8') apart, all of which shrubs must eventually be capable of growing to at least four (4) to six feet (6') in height.

Health Official
The municipal building inspector or the legally designated health authority of the town (or an authorized representative), or the authorized representative of the Grady County health department or the state department of health.

Manufactured Home or Mobile Home Park
Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not the charge is made for such accommodations.

Manufactured Home or Mobile Home Space
Any plot of ground within a mobile home park or subdivision designed for the accommodation of one mobile home, and not located on a mobile home sales lot.

Manufactured Home or Mobile Home Subdivision
Any subdivision designed and intended for residential use, where residences and mobile homes or manufactured housing exclusively, and lots are sold for occupancy.

Manufactured Housing
A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a sill certifying that it is built in compliance with the federal manufactured housing construction and safety standards code.

Mobile Home
A dwelling unit fabricated before June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, designed to be transported on streets and highways on its own wheels on flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and

incidental unpacking and assembly operations, location on jacks or permanent foundation, connection to utilities and similar operations.

Modular Home
Any factory fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation. The term is intended to apply to major assemblies and does not include prefabricated supplements incorporated into a structure at the site, nor does it include "manufactured housing", as defined in this section. Any "modular home" must meet United States government modular home certification standards[34].

Municipal Building Inspector
The municipal building inspector of the town, or an authorized agent.

Nonresidential Manufactured Trailer or Mobile Trailer
Any vehicle having the basic characteristics of either a manufactured home or mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by a clearly displayed sign on or near the trailer).

Park
A manufactured home park and/or a mobile home park and/or a travel trailer park.

Public Water or Sewer System
Any such system built and owned by, or dedicated to and accepted by, or operated in cooperation with the town. All other such systems shall be deemed private systems.

Service Building
Any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities.

Subdivision
A manufactured housing or mobile home subdivision, unless otherwise indicated.

Travel Trailer
All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational and vacation use. For purposes of this chapter a "dependent mobile home", shall be considered to be the same as a travel trailer, unless otherwise specified.

Travel Trailer Park
Any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Travel Trailer Space
A plot of ground within a travel trailer part designed for accommodation of one travel trailer.

Section 11-2A-3. Freestanding Manufactured Homes, Mobile Homes or Travel Trailers.

A. Except as provided in this Section, no free-standing manufactured home or mobile hoe shall be permitted upon any lot that lays within any block that is adjacent and contiguous to either Rush Avenue or Blakely Avenue within the corporate limits of the Town of Rush Springs, Oklahoma, unless it is being offered for sale on a commercial manufactured home or mobile home sales lot.

B. Except as provided in this Section, no free-standing manufactured home or mobile home shall be permitted within the corporate limits of the Town of Rush Springs, Oklahoma, unless, at the time that it is initially placed within the Town of Rush Springs, Oklahoma, it is no older than five (5) years old.

C. Free standing manufactured homes or mobile homes may not be placed side by side on two adjoining lots if the lots are owned by the same individual.

D. No travel trailer shall be permitted within the corporate limits of the Town of Rush Springs, unless it is being offered for sale or parked for storage.

E. All free-standing manufactured homes and mobile homes and travel trailers offered for sale, must be clearly marked as such, and shall not be occupied for either living or sleeping purpose.

F. A property owner shall not store, nor permit to be stored, more than one (1) travel trailer on a residential lot; such travel trailer shall not be stored in any required front or side yard or public utility easement, nor shall such travel trailer project, beyond the front of any building.

G. Nonconforming Uses:

1. Definition: A nonconforming use is a use of a specific structure, including all free standing mobile homes, manufactured homes and travel trailers within the Town of Rush Springs, or specific land which use is not permitted in that structure or on that land under the code of ordinances of the Town of Rush Springs.

2. Repair and Maintenance: Normal maintenance and incidental repair, or replacement, installation, or relocation of nonbearing walls or partitions, fixtures, wiring, or plumbing, may be performed on any structure that is devoted in whole or in part to a lawfully nonconforming use.

3. Remodeling: A structure that is devoted in whole or in part to a nonconforming use may be remodeled provided it is dedicated solely to a residential use and provided the use is neither expanded nor increased.

4. Extension of Use: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity.

5. Damage, destruction or removal. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or

[34] See article D of this chapter

destroyed by any means to the extent of more than fifty (50) percent of its structural value, exclusive of the foundation, such structure shall not be restored except by complete removal and replacement within six (6) months by manufactured housing that is not more than five (5) years old at the time that it is used to replace a nonconforming mobile home or manufactured home. The replacement structure shall continue to be a nonconforming use.

6. Moving: A structure that is devoted in whole or in part to a nonconforming use shall not be moved in whole or in part for any distance to any other location on the same or any other lot within the Town of Rush Springs unless the use thereafter conforms to all regulations of the code of ordinances of the Town of Rush Springs. A nonconforming use that is moved from a location within the Town of Rush Springs may not be replaced except within six (6) months by a replacement manufactured home that is not more than five (5) years old at the time that it is used to replace a nonconforming mobile home or manufactured home. The replacement structure shall continue to be a nonconforming use.

7. Change in Use: A nonconforming use of land or a structure shall not be changed to any use other than a use permitted under the code of ordinances of the town of Rush Springs, and shall not thereafter be changed back to a nonconforming use.

8. Abandonment or discontinuance: When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of one year or more, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land or structure shall comply with the ordinances of the town of Rush Springs. No use which is accessory to a principal nonconforming use shall continue after such principal use ceases or terminates.

H. Except as expressly provided in this section, nothing in this chapter shall be construed to allow existing nonconforming uses or placements of mobile homes, manufactured housing or travel trailers to be continued.

Section 11-2A-4. Nonresidential Manufactured Homes, Mobile Homes or Trailers.

A. Permits Not Issued in Violation: No permit shall be issued for a use which would violate any local, state or federal ordinance, law or regulation.

B. Construction of Section: This section shall not be construed as permitting or authorizing the permanent location of any nonresidential manufactured home or mobile home or trailer within the corporate limits of the town.

Section 11-2A-5. Minimum Housing Regulations for Mobile and Manufactured Homes.

A. Compliance with Housing Code: Every manufactured house or mobile home located in either a manufactured home or mobile home park, a manufactured home or mobile home subdivision, or as a freestanding home, shall meet the provisions of the adopted housing code of the town, except as otherwise provided in this section, or as may be otherwise provided in other provisions of this code.

B. Gross Floor Area: Every manufactured or mobile home shall contain the following minimum gross floor area of habitable space:

1. One hundred fifty (150) square feet for one or two (2) occupants;

2. One hundred (100) additional square feet for the third occupant; and

3. Seventy-five (75) square feet additional for each additional occupant thereafter.

C. Habitable Space: Habitable space in a mobile or manufactured home shall have a minimum ceiling height of seven feet (7') over fifty percent (50%) of the floor area. The floor area where the ceiling height is less than five feet (5') shall not be considered in computing minimum gross floor area.

D. Exits: A mobile or manufactured home shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.

E. Size of Sleeping Rooms: Rooms occupied for sleeping purposes must contain at least sixty (60) square feet of floor space, if used by more than one person, and at least forty (40) square feet if used by one person.

F. Dependent Homes: Dependent manufacturer mobile homes shall not be required to have a flush toilet, bath or shower.

G. Housing Code Not Applicable to Travel Trailers: The housing code shall not apply to travel trailers insofar as floor area, flush toilet, bath or shower ceiling height is concerned.

Article B. Mobile Home and Manufacture Home Parks and Trailer Parks

Section 11-2B-1. Permits; Requirements; Procedures; Fees.

A. Permit Required: It shall be unlawful for any person to construct, maintain or operate any mobile or manufactured home park or travel trailer park within the corporate limits of the town unless he holds a valid permit issued annually by the municipal building inspector and the health official of the town in the name of such person for the specific park, except that the maintenance or operation of an existing park on the effective date hereof may be continued under a temporary

permit for such period of time and under such conditions as are hereinafter described.

B. Change in Ownership; Time Limit for Application: Application shall be made to the municipal building inspector acting jointly with the health official, in writing, within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such part. Such notice shall include the name and address of the person succeeding to the ownership or control of such part.

C. Application for Permit; Information Required: Application for original permit shall be in writing, signed by the applicant, and shall contain the following:

1. Name and address of the applicant;

2. The interest of the applicant in, and the location and legal description of, the park;

3. A complete site plan of the park, showing compliance with all applicable provisions of this chapter and regulations promulgated hereunder; and

4. Such further information as may be requested by the health official and/or municipal building inspector.

D. Renewals: Applications for renewals of permits shall be made, in writing, by the holder of the license and shall contain the following:

1. Any change in the information submitted since the time the original license was issued, or the latest renewal granted; and

2. Other information requested by the health official and/or municipal building inspector.

E. Site Plan: A complete site plan, for the purpose of obtaining a permit, shall show:

1. The area and dimensions of the tract of land;

2. The number, location and size of all mobile home, manufactured home or travel trailer spaces;

3. The location and width of roadways, walkways, buffer strips and recreational areas;

4. The location of service buildings and other proposed structures;

5. The location and size of utility lines and treatment facility; and

6. Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the park.

F. Notice of Violation; Suspension of Permit: Whenever the health official and/or municipal building inspector finds conditions existing in violation of this chapter or of any regulation adopted pursuant hereto, notice shall be given, in writing, to the person to whom the permit was issued, that, unless such conditions or practices be corrected within a reasonable period of time (as specified in the notice), the permit will be suspended. At the time of such period, not to exceed ninety (90) days, the health official and/or municipal building inspector shall reinspect the park, and, if such conditions or practices have not been corrected, the permit shall be suspended and notice given, in writing, of such suspension to the person to whom the permit was issued and/or the person managing or in charge of, the park. Upon receipt of notice of suspension, such person shall cease operation of such park, except as may be provided hereinafter.

G. Request for Hearing: Any person whose permit has been denied or suspended, or who has received notice from the health official and/or municipal building inspector that a permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the town board of trustees; provided, that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, the permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

H. Concrete Pads in Existing Parks: Manufactured or mobile home parks and travel trailer parks in existence upon the effective date hereof, which have concrete pads indicating the location of mobile home, manufactured home or travel trailers spaces, need not comply with those sections of this chapter which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this chapter.

I. Fee for Permit; Term of Permit: The town clerk-treasurer shall charge and collect annually from the owner of each mobile or manufactured home park and/or travel trailer park a permit fee of two dollars fifty cents ($2.50) per space. The initial permit shall expire no later than June 30 following the date that it was issued, and all subsequent permits shall run from July 1 to June 30, and shall be applied for no later than July 15 of each year. Failure to apply for the permit by July 15 shall result in a penalty of an additional one dollar ($1.00) per month per space. All penalties shall be paid at the time that the permit is applied for.

Section 11-2B-2. Inspection of Parks.

A. Authorized: The health official and the municipal building inspector are hereby authorized and directed to make inspections to determine the condition of parks within the town, in order to perform their duties safeguarding the health and safety of occupants of such parks and of the general public.

B. Outside Premises: The health official and municipal building inspector shall have the power to inspect the outside premises of private or public

property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or regulations promulgated hereunder.

C. Register May Be Inspected: The health official and municipal building inspector shall have the power to inspect the register containing a record of all homes and occupants using the park.

D. Granting Access Required: It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such home, or their premises, at reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to affect compliance with this chapter with any lawful regulations adopted hereunder, or with any lawful order issued pursuant to the provisions of this chapter.

Section 11-2B-3. Notices, Hearings and Orders.

A. Notice of Violation: Whenever the health official or municipal building inspector determines that violations of pertinent regulations are found to exist, the licensee, permittee or the person managing, or in charge of the park shall be notified of such alleged violations. Such notice shall:

1. Be in writing;

2. Include a statement of the reasons for its issuance;

3. Contain an outline of remedial action, which, if taken, will affect compliance with provisions of this chapter and other pertinent regulations;

4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act that it requires; and

5. Be served upon the owner, an agent, operator or the person in charge of the park, as the case may require; provided, that such notice or order shall be deemed as properly served upon said owner or agent when a copy thereof has been sent by certified mail to the last known address.

B. Hearing Upon Appeal: Any person affected by any notice issued under this chapter or resulting regulations, may request and shall be granted a hearing on the matter before the town board of trustees, acting as a board of appeals; provided, that such person shall file with the municipal building inspector a written request for such hearing, setting forth briefly the grounds for such request, within ten (10) days after the date notice was served. The filing of such request shall stay the notice of suspension of permits, except in cases of orders issued under subsection (E) of this section. The hearing shall be held at the next meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the municipal building inspector determine that sufficient cause for such delay exists.

C. Findings; Order: After such hearing, the health official or municipal building inspector shall compile the findings of the town board as to compliance with this chapter and resulting regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in subsection (A)(5) of this section. Upon failure to comply with such order, the permit of the park shall be revoked.

D. Appeal to District Court: Any person aggrieved by the decision of the town board of trustees may seek relief in District Court.

E. Emergency Requiring Immediate Action: Whenever the health official or municipal building inspector finds that an emergency exists which requires immediate action to protect health without notice or hearing, and order may be issued reciting the existence of such an emergency and requiring that such action be taken as may be deemed necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed, shall comply therewith immediately, but upon petition to the town board of trustees shall be afforded at the next regular meeting, even if the agenda has been completed. The provisions of subsections (C) and (D) of this section shall be applicable to such hearing and the order issued thereafter.

Section 11-2B-4. Supervision of Park; Posting of Permit.

A. The licensee or a duly authorized attendant or caretaker, shall be charged at all times with keeping the park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this chapter to which the license is subject.

B. A license shall be conspicuously posted in the offices of, or on the premises of, the park at all times.

Section 11-2B-5. Location and Design Considerations for Parks.

A. Types Listed: Parks shall be of three (3) types: 1) mobile and manufactured home parks; 2) travel trailer parks; and 3) mixed mobile/manufactured home and travel trailer parks. No travel trailer shall be located in a mobile or manufactured home park. No mobile or manufactured homes shall be located in a travel trailer park. In a mixed park, separate areas shall be reserved for each type of home and for travel trailers. No mobile or manufactured home shall be permitted in the travel trailer sector. No travel trailer shall be permitted in the mobile or manufactured home sectors.

B. Drainage: All parks shall be located on a well-trained site, properly graded to ensure rapid drainage and freedom from stagnant pools of

water. Drainage shall not endanger any water supply.

C. Minimum Area; Existing Parks: The minimum area of any park shall be five (5) acres. Parks in existence on the effective date hereof can continue to operate with less than five (5) acres of area; however, if the park is to be expanded, it must at that time expand to include at least five (5) acres.

D. Density: Intensity of development shall be limited to no more than ten (10) homes per gross acre for a mobile or manufactured home park, and no more than fifteen (15) travel trailers per gross acre for a travel trailer park. (Area used for sewerage treatment facilities shall not be included in density computations.) Mobile and manufactured home spaces shall be at least thirty feet (30') wide where pads are closest to driveways. Travel trailer spaces shall be at least twenty-five (25') wide where travel trailers are located closest to the driveway.

E. Spaces Defined; Location: Every space shall be clearly defined. All homes and travel trailers shall be parked in such spaces so that, at the nearest point, they shall be ten feet (10') from the service road, five feet (5') from the rear lot line and at least ten feet (10') from the boundary line of any other individual spaces, as well as any other home or travel trailer.

F. Distance from Public Street Right of Way: It shall be unlawful to locate any home or travel trailer less than twenty-five feet (25') from any public street or highway right of way, or so that any part of such home or travel trailer will obstruct any roadway or walkway of such park.

G. Spaces Designated for Type: It shall be unlawful to permit a mobile or manufactured home to occupy a travel trailer space, a travel trailer to occupy a mobile or manufactured home space, and for any mobile or manufactured home or travel trailer to be located in a park, unless in a space designated specifically for that type of home or trailer.

H. Driveways for Mobile/Manufactured Home Parks: All mobile and manufactured home spaces shall abut upon a sealed surface driveway of not less than twenty feet (20') in width, if on street parking is prohibited, and twenty-six feet (26') in width, if on street parking is permitted on one side of the street only. Driveways must have unobstructed access to a public street or highway. At least two (2) clearly defined parking spaces shall be provided for each manufactured or mobile home space.

I. Driveways for Travel Trailer Parks: All travel trailer park spaces shall abut on a sealed surface driveway of not less than twenty feet (20') in width, if on street parking is prohibited, and twenty-six (26') in width, if on street parking is permitted on one side of the street only. Driveways must have unobstructed access to a public street or highway. At least one clearly defined parking space shall be provided for each travel trailer space.

J. Parking on Streets within Park: In all parks existing on the effective date hereof, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movement of traffic. Any vehicle parked in such a manner as to obstruct free movement of traffic shall be cited by the police department.

K. Road Standards: All roadways within a park shall meet road improvement standards consistent with town standards, and in the absence thereof, consistent with the standards of Grady County.

L. Ingress and Egress: In developed areas of the town, new parks must abut and have their major means of ingress and egress on a thoroughfare of sufficient size to handle the amount of traffic that would be present in a park of the size proposed.

M. Buffer Planting Strip: All parks shall have and maintain a buffer planting strip along all park boundaries not bordering a street.

Section 11-2B-6. Service Buildings for Travel Trailer Parks.

A. Required: Each travel trailer park shall be provided with at least one service building separately equipped with flush type toilet fixtures and other sanitary facilities.

B. Building Requirements: Service building shall:

1. Be located twenty-five feet (25') or more from any travel trailer space;

2. Be of permanent construction and be adequately lighted;

3. Be of moisture resistant material, to permit frequent washing and cleansing;

4. Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit (70ºF) during cold weather, and to supply adequate hot water during times of peak demand; and

5. Have all rooms well ventilated, with all openings effectively screened.

C. Maintenance: All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that would menace the health of any occupant or the public, or constitute a menace.

Section 11-2B-7. Sewage Disposal for Mobile and Manufactured Home Parks.

A. Required: Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, laundries and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system, of such construction and in such manner as approved by the state Department of Health and in accordance with all applicable ordinances, codes and regulations of the town.

B. Sewer Connection Size: Each home space shall be provided with at least a three inch (3") sewer connection at least four inches (4") above the surface of the ground. The sewer connection should be protected by a concrete collar at least four inches (4") thick and have a minimum outside diameter of twenty-four inches (24"). Connection between the home drain in the sewer must be watertight and self-draining. Homes with fixtures from which back siphonage occur shall be disconnected from the park water system until the defect has been corrected.

C. Availability of Public System: In the event that a public sewer system is, or becomes available, within three hundred feet (300') of a park, connection must be made to the public system within one hundred eighty (180) days of notification by municipal officials.

D. Design of Facilities: The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluent from sewage treatment facilities shall not be discharged into the watershed of any waters of the state. The disposal facilities shall be located where they will not create a nuisance or health hazard to the park or to the owner or occupants of any adjacent property. The state Department of Health must approve the type of treatment proposed in the design of any disposal facilities and sewer systems, prior to construction.

E. Disposal of Waste: Every mobile or manufactured home occupying a park space shall connect to the park sewerage system and shall dump any accumulated wastes into the system. Every travel trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the state Department of Health. Any other dumping of accumulated waste within the town is prohibited.

F. Charges: The monthly sewer charge shall be as indicated in title 10, chapter 3 of this code.

G. Condition of Connections: Sewer connections shall be watertight. Park licensees shall maintain home connections to sewer and water systems in good condition and shall assume responsibility for sewerage of water leakage on park premises.

H. Connections to Trailer Spaces Prohibited: No sewer connections shall be made to travel trailer spaces.

Section 11-2B-8. Water Supply for Mobile and Manufactured Home Parks.

A. Required: An accessible, adequate, safe and potable supply of water shall be provided in each mobile and manufactured home park, capable of furnishing a minimum of two hundred fifty (250) gallons per day, per space. Where a public supply of water of such quality is available within three hundred feet (300'), or becomes available within three hundred feet (300'), connection shall be made thereto within one hundred twenty (120) days of written notification by municipal representatives, and it supply shall be used exclusively. Where private water supplies must be developed, the health official must approve the location, construction and development of the water well, pipe system and connections. No private source other than a water well shall be used.

B. Connection: The water system of the park shall be connected by pipes to all buildings and all spaces. Each home shall be provided with a cold water tap at least four inches (4") above the ground. An adequate supply of hot water shall be provided at all times in the service buildings.

C. Maintenance; Protection: All water piping shall be constructed and maintained in accordance with state and local law. The water piping system shall not be connected with non-potable or questionable water supplies, and shall be protected against the hazards of backflow or back siphonage. All water connections shall be watertight.

D. Drinking Fountains: Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health official.

E. Individual Connections: Individual water service connections which are provided for direct use by homes shall be of such construction so that they will not be damaged by the parking of such homes. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all home connections.

F. Location of Casing, Pumps, Machinery: No well casing, pumps, machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above ground or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two feet (2') from the well in all directions. The pedestal shall not be less than twelve inches (12") above the floor. This shall not be construed as prohibiting submersible pumps.

G. Storage Reservoirs; Manholes: All water storage reservoirs shall be watertight, and of impervious material. All overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may backup.

H. Stop and Waste Cocks: Underground stop and waste cocks shall not be installed on any connection.

I. Private Wells: No private water wells shall be permitted within the town for park use, except as may be otherwise permitted by ordinances of the town; provided, that, private wells may be used if

the town does not provide a municipal water system.

J. Connections to Trailer Spaces Prohibited: No water connections shall be made to travel trailer spaces, and provisions shall be made within one hundred fifty feet (150') of each travel trailer space to supply water for travel trailer reservoirs.

Section 11-2B-9. Refuse Disposal for Parks; Insect and Rodent Control.

A. Management Required: The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

B. Containers: All refuse shall be stored in fly tight, watertight and rodent proof containers, which shall be located within one hundred fifty feet (150') of any home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

C. Racks for Containers: Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Lids for container shall be permanently connected to racks or holders with chains or other flexible materials.

D. Collection of Refuse: All refuse shall be collected at least once weekly, or as otherwise required by the health official. Where municipal garbage collection is not available, the park operator shall either employee a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

E. Unavailability of Disposal Service: Where municipal or other private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site, as directed by the health official. Refuse shall be buried only at locations and by methods approved by the health official, and in accordance with the ordinances of the town.

F. Service Required when Available: When municipal refuse disposal service is available, it must be used.

G. Insect and Rodent Control: Insect and rodent control measures to safeguard public health, as required by the health official, shall be applied in the park.

H. Larvacidal Solutions: Effective larvacidal solutions may be required by the health official for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.

I. Insect and Weed Control: The health official may require the park operator to take suitable measures to control other insects and noxious weeds.

J. Accumulation of Debris Prohibited: Accumulations of debris which may provide harborage for rodents shall not be permitted in the park.

K. Extermination: When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the health official, to exterminate them.

Section 11-2B-10. Electricity; Exterior lighting; Fuel; Power Sources.

A. Electrical Outlets: An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproof. No power supply line shall be permitted to lie on the ground and no main powerline shall be suspended less than eighteen feet (18') above the ground, unless otherwise approved by the municipal building inspector.

B. Streetlights: Streets and driveways within all parks shall be lighted with streetlights meeting the current standards of the Illuminating Engineering Society or one half (1/2) candle power, whichever is higher.

C. Fuel Storage: All piping from outside fuel storage tanks or cylinders to mobile or manufactured homes shall be of acceptable material, as determined by the municipal building inspector, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the home or less than five feet (5') from any home exit. All such installations shall meet the requirements of applicable, adopted codes.

D. Power Source: All power used for residential or nonresidential purposes within the park shall be derived from electricity, natural gas or solar energy sources.

Section 11-2B-11. Fire Protection.

A. Free from Flammable Materials: Park areas shall be kept free of litter, rubbish and other flammable materials.

B. Water Supply Requirements: Where the water supply system does not provide at least six inch (6") water mains, there shall be provided a two inch (2"), frost protected water riser within three hundred feet (300') of each home or building.

C. Fires Permitted: Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

Section 11-2B-12. Alterations and Additions.

A. Plumbing, Electrical Code Compliance: All plumbing and electrical alterations or repairs in the park shall be made in accordance with applicable local regulations.

B. Skirting: Skirting of homes is permissible, but areas enclosed by such skirting shall be maintained so as not to provide harborage for rodents or create a fire hazard.

C. Building Permit Required: A building permit issued by the town clerk-treasurer shall be required before any placement of or construction on a mobile or manufactured home space or any structural addition or alteration to the exterior of the home takes place. No construction, addition or alteration to the exterior of a home located in a park shall be permitted unless all the same type of construction or materials as the home affected. All construction, additions or alterations shall be in compliance with applicable local and state laws.

D. Size of Structure: No structure, other than a manufactured or mobile home and/or one storage shed, of no more than two hundred ten (210) cubic feet, shall be permitted on a manufactured or mobile home space.

Section 11-2B-13. Registration of Owners and Occupants.

A. Information Required: Each park licensee shall keep a register containing a record of all home and travel trailer owners and occupants located within the park. The register shall contain the following information:

1. The name and address of the owner or occupant of each home and any motor vehicle; and

2. The make, model, year and license of each mobile or manufactured home and motor vehicle.

B. Register Available for Inspection: The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register of each occupant registered shall not be destroyed for a period of one year, following the date of departure of the registrant from the park.

Section 11-2B-14. Damaged or Dilapidated Units.

Wrecked, damaged or dilapidated manufactured or mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The municipal building inspector or the health official shall determine if a manufactured home or mobile home or travel trailer is damaged or dilapidated to a point which makes the mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises.

Section 11-2B-15. Tie Downs; Anchoring.

A. Manner of Anchoring and Tying: Every home in a park or subdivision covered by the provisions of this chapter shall be anchored and tied down for safety purposes in a manner as equivalent to the following:

1. Homes up to thirty feet (30') in length shall require two (2) frame ties per side;

2. Homes thirty (30) to fifty feet (50') in length shall require three (3) frame ties per side;

3. Homes fifty (50) to seventy feet (70') in length shall require four (4) frame ties per side;

4. Homes over seventy feet (70') in length shall require five (5) frame ties per side; and

5. Over the home ties shall also be installed as close to each end as possible with straps at stud and the rafter locations.

B. Installation Location: All ties attached to concrete pads or ribbons must be located in footings or foundation piers. If "dead man" ties are used, ties must be installed in soil to a depth of at least six feet (6').

C. Additional Requirements for Flood Prone Areas: Additional tie down requirements for homes in flood prone areas shall also be met.

Article C. Mobile Home and Manufactured Home Subdivisions

Section 11-2C-1. Requirements or Subdivisions.

Manufactured home and mobile home subdivisions shall comply with the following requirements:

A. Minimum Size: The minimum size of such a subdivision shall be five (5) acres.

B. Permitted Types of Homes: No residences except mobile and/or manufactured homes shall be permitted in such a subdivision.

C. Lot Width, Area, Yard: Minimum effective lot widths in the subdivision shall be fifty feet (50'), measured at the front building line, and minimum lot areas shall be five thousand (5000) square feet, consistent with the adopted zoning ordinance; provided, that at least five foot (5') side yards shall be provided on each lot beyond any home and additions thereto; and further provided, that in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the health official on the basis of safe and sanitary sewer service. The effective lot width of a mobile or manufactured home lot shall be determined by the health official on the basis of safe and sanitary sewer service. The effective lot width of a mobile or manufactured home lot shall be determined, for interior lots, by measuring at

right angles across the lot from one diagonal sideline to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.

D. Side Lines: Sidelines of lots in said subdivisions need not be at right angles to straight street lines or radial to curved street lines.

E. Abut Public Street: Regardless of the effective lot width, said subdivision lots must abut a public street for at least twenty-five feet (25').

F. Greenbelt Planting Strip: All such subdivisions shall have a "Greenbelt planting strip", as defined in section 11-2A-2 of this chapter.

Article D. Modular Housing

Section 11-2D-1. Treatment of Modular Housing.

A. Criteria for Consideration as Permanent Site or Modular Housing: Manufactured or mobile housing shall be considered as permanent site or modular housing when it meets the following certification criteria:

1. The manufacturer must certify that the structure is designed only for erection or insulation on a site built permanent foundation. A "site built permanent foundation" is a system of supports, including peers, either partially or entirely below grade, which is:

   i. Capable of transferring all loads imposed upon the structure into soil or bedrock without failure;

   ii. Placed at an adequate depth below grade to prevent frost damage; and

   iii. Constructed of concrete, steel, treated lumber or crowded masonry.

2. The manufacturer must certify that the structure is not designed to be moved once erected or installed on a site built permanent foundation.

3. The manufacturer must certify that the structure is designed and manufactured to comply with the basic building code recommended by Building Officials and Code Administration International (BOCA), which is the official building code of the town.

4. The manufacturer must certify that, to the manufacturer's knowledge, this structure is not intended to be used other than on a site built permanent foundation.

B. Validity of Certification: Such certification shall be proof of the housing unit's status as a "modular" unit. Without such certification, any manufactured housing unit shall be considered a manufactured home or a mobile home, and treated as such for purposes of regulation.

Article E. Penalty

Section 11-2E-1. Penalty.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in title 7 of this code. Each day upon which such violation continues shall be a separate offense.

Chapter 3. Flood Plain Ordinance

Article A. Statutory Authorization, Findings of Fact, Purpose and Methods

Section 11-3A-1. 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 Town of Rush Springs, Oklahoma, ordains the following, to become effective immediately.

Section 11-3A-2. Findings of Fact.

A. The flood hazard areas of the Town of Rush Springs 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 hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

Section 11-3A-3. Statement of Purpose.

It is the purpose of this ordinance 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 expenditures 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 11-3A-4. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance 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 flood waters;

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. Definitions

Section 11-3B-1. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory Structure
Means 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.

Area of Special Flood Hazard
Is the land in the floodplain within the Town of Rush Springs subject to a one percent or greater chance of flooding in any given year.

Base Flood
Means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation
Means the elevation in feet above mean sea level of the base flood or 1% chance flood.

Basement
Means any area of the building having its floor sub-grade (below ground level) on all sides.

BFE
Means base flood elevation.

CFR
Means Code of Federal Regulations.

Critical Feature
Means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development
Means 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.

Development Permit
Means a permit issued by the Town of Rush Springs Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this ordinance.

Elevated Building
Means a non-basement 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 flood waters.

Existing Construction
Means 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”.

Existing Manufactured Home Park or Subdivision
Means a manufactured home park or subdivision for which the construction or 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.

Expansion to an Existing Manufactured Home Park or Subdivision
Means 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).

FEMA
Means the Federal Emergency Management Agency.

FIRM
Means Flood Insurance Rate Map.

Flood or *Flooding*
Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters, or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map
Means an official map of the Town of Rush Springs on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Rush Springs

Flood Insurance Study
Is the official report provided by FEMA for Town of Rush Springs which contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

Floodplain Administrator
Means a person accredited by the OWRB and designated by the Board of Trustees of the Town of Rush Springs to administer and implement laws, ordinances and regulations relating to the management of floodplains.

Floodplain or Flood-Prone Area
Means any land area susceptible to being inundated by water from any source (see definition of flood).

Floodplain Management
Means 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.

Floodplain Management Regulations
Means 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.

Flood Protection System
Means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within Town of Rush Springs 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.

Floodway
Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Article III, Section B. A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

Functionally Dependent Use
Means 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.

Highest Adjacent Grade
Means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure
Means any structure that is:

A. 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;

B. 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;

C. 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

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior in states without approved programs.

Levee
Means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System
Means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor
Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR.

Manufactured Home
Means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured Home Park or Subdivision
Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level
Means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on the Town of Rush Springs's Flood Insurance Rate Map are referenced.

New Construction
Means, 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 regulation adopted by the Town of Rush Springs Board of Trustees and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision
Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to 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 Town of Rush Springs.

OWRB
Means the Oklahoma Water Resources Board.

Recreational Vehicle
Means a vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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.

Structure
Means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage
Means 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 percent of the market value of the structure before the damage occurred.

Substantial Improvement
Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "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:

A. 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

B. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance
Is a grant of relief by the Town of Rush Springs Board of Trustees to a person from the terms of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of Title 44 CFR.)

Violation
Means the failure of a structure or other development to be fully compliant with this Town of Rush Springs flood damage prevention ordinance.

Water Surface Elevation
Means 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 11-3C-1. Lands to Which This Ordinance Applies.

This flood damage prevention ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Rush Springs, Oklahoma.

Section 11-3C-2. Basis of Establishment of Special Flood Hazard Areas.

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Grady County, Oklahoma and Incorporated Areas" dated April 3, 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted on April 3, 2012, by reference and declared to be a part of this ordinance. However, until this date the current effective flood maps identified by FEMA in the FIRM Flood Insurance Rate Map 01 Map Index Town of Rush Springs Grady County dated July 3, 1985, shall be used for this purpose until April 3, 2012.

Section 11-3C-3. Establishment of Development Permit.

A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

Section 11-3C-4. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Section 11-3C-5. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 11-3C-6. Interpretation.

In the interpretation and application of this ordinance, 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 11-3C-7. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the Town of Rush Springs or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Article D. Administration

Section 11-3D-1. Designation of the Floodplain Administrator.

The Board of Trustees of the Town of Rush Springs designates the Rush Springs Town Clerk as floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

Section 11-3D-2. Duties and Responsibilities of the 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 Title 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 ordinance.

D. Review proposed development to assure that all necessary permit 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 the 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 a FEMA Elevation Certificate as well as other data as required in order to administer the provisions of Article V.

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 Grady 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 Town of Rush Springs.

J. After a disaster or other type of damage occurrence to structures in the Town of Rush Springs, determine if the residential and non-residential 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 Board of Trustees.

L. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

Section 11-3D-3. 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 ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. The relationship of the proposed use to the comprehensive plan for that area.

C. The Floodplain Administrator or Board of Trustees, as applicable, may approve certain development in Zones A or AE delineated on the Grady 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 Section 65.12.

Section 11-3D-4. Variances.

A. General Provisions.

1. The Board of Trustees of the Town of Rush Springs may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this ordinance, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section D. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.

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 twenty (20) years.

4. Any person seeking a variance shall file a petition with the Board of Trustees, accompanied by a filing fee of Twenty-five Dollars ($25.00).

5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half 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 Section (C)(2) and provisions of Section D of this Article IV have been fully considered. As the lot size increases beyond the one-half 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 b issued a notice signed by the Chairman of the Board of Trustees which states that (i) 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 (ii) such construction below the base flood level increases risks to life and property.

7. At such time as the Board of Trustees deems the petition ready for notification to the public, the Board of Trustees shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Grady County at least thirty (30) days prior to the hearing.

8. The Board of Trustees shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section D. The Board of Trustees 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 D and the intent of this ordinance, the Board of Trustees may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Article I Section C of this ordinance.

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 Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (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 ordinance.

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 a 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 Section (D)(1)(e); Section D(1)(i); Section D(2)(b); and Section D(2)(c) of this Article IV are 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 11-3E-1. 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 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 flood waters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 11-3E-2. 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 least one (1) 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 least one (1) 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 community in Flood Zones A and/or AE on the Grady FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least one (1) foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation 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 Grady 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 IV, Section C, and the elevation and anchoring requirements for “manufactured homes” in paragraph (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 Grady 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 restroom 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 resistance 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 11-3E-3. 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 5 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 11-3E-4. 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 Town of Rush Springs during the occurrence of the base flood discharge.

B. If Article V, Section D.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.

C. The Town of Rush Springs 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 Section 65.12.

Article F. Town of Rush Springs Floodplain Management Fee Schedule

Section 11-3F-1. Fee Schedule.

The Town of Rush Springs Board of Trustees establishes the following fee schedule not to exceed $500.00 for any one service:

A. Notice of Intent Fee - $25.00 maximum.

B. Floodplain Development Permit Fee - $25.00.

C. Inspection Fee – per inspection - $25.00.

D. Variance Petition Fee - $25.00.

Article G. Penalties for Noncompliance

Section 11-3G-1. Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this ordinance is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Board of Trustees of the Town of Rush Springs or its Town Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

Title 12 - Planning and Community Development

Chapter 1. Planning and Preservation Commissions

Section 12-1-1. Municipal and Regional Planning Commissions Created.

See title 2, chapter 1 of this code for composition of the municipal and regional planning commissions.

Section 12-1-2. Preservation Commission Created.

See title 2, chapter 2 of this code for composition of the preservation commission.

Section 12-1-3. Jurisdiction Areas.

A. Planning and Preservation Commissions: The municipal planning commission and the preservation commission shall have jurisdiction over all land within the corporate limits of the town.

B. Regional Planning Commission: The jurisdictional area of the regional planning commission shall include, for the purposes of the regulation and review of land subdivision only, any lands outside the corporate limits of the town, whose any one boundary, at any point, shall be at and within a distance of three (3) miles from the corporate limits of the community; provided, that such jurisdiction shall only include land within Grady County.

Section 12-1-4. Rules and Regulations.

A. Adopt Rules and Regulations; Records Maintained: The planning commission and the preservation commission shall prescribe and adopt rules and regulations governing the transaction of business and shall keep a public record of all regulations, transactions and findings.

B. Regular Meetings: Regular meetings of the planning commission shall be scheduled at least once each month. Regular meetings of the preservation commission shall be scheduled at least four (4) times each year.

C. Special, Emergency Meetings: Special and emergency meetings may be called by the mayor or chairperson of each commission, in accordance with the state open meetings law.

Section 12-1-5: Employees; Expenditures.

A. Contract for Services: The planning commission and the preservation commission shall have the authority to contract for necessary professional services, within the limits of any budgetary appropriations fixed by the town board of trustees. All compensation for such services shall also be fixed by the town board.

B. Other Necessary Expenses: The planning commission and the preservation commission may incur other necessary expenses, within the limits of the town board of trustees budgetary appropriations, to carry out all purposes and responsibilities.

Section 12-1-6. Project Review Procedures.

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

Section 12-1-7. Powers and Duties.

A. Specified: The planning commission shall have the following duties and powers:

1. Prepare and recommend to the town board of trustees, for adoption, a comprehensive plan for the future development of the town, and to ensure that said plan, once prepared and adopted, is properly utilized and updated at appropriate intervals;

2. Make recommendations concerning the community growth, improvement and beautification;

3. Investigate, prepare and recommend to the town board of trustees on all matters relating to the location and development of parks and recreational areas, streets, public grounds and structures;

4. Investigate, prepare and recommend to the town board of trustees, for adoption, a suitable zoning ordinance to assist in the implementation of the community comprehensive plan, and to assist the town board in administering the zoning ordinance;

5. Investigate, prepare and recommend to the town board of trustees, for adoption, rules and standards for use in regulating the subdivision of land within the planning commission's jurisdictional area, and to assist the town board in administering the land subdivision regulations; and

6. Investigate, prepare and recommend to the town board of trustees, for adoption, such other rules, regulations or standards as may be necessary to implement a comprehensive plan for the town, including standards and regulations for floodplain management, historic preservation, signs, annexation and utility extensions, among others.

B. Accepting or Raising Funds: The planning commission may also except or raise funds, from public or private sources, for valid purposes or projects.

C. Additional: The preservation commission shall have the powers and duties outlined in title 2, chapter 2 of this code.

Chapter 2. Zoning

Section 12-2-1. Power to Zone.

A. Authority of Town Board: For the purpose of promoting the health, safety and welfare of all citizens of the community, the town board of trustees is empowered to regulate and restrict the height, number of stories and size of structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the location and use of structures and land.

B. Adoption of Ordinance; Applicability: For any of the above purposes, the town board of trustees may adopt an ordinance dividing the municipality into zoning districts of such number, shape and area as may be deemed most beneficial to the community. Within such zoning districts, the erection, construction, reconstruction, alteration, repair or use of structures or land may be regulated. All such regulations shall be uniform throughout each district, but the regulations in any zoning district may differ from those in other districts.

Section 12-2-2. Relationship of Zoning to Adopted Comprehensive Plan.

A. Specified: Any zoning ordinance adopted by the town board of trustees shall be made subsequent to the preparation of, and in accordance with, the community comprehensive plan, which plan shall be adopted as a statement of public policy by resolution of the town board.

B. Historic Districts: Zoning districts created for protection of historic resources shall also be made subsequent to the preparation of, and in accordance with, an adopted comprehensive plan element for the particular historic resource or area to be protected.

Section 12-2-3. Planning Commission to Be Zoning Commission.

To avail itself of the powers of state law, the municipal planning commission is hereby designated as the zoning commission of the town.

Chapter 3. Subdivision of Land

Section 12-3-1. Subdivision Review Process.

A. Planning Commission Review: All subdivision plats, or re-plats of land laid out in plats or lots, and the streets, alleys or other portions of the same intended to be dedicated to public or private use, located within the jurisdictional area of either the municipal or regional planning commission, shall first be submitted to the planning commission for its review.

B. Board of Trustees Approval: If the subdivision plat or re-plat is located within the corporate limits of the town, final approval, prior to the filing of said plat or re-plat with the County Clerk, shall be obtained from the town board of trustees.

C. Regional Planning Commission Approval: If the subdivision plat or re-plat is located within the jurisdictional area of the regional planning commission, but outside of the corporate boundaries of the town, approval of the regional planning commission shall be obtained prior to the filing of said plat or re-plat with the County Clerk.

D. Utilization of Subdivision Regulations: In reviewing subdivision plats or re-plats, the planning commission and the town board of trustees shall utilize the definitions, procedures and design and improvement standards in the "subdivision regulations" adopted by and for the town, or the appropriate jurisdictional area and entity.

Chapter 4. Penalty

Section 12-4-1. Penalty.

Any person, firm or corporation who violates any provision of this title, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in title 7 of this code. Each day upon which a violation continues shall be deemed a separate offense.

Appendix A – Supplemental Ordinances and Resolutions

TOWN OF RUSH SPRINGS ORDINANCE NO. 357

AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF RUSH SPRINGS, OKLAHOMA, ANNEXING CERTAIN REAL PROPERTY, PROVIDING FOR A PLAN FOR EXTENSION OF MUNICIPAL SERVICES, DIRECTING NOTICE OF THE PROPOSED ANNEXATION BE GIVEN ACCORDING TO 11 O.S. SECTION 21-104, AND PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF RUSH SPRINGS, GRADY COUNTY, STATE OF OKLAHOMA:

SECTION 1. That the PROPERTY DESCRIBED AS FOLLOWS, TO-WIT:

That portion of the following described tracts of real property not currently within the municipal limits of the Town of Rush Springs:

The West Half (W ½) of the Northwest Quarter (NW ¼) of Section 32 Township 4 North, Range 7 West, I.M., Grady County, Oklahoma, less and except that portion of the W ½ of the NW ¼ laying West of the West Right-of-Way line of U.S. Highway 81

Said annexed property is solely a combination of property owned by the Rush Springs Public School District and Oklahoma Department of Transportation Right of Way underlying State Highway 17 (having a width of 100 feet) and U.S. Highway 81 (having a width of 320 feet.

be and the same is hereby annexed into the corporate limits of the Town of Rush Springs, pursuant to 11 O.S. Section 21-104(B), notice having been given according to law by publication and by first class mail to all owners of property described above as shown by the current year's ownership rolls in the office of the Treasurer of Grady County, Oklahoma and to the Grady County Commissioners and public hearing having been conducted according to law.

The foregoing described real estate, when taken as a single unit is adjacent and contiguous to land already within the municipal limits of the Town of Rush Springs, Oklahoma.

SECTION 2. That municipal services and utilities shall be made available to the property described in Section 1 of this ordinance as follows, to-wit:

Town of Rush Springs Fire Protection. The Town of Rush Springs Fire Department is a volunteer department that is funded by the municipal government of the Town of Rush Springs and the land that is the subject of this Ordinance will receive the benefits of protection by the Rush Springs Fire Department.

Solid Waste (Trash) Service. The Town of Rush Springs provides solid Waste (Trash) Service to all residents and businesses within the town limits. Immediately upon annexation, all

residences and businesses located within the annexed area will become customers of the Rush Springs Solid Waste services unless the residence or business has a written contract for solid waste services with a solid waste company. That that event, the residence or business will be allowed to continue to receive solid waste service from its current provider for a maximum period of one (1) year from the effective date of the annexation. It is the experience of the Town of Rush Springs that the municipal solid waste rates are lower than the rates that are available to residences and businesses through private contracts.

Municipal Water Service. Municipal water service from the Town of Rush Springs will be made available to the property that is the subject of this Ordinance provided no water line mains of the Town of Rush Springs are required for said service. Extensions of water line mains will be contemplated and extended if economically feasible and under the same terms and conditions that water service is extended to other new developments within the Town of Rush Springs. When served my municipal water service, customers will receive service at the resident rates. It is the intent of the Town of Rush Springs to continue to allow municipal water services to be expanded and extended further into the area that is subject to the proposed annexation. It is the experience of the Town of Rush Springs that as the area becomes populated, developers will construct extensions to the municipal water system thereby allowing municipal water service to be extended to persons who are not current customers in the area that is proposed to be annexed. The availability of municipally supplied water service is based upon economic feasibility in those areas that are not being currently served by municipally supplied water.

Animal Control. The Town will provide animal control protection in the annexed area and will implement increased activity to patrol for wild animals in the annexed area.

Section Line Road Maintenance. The Town will cooperate with Grady County per an existing and ongoing relationship with the County Commissioners of Grady County, Oklahoma for the maintenance of County Section Line Roads.

Roads within Subdivision. It is expressly stated that the Town of Rush Springs is not assuming the maintenance of non-section line roads within subdivisions or tracts located within the annexed territory, regardless of whether the roads are public or private or platted or unplatted. Subsequent to the date of this annexation, the applicable homeowner's association or the property owners who utilize the subdivision roads may apply to the Town of Rush Springs for acceptance of a street or road. At that time, the Town of Rush Springs will review the status and conditions of the roadway, including, but not limited to width, validity of easements or dedications, road base, surface depth and other construction and safety conditions. The Town of Rush Springs may reject or accept the maintenance of the roadway based upon said review.

SECTION 3. Unless otherwise provided by this Ordinance, current commercial, farming or residential activities upon the annexed property will be permitted to continue until such time as a current use is discontinued or expanded.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance, or any part thereof is for any reason held to be unconstitutional or

invalid or ineffective by any Court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

Section 5. It is hereby determined that it is immediately necessary for the preservation of the public health, peace and safety of the citizens of the Town of Rush Springs, Oklahoma that an emergency be declared. **Wherefore,** an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage and approval.

ADOPTED and approved this 10th day of September, 2010.

MAYOR

TOWN CLERK



TOWN OF RUSH SPRINGS ORDINANCE NO. 372

AN ORDINANCE OF THE TOWN OF RUSH SPRINGS, OKLAHOMA, ADOPTING AND ENACTING THE (2016) "RUSH SPRINGS CODE OF ORDINANCES"; COMPILED, REVISED AND PUBLISHED BY THE AUTHORITY OF THE TOWN OF RUSH SPRINGS BOARD OF TRUSTEES, OKLAHOMA, CONTAINING THE PERMANENT AND GENERAL ORDINANCES OF THE TOWN OF RUSH SPRINGS; 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 BOARD OF TRUSTEES OF THE TOWN OF RUSH SPRINGS, OKLAHOMA:

SECTION 1. Code Adopted and Enacted; Title.

The Code of Ordinances entitled "Rush Springs Code of Ordinances" is hereby adopted and enacted for the Town of Rush Springs, Oklahoma, and shall be treated and considered as a new and original comprehensive Code of Ordinances which shall supersede all general and permanent Ordinances of the Town, adopted on or before November 7, 2016, to the extent provided in Sections 2 and 3 hereof. Said Code may also be cited as the "Rush Springs Town Code" or other appropriate title.

SECTION 2. Ordinance Provisions Adopted.

All of the Ordinance provisions included in the Code are hereby adopted and enacted, and shall be in full effect, whether (a) such provisions are included in the form as originally adopted, (b) are included in amended form, (c) are composed wholly or partially of new material, as authorized by law, or (d) such provisions include material contained in full or adopted by reference.

SECTION 3. Certain Permanent and General Ordinances Are Repealed.

All Ordinances and parts of Ordinances of a permanent and general nature in effect at the time of adoption of this Code but not included in this Code, are hereby repealed at the time this Code goes into effect.

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 Rush Springs, Oklahoma, Board of Trustees to make the same a part of such Code, shall be deemed to be incorporated in such so that reference to the "Rush Springs Code of Ordinances," or any other appropriate title, shall be understood and intended to include such additions and amendments.

SECTION 6. Emergency.

It being necessary for the health, safety and welfare of the residents of the Town of Rush Springs, Oklahoma, that the new "Code of Ordinances" now available to the Town, be adopted and implemented immediately, an emergency is hereby declared to exist, by reason whereof the provisions of this Ordinance and the "Code of Ordinances" adopted by reference herein, shall become effective immediately upon the passage and approval of this Ordinance, all as required by Law.

PASSED, ADOPTED AND APPROVED THIS 7th DAY OF NOVEMBER, 2016.

(SEAL) TOWN OF RUSH SPRINGS SEAL OKLAHOMA

Town of Rush Springs

By: Leigha Nichols

Title: Mayor

ATTEST:

Tamera Davis

Town, Clerk

RESOLUTION No. 2016-4

A RESOLUTION OF THE TOWN OF RUSH SPRINGS, OKLAHOMA, NOTIFYING THE RESIDENTS OF SAID TOWN OF THE ADOPTION OF A NEWLY COMPILED "CODE OF ORDINANCES" FOR SAID TOWN OF RUSH SPRINGS, OKLAHOMA, IN COMPLIANCE WITH THE LAWS OF THE STATE OF OKLAHOMA.

WHEREAS, Section 14-109, Title 11, Oklahoma Statutes, requires the Town of Rush Springs to compile and publish copies of its penal ordinances every ten (10) years; and

WHEREAS, the Board of Trustees of the Town of Rush Springs, Oklahoma, has caused to be prepared and printed copies of a new "Code of Ordinances" for Rush Springs, Oklahoma; and

WHEREAS, said Board of Trustees has, on November 1st, 2016, by Ordinance, duly adopted said Code as its new Code of Ordinances, effective November 1st, 2016; and

WHEREAS, said Board of Trustees shall cause copies of this Resolution to be forwarded to the Office of the County Clerk of Grady County, Oklahoma; and shall cause copies of said Code of Ordinances to be forwarded for filing with the Grady County Law Library; and has copies available at the Rush Springs Town Hall for sale.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Rush Springs, Oklahoma, that said Board of Trustees does hereby notify the residents of the Town of Rush Springs, Oklahoma, that it has fulfilled its statutory duties with respect to the compilation of Ordinances.

PASSED, ADOPTED AND APPROVED THIS 1st DAY OF NOVEMBER, 2016.

Town of Rush Springs

By: Linda Nichols
Title: Mayor

(SEAL)

INCORPORATED TOWN OF RUSH SPRINGS SEAL OKLAHOMA

ATTEST:

Tamera Davis
Town, Clerk

RECEIVED
JAN 18 2017
GRADY COUNTY ELECTION BOARD

TOWN OF RUSH SPRINGS RESOLUTION NO. 2017-1

A RESOLUTION OF THE MAYOR AND TOWN BOARD OF TRUSTEES OF THE TOWN OF RUSH SPRINGS, OKLAHOMA, CALLING A NON-PARTISAN GENERAL ELECTION AND A NON-PARTISAN SPECIAL ELECTION FOR THE PURPOSES OF ELECTING OFFICERS OF THE TOWN OF RUSH SPRINGS, OKLAHOMA, ESTABLISHING THE DATE FOR SAID ELECTION, SETTING FORTH THE QUALIFICATIONS FOR OFFICE AND ESTABLISHING THE FILING PERIOD FOR THE PURPOSE OF ALLOWING QUALIFIED CANDIDATES TO FILE A DECLARATION OF CANDIDACY.

BE IT RESOLVED, By the Mayor and Town Board of Trustees of the Town of Rush Springs, Oklahoma, that for the purpose of electing Trustees to Positions Two (2) and Four (4) on the Board of Trustees of the Town of Rush Springs:

A Non-Partisan General Election, if needed, shall be held on April 4, 2017.

BE IT FURTHER RESOLVED, By the Mayor and Town Board of Trustees of the Town of Rush Springs, Oklahoma, that for the purpose of electing Trustees to Positions Three (3) and Five (5) on the Board of Trustees of the Town of Rush Springs and for the purpose of electing a Town Clerk-Treasurer:

A Non-Partisan Special Election, if needed, shall be held on April 4, 2017.

BE IT FURTHER RESOLVED, that Positions Two (2) and Four (4) shall be elected to the governing body of the Town of Rush Springs, Oklahoma for Four (4) year terms.

BE IT FURTHER RESOLVED, that Positions Three (3) and Five (5) shall be elected to the governing body of the Town of Rush Springs, Oklahoma for Two (2) year terms.

BE IT FURTHER RESOLVED, that a Town Clerk-Treasurer shall be elected for a Two (2) year term.

BE IT FURTHER RESOLVED, that each candidate for municipal office shall be a qualified elector of the municipality by virtue of being a registered voter within the municipality for at least six (6) months prior to filing a declaration of candidacy. The candidate(s) for the offices of Trustee shall state on the declaration of candidacy whether they seek the office of Town Trustee for a term of Two (2) years or the office of the Town Trustee for a term of Four (4) years. The candidate(s) for the office of Town Clerk-Treasurer shall state on the declaration of candidacy that they seek the office of Town Clerk-Treasurer.

BE IT FURTHER RESOLVED, that the election shall be nonpartisan and a qualified candidate may have his/her name printed upon the General Municipal Election ballot as a candidate by filing a Declaration of Candidacy with the Grady County Election Board no earlier than 8:00 a.m. on Monday, February 6, 2017, and no later than 5:00 p.m. on Wednesday, February 8, 2017, during the office hours of the Grady County Election Board in the Grady County County Courthouse Annex Building at 307 West Pennsylvania, Chickasha, Oklahoma.

BE IT FURTHER RESOLVED, that the ballot shall state that the voter shall vote for two candidates for Town Trustee for a term of Four (4) years and shall vote for two candidates for

Town Trustee for a term of Two (2) years and shall vote for one candidate for Clerk-Treasurer. The two (2) candidates for Town Trustee for Four (4) year terms who receive the largest plurality shall be elected to the Town Board to serve four (4) year terms. The two (2) candidates for Town Trustee for Two (2) year terms who receive the largest plurality shall be elected to the Town Board to serve two (2) year terms. The candidate for Town Clerk-Treasurer who receives the largest plurality shall be elected to the office of Town Clerk-Treasurer to serve a two (2) year term..

BE IT FURTHER RESOLVED, that absentee ballots and early voting will be provided in accordance with state law.

PASSED AND APPROVED THIS 13th **DAY OF JANUARY, 2017.**

ATTEST:

Tamera Davis

TOWN CLERK

INCORPORATED TOWN OF RUSH SPRINGS
SEAL
OKLAHOMA

Linda Nichols

MAYOR

RESOLUTION

City of, Rush Springs, Grady County, Oklahoma

Resolution Number 2017-5

RESOLUTION OF THE CITY OF RUSH SPRINGS, MAYOR AND CITY COUNCIL

ADOPTING THE GRADY COUNTY HAZARD MITIGATION PLAN FOR THE CITY OF RUSH SPRINGS, OKLAHOMA.

WHEREAS, the Multi-Hazard Mitigation Plan (the PLAN) for The City of Rush Springs is presented in fulfillment of requirements of the Hazard Mitigation Grant Program (HMGP) as outlined by the Federal Emergency Management Agency (FEMA) according to Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C.4154, enacted under Sec 104 the Disaster Mitigation Act of 2000, (DMA 2000) P.L. 106-390, and;

WHEREAS, the purpose of this Plan is to provide guidance for the County and participating jurisdictions, including the City of Rush Springs hazard mitigation activities for the next five years and to ensure that the City of Rush Springs and participating jurisdictions and other partners implement activities that are most effective and appropriate for mitigating natural hazards events, and;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF RUSH SPRINGS MAYOR AND CITY COUNCIL;

That this Hazard Mitigation Plan for GRADY COUNTY, under the multi-jurisdictional planning participation and adoption process, presented in realization of requirements of the HMGP for the Federal Emergency Management Agency, according to the sections cited above, is hereby approved and adopted by the City of Rush Springs Mayor and City Council ;

APPROVED by the City of Rush Springs Mayor and City Council, this 27th day of March, 2017.

Linda Nichols

Mayor

ATTEST:

Tamera Davis

City Clerk

INCORPORATED TOWN OF RUSH SPRINGS SEAL OKLAHOMA

CITY OF RUSH SPRINGS, OKLAHOMA
RESOLUTION NUMBER 2017-6

A RESOLUTION APPROVING THE CITY OF RUSH SPRINGS, OKLAHOMA'S BUDGET FOR THE FISCAL YEAR 2017-2018

WHEREAS, The TOWN OF RUSH SPRINGS has chosen the budget format of the Oklahoma Municipal Budget Act, and

WHEREAS, The Clerk and Consultant have prepared a budget consistent with this Act: and

WHEREAS, The budget has been form formally presented to the TOWN OF RUSH SPRINGS Board members; and

WHEREAS, The TOWN OF RUSH SPRINGS Board Members have conducted a Public Hearing in compliance with Section 17-208 of that Act;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD MEMBERS OF THE TOWN OF RUSH SPRINGS, OKLAHOMA

SECTION 1. The TOWN Board does hereby adopt the FY 2017-18 Budget on the 30th day of June, 2016, as presented in the attached budget, with totals by department within each fund.

SECTION 2. This resolution and a copy of the adopted budget will be transmitted to the Oklahoma State Auditor and Inspector and one copy submitted to the Clerk/Treasurer of this municipality.

Passed and Approved by the TOWN Board of the TOWN OF RUSH SPRINGS, Oklahoma this 30th day of June, 2017.

Mayor

INCORPORATED TOWN OF RUSH SPRINGS SEAL OKLAHOMA

ATTEST:

CITY Clerk

INVESTMENT POLICY
(For Smaller Cities and Towns)

RESOLUTION NO. 2017-7

A RESOLUTION OF THE TRUSTEES
OF THE TOWN OF RUSH SPRINGS ESTABLISHING AN INVESTMENT
POLICY FOR RUSH SPRINGS, OKLAHOMA

WHEREAS, the Oklahoma Statutes, Title 62 OS 84, Supp. Section 348.1 provides that the lawful treasurer of any city or town, when authorized by the appropriate governing body by resolution, shall invest any monies in the custody of the treasurer as limited by law, provided further that said monies cannot then be used for the purpose for which they are to be expended, and

WHEREAS, the Board of Trustees of Rush Springs recognize the necessity of establishing an investment policy to properly transact its investment activities, and

WHEREAS, the Board of Trustees also recognizes the necessity of improving its procedures for investing available funds to earn additional revenue.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Rush Springs, Oklahoma:

A. That the Town Treasurer shall be an is hereby given blanket authority and directed to invest and reinvest available funds on a continuing basis effective June 29, 2017; provided that the income received from said investments may be placed in the general fund of the governmental subdivision to be used for general governmental operations, the sinking fund or the fund from which the investment was made.

B. That the Town Treasurer shall keep records on all investments, showing the amount invested from each fund by type of investment and distribution of interest earned by each fund.

PASSED by the Board of Trustees and SIGNED by the Mayor this 30th day of June, 2017.

Linda Lechok
MAYOR

ATTEST: (Seal)

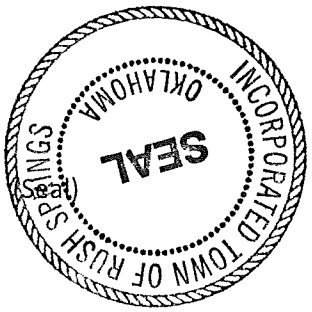


EXHIBIT F TO EQUIPMENT LEASE-PURCHASE AGREEMENT

Dated February 26, 2018 Between Welch State Bank as Lessor and Rush Springs Municipal Improvement Authority as Lessee.

RESOLUTION OF GOVERNING BODY – 2018-1

At a duly called meeting of the governing body of the Rush Springs Municipal Improvement Authority (the "Lessee") held on February 13, 2018, the following resolution was introduced and adopted:

RESOLVED, whereas the governing body of Lessee has determined that a true and very real need exists for the acquisition of Case 580N Loader Backhoe SN# JJGN580NPHC740698 (the "Equipment"), Lessee desires to finance the Equipment by entering into an Equipment Lease-Purchase Agreement with Welch State Bank as Lessor and Rush Springs Municipal Improvement Authority as Lessee (the "Agreement") according to the terms set forth in the Bid Proposal from Welch State Bank dated February 16, 2018
, presented at the board meeting; and the Equipment will be used by Lessee for the purpose of: Excavation and Sewer/water works

RESOLVED, whereas the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment,

RESOLVED, whereas the governing body hereby directs its legal counsel to review the Agreement and negotiate appropriate modifications to said Agreement so as to assure compliance with state law and local statutory law, prior to execution of the Agreement by those persons so authorized by the governing body for such purpose, BE IT RESOLVED, by the governing body of Lessee that:

The terms of said Agreement are in the best interests of Lessee for the acquisition of such Equipment and the governing body of Lessee designates and confirms the following persons to execute and deliver, and to or attest, respectively, the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement. Name and Title of Persons to Execute and Attest Agreement:

Linda Nichols, Chairman

RESOLVED, Lessee covenants that it will perform all acts within its power which are or may be necessary to insure that the interest portion of the Rental Payments coming due under the Agreement will at all times remain exempt from federal income taxation under the laws and regulations of the United States of America as presently enacted and construed or as hereafter amended.

Lessee hereby certifies that it has not issued or effected the issuance of, and reasonably anticipates that it and its subordinate entities shall not issue or effect the issuance of, more than ten million dollars ($10,000,000.00) of tax-exempt obligations during the 2018 calendar year and hereby designates the Agreement as a "qualified tax-exempt obligation", as defined by Section 265 (b)(3) of the Internal Revenue Code of 1986, as amended.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Agreement is the same as presented at said meeting of the governing body of Lessee.

Kathy Adamson
Secretary/Clerk of Lessee

Attachments: Related Board Minutes

TOWN OF RUSH SPRINGS, OKLAHOMA
RESOLUTION NUMBER 2018-2

A RESOLUTION APPROVING THE TOWN OF RUSH SPRINGS, OKLAHOMA'S BUDGET FOR THE FISCAL YEAR 2018-2019.

WHEREAS, The TOWN OF RUSH SPRINGS has chosen the budget format of the Oklahoma Municipal Budget Act, and

WHEREAS, The Clerk has prepared a budget consistent with this Act: and

WHEREAS, The budget has been form formally presented to the TOWN OF RUSH SPRINGS Board members; and

WHEREAS, The TOWN OF RUSH SPRINGS Board Members have conducted a Public Hearing in compliance with Section 17-208 of that Act;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD MEMBERS OF THE TOWN OF RUSH SPRINGS, OKLAHOMA

SECTION 1. The TOWN Board does hereby adopt the FY 2018-2019 Budget on the 20th of June, 2018, as presented in the attached budget, with totals by department within each fund.

SECTION 2. This resolution and a copy of the adopted budget will be transmitted to the Oklahoma State Auditor and Inspector and one copy submitted to the Clerk/Treasurer of this municipality.

Passed and Approved by the TOWN Board of the TOWN OF RUSH SPRINGS, Oklahoma this 20th of June, 2018.

Linda Neathola
Mayor

ATTEST:

CITY Clerk

INCORPORATED TOWN OF RUSH SPRINGS
SEAL
OKLAHOMA

TOWN OF RUSH SPRINGS RESOLUTION NO. 2019-1___

A RESOLUTION OF THE MAYOR AND TOWN BOARD OF TRUSTEES OF THE TOWN OF RUSH SPRINGS, OKLAHOMA, CALLING A NON-PARTISAN REGULAR ELECTION AND A NON-PARTISAN SPECIAL ELECTION FOR THE PURPOSES OF ELECTING OFFICERS OF THE TOWN OF RUSH SPRINGS, OKLAHOMA, ESTABLISHING THE DATE FOR SAID ELECTION, SETTING FORTH THE QUALIFICATIONS FOR OFFICE AND ESTABLISHING THE FILING PERIOD FOR THE PURPOSE OF ALLOWING QUALIFIED CANDIDATES TO FILE A DECLARATION OF CANDIDACY.

BE IT RESOLVED, By the Mayor and Town Board of Trustees of the Town of Rush Springs, Oklahoma, that for the purpose of electing Trustees to Positions One (1), Three (3) and Five (5) on the Board of Trustees of the Town of Rush Springs and for the purpose of electing a Town Clerk-Treasurer:

A Non-Partisan Regular Election, if needed, shall be held on April 2, 2019.

BE IT FURTHER RESOLVED, By the Mayor and Town Board of Trustees of the Town of Rush Springs, Oklahoma, that for the purpose of electing a Trustee to Position Four (4) on the Board of Trustees of the Town of Rush Springs:

A Non-Partisan Special Election, if needed, shall be held on April 2, 2019.

BE IT FURTHER RESOLVED, that Positions One (1), Three (3) and Five (5) shall be elected to the governing body of the Town of Rush Springs, Oklahoma for Four (4) year terms.

BE IT FURTHER RESOLVED, that a Town Clerk-Treasurer shall be elected for a Four (4) year term.

BE IT FURTHER RESOLVED, that Position and Four (4) shall be elected to the governing body of the Town of Rush Springs, Oklahoma for a Two (2) year term.

BE IT FURTHER RESOLVED, that each candidate for municipal office shall be a qualified elector of the municipality by virtue of being a registered voter within the municipality for at least six (6) months prior to filing a declaration of candidacy. The candidate(s) for the offices of Trustee shall state on the declaration of candidacy whether they seek the office of Town Trustee for a term of Two (2) years or the office of the Town Trustee for a term of Four (4) years. The candidate(s) for the office of Town Clerk-Treasurer shall state on the declaration of candidacy that they seek the office of Town Clerk-Treasurer.

BE IT FURTHER RESOLVED, that the election shall be nonpartisan and a qualified candidate may have his/her name printed upon the Regular Municipal Election ballot as a candidate by filing a Declaration of Candidacy with the Grady County Election Board no earlier than 8:00 a.m. on Monday, February 4, 2019, and no later than 5:00 p.m. on Wednesday, February 6, 2019,

during the office hours of the Grady County Election Board in the Grady County County Courthouse Annex Building at 307 West Pennsylvania, Chickasha, Oklahoma. Contests of candidacy may be filed until 5:00 p.m. on Friday, February 8, 2019.

BE IT FURTHER RESOLVED, that the ballot shall state that the voter shall vote for three (3) candidates for Town Trustee for a term of Four (4) years and shall vote for one (1) candidate for Town Trustee for a term of Two (2) years and shall vote for one (1) candidate for Clerk-Treasurer. The three (3) candidates for Town Trustee for four (4) year terms who receive the largest plurality shall be elected to the Town Board to serve four (4) year terms. The one (1) candidate for Town Trustee for Two (2) year terms who receives the largest plurality shall be elected to the Town Board to serve a two (2) year term. The candidate for Town Clerk-Treasurer who receives the largest plurality shall be elected to the office of Town Clerk-Treasurer to serve a four (4) year term.

BE IT FURTHER RESOLVED, that absentee ballots and early voting will be provided in accordance with state law.

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to the Grady County Election Board at least Sixty (60) days prior to the date of the Non-Partisan Election and at least fifteen (15) days prior to the first day of the filing period established herein and in no event later than January 18, 2019.

BE IT FURTHER RESOLVED, that a copy of this Resolution be published in a newspaper of general circulation within the Town of Rush Springs at least ten (10) days prior to the first day of the filing period established herein and in no event later than January 25, 2019.

BE IT FURTHER RESOLVED, that the date of the Non-Partisan Elections shall be not less than forty-five (45) days after the close of the filing period established herein.

PASSED AND APPROVED THIS 11th **DAY OF** January **, 2019.**

Linda Nichols
MAYOR

ATTEST:

TOWN CLERK

(S E A L)

INCORPORATED TOWN OF RUSH SPRINGS SEAL OKLAHOMA

RESOLUTION NO. 2019-2

A RESOLUTION AUTHORIZING OMAG TO DISTRIBUTE ESCROW ACCOUNT FUNDS

WHEREAS, the City/Town of Rush Springs desires to send a request to OMAG for a return of Escrow Account Funds in the amount of 2,830.60.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY/TOWN COMMISSION OF THE CITY/TOWN OF Rush Springs, **OKLAHOMA** that we approve Resolution No. 2019-2 and authorize the request of return.

APPROVED BY THE BOARD OF COMMISSIONERS FOR THE CITY/TOWN OF Rush Springs, **THE** 28th **DAY OF** January, **2019.**

Linda Nichols

, Mayor

Attest:

(City/Town Official)

INCORPORATED TOWN OF RUSH SPRINGS OKLAHOMA SEAL

TOWN OF RUSH SPRINGS, OKLAHOMA
RESOLUTION NUMBER 2019-3

A RESOLUTION APPROVING THE TOWN OF RUSH SPRINGS, OKLAHOMA'S BUDGET FOR THE FISCAL YEAR 2019-2020.

WHEREAS, The TOWN OF RUSH SPRINGS has chosen the budget format of the Oklahoma Municipal Budget Act, and

WHEREAS, The Clerk has prepared a budget consistent with this Act: and

WHEREAS, The budget has been form formally presented to the TOWN OF RUSH SPRINGS Board members; and

WHEREAS, The TOWN OF RUSH SPRINGS Board Members have conducted a Public Hearing in compliance with Section 17-208 of that Act;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD MEMBERS OF THE TOWN OF RUSH SPRINGS, OKLAHOMA

SECTION 1. The TOWN Board does hereby adopt the FY 2019-2020 Budget on the 13th of June, 2019, as presented in the attached budget, with totals by department within each fund.

SECTION 2. This resolution and a copy of the adopted budget will be transmitted to the Oklahoma State Auditor and Inspector and one copy submitted to the Clerk/Treasurer of this municipality.

Passed and Approved by the TOWN Board of the TOWN OF RUSH SPRINGS, Oklahoma this 13th of June, 2019.

Janice Strange
Mayor

ATTEST:

CITY Clerk

INCORPORATED TOWN OF RUSH SPRINGS
SEAL
OKLAHOMA

TOWN OF RUSH SPRINGS 2019-20 Budget as adopted by Resolution 2019-3

	General Fund	Grant Fund	Rural Fire	Cemetery Care	CLEET Fund	EMS Fund	POLICE EQUIP	Cemetery Fund
Revenues:								
Taxes	419,920					99,210		
Charges for Services			9,500			180,900		4,330
Licenses and Permits	1,890		100					
Rentals	600							
Miscellaneous Revenue	14,505			4,400		1,600		75
Fines	210,575				4,000		5,200	
Grants/Intergovernmental						68,100		
Library	255							
Fire Runs	3,000							
Cemetery	12,000							
Services	1,160							
Transfer In	2,500							
Transfer In								
Donations			1,600				200	
Cash Carry Forward	30,120		4,400		200		2,500	27,000
Total Revenues	696,525	-	15,600	4,400	4,200	349,810	7,900	31,405
Expenditures:								
Clerk	85,580							
Police Dept	359,030						7,900	
Fire Dept	64,885		15,600					
Library	42,525							
Parks and Pools	50,780							
Cemetery	9,955							10,000
Legal and Judical	20,300							
General Government	41,470							
Capital Outlay								
Cleet Fund					4,200			
Street	22,000							
EMS Department						308,090		
Sewer								-
Tranfer out								-

MIA 2019-20 BUDGET
ADOPTED BY RESOLUTION 2019-3

EDA AUTHORITY

	MIA OPERATING	MIA DEBT SERVICE	MIA EMERGENCY FUND	EDA FUND
Revenues:				
Water	195,500			
Sewer	95,100			
Garbage	203,800			
Miscellaneous	15,000			3,000
Interest				
Transfers In		60,000	-	
Cash Carry Overe			38,080	
Total Revenues	**509,400**	**60,000**	**38,080**	**3,000**
Expenses:				
Water	95,080			
Sewer	134,920		15,000	
Garbage	122,100			
Administration	83,940			
Transfer Out	66,000			
MIA Debt Service		60,000		
Total Expenditures	**502,040**	**60,000**	**15,000**	

0

ORDINANCE NO. 381

AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF OKLAHOMA ("PSO") THE RIGHT, PRIVILEGE AND NON-EXCLUSIVE FRANCHISE FOR 25 YEARS TO BUILD, EQUIP, MAINTAIN, EXTEND, OWN AND OPERATE A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION, SALE AND CONTROL OF ELECTRICITY AND COMMUNICATIONS CIRCUITS FOR ITSELF AND OTHERS IN, UNDER, OVER, ACROSS, THROUGH AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE STREETS, ALLEYS, AVENUES, WAYS AND OTHER PUBLIC PLACES AND GROUNDS WITHIN THE LIMITS OF THE TOWN OF RUSH SPRINGS, GRADY COUNTY, OKLAHOMA; AND GRANTING PSO THE RIGHT TO OPERATE AN ELECTRIC BUSINESS PURSUANT TO REASONABLE RULES AND REGULATION BY THE OKLAHOMA CORPORATION COMMISSION; WITH PSO AGREEING TO CHARGE LEGAL RATES FOR THE ELECTRIC SERVICE; AND, IF POSSIBLE, TO SELL AND DELIVER TO THE TOWN ALL ELECTRICITY AND SERVICES REQUESTED BY IT; PROVIDING FOR PAYMENT TO THE TOWN BY PSO OF A MONTHLY FEE ON GROSS RECEIPTS FROM THE DELIVERY AND SALE OF ELECTRICITY; AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE TOWN OF RUSH SPRINGS, OKLAHOMA:

SECTION 1. That the Town of Rush Springs (the "Town"), located in Grady County ("Grantor"), grants to Public Service Company of Oklahoma, an Oklahoma corporation, its successors and assigns ("Grantee"), the right, power and authority to use the streets, alleys, avenues, ways and other public places and grounds of Grantor ("Public Rights of Way") as now constituted and as it may be extended or created in the future for the purpose of building, equipping, maintaining, extending, owning and operating any plants, systems and appurtenant facilities for the manufacture, transmission, distribution, sale and control of electricity for lighting, heating and power purposes as well as for any other purposes as electric energy may be used, in and to Grantor and to the public generally and to transmit electric energy and communicate and distribute information (audio, video and data) for itself or others over distribution and transmission lines throughout the Town to the ultimate customer and to connections and systems in other localities with poles, wires, conduits, substations, meters, appliances and apparatus necessary and convenient for the plant and system upon, across, over

and under the Public Rights of Way of the Town.

SECTION 2. All rights and privileges granted by this Ordinance will extend and be in force between Grantor and Grantee for a term of twenty-five years from and after acceptance of this Ordinance.

SECTION 3. All provisions of this Ordinance that obligate or benefit Grantee will also obligate or benefit its successors and assigns, and the word "Grantee," as used in this Ordinance, will include and mean not only Public Service Company of Oklahoma, but also its successors and assigns for which assignment consent is given whether the assignment is for the whole or only a partial assignment. Subject to the provisions of this subsection, Grantee may assign all or a portion of its rights and obligations under the provisions of this Ordinance and franchise.

SECTION 4. Grantee shall have the right to make and enforce reasonable rules and regulations for the sale, delivery, control and metering of its electric energy and the conduct of its business and may reserve in these rules and regulations the right to disconnect service to customers where Grantee's meters, wires, switches, appliances or apparatus are found to have been tampered with, or when customers have failed to pay for electricity or services. Grantee shall have the right to enter upon customers' premises at all reasonable times or at any hour if for the sole purpose of restoring service, for the purpose of inspecting, repairing or reading meters or for removing wires, meters, switches and appliances, and to perform other activities necessary to provide and maintain electric service so long as these rules and regulations are not in conflict with law or the rules and regulations from time to time made by the Oklahoma Corporation Commission or by other regularly constituted regulatory authority having jurisdiction over Grantee.

Grantor gives Grantee permission to cut down, trim, remove and otherwise control using herbicides or tree growth regulators any trees, branches, vegetation or brush upon and overhanging the Public Rights of Way of the Town in the vicinity of Grantee's electric facilities where trees and other vegetation, in Grantee's reasonable opinion, may endanger the safety of Grantee's personnel or interfere with the construction, operation or maintenance of Grantee's facilities or ingress or egress to, from or along the Public Rights of Way.

SECTION 5. Grantee covenants and agrees that in consideration of this franchise and contract, it will maintain electric distribution service in and to Grantor, unless excused by

statute, under the rules and orders imposed upon it by the Corporation Commission of the State of Oklahoma, or by other regularly constituted regulatory authority having jurisdiction over Grantee. By accepting this franchise and contract, however, Grantee does not guarantee continuous service at all times and will be relieved temporarily from its obligation to furnish services continuously in case of any disability caused by act of God or by the elements, or terrorism, strikes or lock-outs, or by any temporary breakdown or failure of machinery, transmission or distribution lines, appliances or apparatus or by other causes beyond Grantee's reasonable control so long as Grantee exercises due diligence in the repair of its machinery, transmission or distribution lines, appliances and apparatus, and makes best efforts to resume operation without unnecessary delay.

Grantee covenants and agrees to hold Grantor free and clear of any claims for damages or otherwise to the extent caused by Grantee's negligence in the construction or operation carried on under this contract and franchise. Regardless, it is understood and agreed that in the event of claims that are presented or prosecuted against the Town, Grantee will have the right to defend against and to settle and discharge all claims in any manner as Grantee may see fit. To this end, Grantor agrees to notify Grantee of any claims and to furnish to Grantee all related information and assistance as may be necessary in the defense of the claims.

SECTION 6. In performing the terms and provisions of this Ordinance, franchise and contract, Grantor gives Grantee the continuing right, privilege and option to manufacture electric energy within Grantor's corporate limits and to transmit electric energy over transmission lines from other plants and to distribute electric energy from some central location at proper voltage; together with the right to transmit electric energy from and through the Town to other localities for itself or others. Grantee is authorized to allow others who have a permitted right given by Grantor, or as may otherwise be authorized or required by applicable law, to attach telecommunications and cable facilities to its poles and structures on such conditions as it considers just and reasonable and in compliance with applicable law.

SECTION 7. During the life of this franchise and for and in consideration of acceptance of the franchise by Grantee, Grantor agrees that Grantee may charge and collect from Grantor and its inhabitants a rate or rates for its service or the service of others that must be compensatory and reasonable at all times, and if regulated, subject to the rules and orders as are in effect or that hereafter may be lawfully made by the Oklahoma Corporation

Commission, or by other regularly constituted regulatory authority having jurisdiction over Grantee.

SECTION 8. During the life of this franchise, Grantee will, if possible and permitted under applicable law, sell to Grantor all electric energy requested by Grantor for municipal purposes including, but not limited to, water and wastewater treatment, water and storm water pumping, and the lighting of Town streets.

SECTION 9. From and after the approval and acceptance of this Ordinance, and in consideration of the granting of this franchise, Grantee will pay to Grantor as a franchise fee and as compensation for the rights and privileges enjoyed under the franchise, a sum equal to two percent of its gross receipts from the delivery and, if applicable, the sale of electrical energy within the Town, payable monthly with each payment to be made not later than the first business day of the second month following the month in which the receipts were received for the billing cycle for that month. For example, payment for April receipts, for a subject year covering a billing cycle from March 29th through April 27th would be paid not later than June 1st. The fee will be in lieu of all concessions, excise, franchise, licenses, occupation, privilege, and permit fees, or taxes, except assessments for special improvements and ad valorem taxes.

Grantor must notify Grantee in writing of newly annexed and de-annexed areas. The notice must include the ordinance number authorizing the action, an appropriate map identifying the areas and documentation of the notice to the state of Oklahoma regarding the annexation or de-annexation. Grantee will have no responsibility for commencing franchise payments under the franchise to Grantor in newly annexed areas until Grantee has received Grantor's notification. Upon Grantor's notification and beginning the 91st day after receipt of the notice, Grantee will begin payments to Grantor for the gross receipts from delivery and, if applicable, the sale of electrical energy in each newly annexed area and will make any appropriate adjustments in payments reflecting overpayments made in any prior month resulting from the inclusion of gross receipts from delivery and, if applicable, the sale of electrical energy in de-annexed areas. Payments for receipts in newly annexed areas and adjustments for overpayments in de-annexed areas will be made back to the effective date of the ordinance authorizing the action.

Grantor agrees that the percentage paid to Grantor by Grantee, including any necessary revision, will in no event exceed the percentage rate used to calculate any fee or tax paid to Grantor by any other person or entity if the fee or tax is based in any way on the amount of revenues from delivery or sales of electrical energy or both by such other person or entity to ultimate customers within the Town.

SECTION 10. This Ordinance will be in full force and effect from and after its acceptance upon its passage and approval by a vote of the qualified electors residing within the Town who will vote on the acceptance at a special election called under or pursuant to the provisions of this Ordinance. If, however, this Ordinance fails to be so approved at the special election, it will be deemed wholly void and of no effect.

The Mayor of the Town is authorized and instructed to call for an election by resolution in the manner and form provided by the laws of the state of Oklahoma for the calling of special elections, giving the resolution, notice and ballot title accordingly as provided by law for the purpose of submission to the qualified electors residing within the Town. The qualified electors will vote on the proposition by either approval or refusal of this Ordinance and the non-exclusive franchise contract granted herein; and the proper officers of the Town are directed to do all things necessary for the holding of the election and for the submission of the question and must in all things comply with the election laws of the state of Oklahoma.

If the franchise is approved at the election, Grantee will have thirty days after the election result is declared to file an acceptance of the Ordinance and franchise with the Town Clerk, in writing and executed according to law.

SECTION 11. After Grantee has filed the acceptance of this Ordinance as provided in Section 10, all rights, privileges and obligations of any other ordinances and franchises or portions thereof, under which Grantee may now be exercising its privileges to use the streets, alleys, avenues, ways and other public places and grounds within the Town's incorporated limits, and all other ordinances and parts of ordinances in conflict with this Ordinance will be and thereafter remain cancelled, annulled and repealed.

SECTION 12. The provisions of this Ordinance are severable, and if any court of competent jurisdiction judges any part or provision invalid, such adjudication will not affect or impair any of the remaining parts or provisions of this Ordinance.

SECTION 13. Whereas an immediate necessity exists so that the Town's residents may be provided an adequate supply of electricity for heating, lighting and power purposes and for the purpose of providing light, heat and power for its streets, alleys, public grounds, parks and other public places and institutions and for the preservation of public health, peace and safety, an emergency is declared to exist by reason of which this Ordinance will be in full force and effect from and after its passage and approval at the special election, its publication and PSO's filing of its acceptance.

Approved, this 22nd day of February, 2021.

Janice Strange
Janice Strange, Mayor

(SEAL)

ATTEST:

Kathy A Dawson

Printed Name: Kathy A Dawson
Town Clerk