TUTTLE, OKLAHOMA

CODE OF ORDINANCES
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CHAPTER 1 – ADMINISTRATION AND MANAGEMENT

Article 1. Incorporation; Form of Government; Powers

Section 1-1. Incorporation.

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

Section 1-2. Form of Government.

The Municipal government provided for the City of Tuttle, Oklahoma, shall be the Council Manager form of government. All powers of the municipality shall be exercised in the manner prescribed by this Code of ordinances, future ordinances or State Law; provided, that, this Code and all future Ordinances are not repugnant to the State Constitution and Laws.

(Ordinance 1991-2)

Section 1-3. General Powers of the Municipality.

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

2. The City of Tuttle, Oklahoma, shall have the power to adopt a corporate seal and alter the same, to sue and be sued, to make contracts and to grant, extend and renew franchises. It shall have the power 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.

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

Sections 1-4 through 1-9. (Reserved for future use.)

Article 2. City Council

Section 1-10. Election and Terms of Council Members and officers.

1. The City Council shall consist, and be composed of, four (4) persons: a Council Member from each of the City's four (4) wards, and one (1) Council member At Large.

2. At the general municipal election held in 1991, the Council members to be elected and their terms are as follows:

a. Four (4) year terms: Council members form Wards One (1) and Two (2).

b. Two (2) years terms: Council members from Wards Three (3), Four (4), and the Council member at large.

3. At general municipal elections held thereafter, the successors of the Council members whose terms are expiring shall be elected for four (4) year terms.
(Ordinance 1991-2)

Section 1-11. Powers of the City Council,

1. Except as otherwise provided in this Code of ordinances, all powers of the municipality, including the determination of matters of policy, shall be vested in the City Council; said City Council shall have, and may utilize, all of the powers granted to the Municipality and said City Council by the State Constitution and Laws.

2. The City Council shall appoint the City Manager for an indefinite term, by a majority vote of all of its Members; the City Council may also suspend or remove the City Manager by a majority vote of all of its Members.

3. The relationship between the City Council and the City Manager shall be as prescribed by applicable provisions of Title 11 of Oklahoma Statutes.
(Ordinance 1991-2)

Section 1-12. Municipal Policy and Business.

1. The City Council of Tuttle, Oklahoma, shall carry out their responsibilities, powers, and duties as officers and as a corporate and politic body, within the limits prescribed by the State Constitution and Laws and the Code of Ordinances of the City of Tuttle, Oklahoma.

2. It shall be the policy of the Municipal government that no person shall be discriminated against on the grounds of race, creed, color, sex, religion, national origin or age in employment or other activities sponsored directly or indirectly by the City of Tuttle, Oklahoma.

3. Every City Council Member who shall be present when the opportunity or need arises to vote upon a question, shall vote thereon, unless excused by the unanimous consent of those City Council Members present, or unless he is directly or indirectly interested in the question, in which event he shall disclose his interest to the City Council and it shall be made a matter of record.

Section 1-13. City Council Meetings.

1. Municipal business shall be conducted at regularly-scheduled open and public meetings held in the City Hall (or another agreed upon place which is open to the public), at 7:00 p.m. on the 2nd Monday of each month. Provided, that if such Monday falls on a holiday, the regular meeting shall be held on a date and time approved by the city council. The City Council shall conduct an open and public pre-meeting workshop meeting at 6:00 p.m. for the purposes of receiving presentations, receiving or giving reports, ask general questions regarding items on the consent docket, and conduct studies. Regularly-scheduled meetings shall adjourn by 10:00 pm unless a majority of those members still present vote to suspend the rules to extend the meeting past the required time of adjournment. Otherwise, the meeting shall be continued. In the event any meeting is to be continued or reconvened, public notice of such action, including date, time and place of the continued meeting, shall be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

2. The City Council shall conduct a special workshop meeting on the 4th Monday of each month beginning at 6:00 p.m. and ending at 7:00 p.m. unless the rules are suspended to extend the meeting past the required time of adjournment. The Mayor may cancel this meeting if it is determined there is no business necessary to be conducted. The primary purpose of this meeting is to serve as a study session. The only official municipal business to be conducted at this meeting shall be those business items tabled at a previous meeting specifically to this meeting or those items that cannot wait until the next regularly-scheduled City Council Meeting.

3. Special or Emergency City Council meetings may be called by the Mayor, or by a majority of the Council Members, upon the serving of notice, as required by current State Law.

4. The City Council shall establish, by motion or Resolution, an order of business for the conduct of its meetings.

(Amended by Ordinance No. 2016-30, 12-12-2016)

Section 1-14. Removal of Council Members; Vacancies.

1. The Mayor or any Council Member may be removed from office for any cause specified by, and by the methods prescribed and specified by, applicable State Law for the removal of officers, including Title 22, Oklahoma Statutes, 1981, Sections 1181, et seq., as amended.

2. Whenever a City Council Member is absent from more than one half (1/2) of all meetings of said City Council (Regular and Special) held within any period of four (4) consecutive months, said person shall thereupon automatically cease to hold office, unless the remaining City Council Members vote to retain said person on said City Council.

3. Vacancies in the membership of the City Council shall be filled according to applicable provisions of State Law.

Section 1-15. Compensation And Expenses.

A. The Mayor shall be compensated for serving in his or her official capacities at a rate of $200 per month. The Mayor shall otherwise serve without compensation or benefits, but shall receive his or her actual and necessary expenses incurred in the performance of the duties of the Mayor.

B. The Members of the City Council shall be compensated for serving in their official capacities at a rate of $100 per month. The Members of the City Council shall otherwise serve without compensation or benefits, but shall receive their actual and necessary expenses incurred in the performance of their duties.

C. Neither the Mayor nor any individual member of the City Council shall be entitled to the increase in compensation set forth in this Section until they begin a new term of office pursuant to an election or appointment that occurred after the effective date of this Ordinance.

(Added Ord. 2010-38, 11/8/2010; Amd. Ord. 2021-10, 10/11/2021)

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

Article 3. Municipal Personnel

Section 1-30. Mayor; Vice Mayor.

1. The City Council shall elect one (1) of its members as Mayor and one (1) as Vice Mayor. The Mayor and Vice Mayor shall be elected in each odd numbered year, at the 1st Council meeting held after the Council Members' terms begin, or as soon thereafter as practicable, and they shall serve until their respective successors have been elected and qualified.

2. When a vacancy occurs in the Office of Mayor, the Vice Mayor shall become the Mayor for the duration of the unexpired term. When a vacancy occurs in the Office of Vice Mayor, the City Council shall elect another Vice Mayor from among its Members for the duration of the unexpired term.

3. The Mayor shall preside at all meetings of the City Council and may call special meetings thereof.

4. The mayor shall certify to the correct enrollment of all ordinances and Resolutions passed by the City Council. The Mayor shall have all the powers, rights, privileges, duties and responsibilities of a Council Member, and may vote on all matters that come before the City Council.

5. The mayor shall be recognized as the head of the Municipal government for all ceremonial purposes and by the Governor for purposes of military law.

6. The Vice mayor shall act as Mayor during the absence, disability or suspension of the Mayor.

7. The Mayor and Vice Mayor shall perform all other duties prescribed by State Law or Ordinance.

Section 1-31. City Manager; Acting City Manager.

1. The City manager shall be appointed by a majority vote of the City Council, for an indefinite term.

2. The City Manager shall be selected on the basis of his executive and administrative qualifications.

3. At the time of his appointment, the City Manager need not be a resident of the City of Tuttle, Oklahoma, but during the tenure of his office, he shall reside within the City.

4. The City Manager may appoint himself, or the City Council or other Authority may appoint or elect him, to other offices and positions in municipal government (subject to such regulations as may be prescribed by Ordinance), but he may not receive compensation for service in such other offices or positions.

5. Neither the Mayor nor any City Council Members may be appointed City Manager during the term for which they shall have been elected, nor within two (2) years after the expiration of their term.

6. The City Council may suspend or remove the City Manager (or Acting City Manager), at any time, by a majority vote of all of its members.

7. The City manager may appoint a qualified Municipal administrative officer to be Acting City Manager during the temporary absence or disability of the City Manager, by filing a letter of appointment with the City Clerk Treasurer.

8. The City Council may appoint an Acting City Manager if the City Manager fails to make such a designation, if the City Council suspends the City Manager, or if at any time there is a vacancy in the office of City Manager.

Section 1-32. City Clerk.

1. The City Clerk shall be appointed by the City Manager for an indefinite term.

2. The City Clerk as an officer of the City of Tuttle, Oklahoma, shall attend all meetings of the City Council and keep a journal of the proceedings of said City Council.

3. The City Clerk shall have custody of all documents, records and archives of the City of Tuttle, Oklahoma, as well as be custodian of the Municipal Seal.

4. The City Clerk shall attest and affix said Seal to documents as required by Law or ordinance, and shall see that all ordinances passed are kept on file, in triplicate, in the Office of the City Clerk.

5. The City Clerk shall enroll, in a book kept for such purposes, all Ordinances and Resolutions passed by the City Council, and shall see that all Ordinances and Resolutions passed are kept on file, in triplicate, in the Office of the City Clerk.

6. The City Clerk shall countersign warrants as required by State Law.

7. The City Clerk shall have such further powers and duties as may be prescribed by this Code of Ordinances, by applicable State Law or by the City Manager.

Section 1-33. City Treasurer.

1. The City Treasurer shall be an officer of the City appointed by the City Council for an indefinite term; the City Council may appoint any other officer or employee of the City of Tuttle, except the City Clerk, to serve as a City Treasurer. Nothing herein shall be construed to prohibit the appointment of an individual who is not an officer or employee of the City of Tuttle to the position of City Treasurer.

2. The City Treasurer shall maintain accounts and books to show where and from what sources all monies paid to him have been derived, and to whom and when any monies, or any part thereof, have been paid. His books, accounts and vouchers shall at all times be subject to the examination of the City Council.

3. The City Treasurer shall maintain a general accounting system for municipal Government.

4. The City Treasurer shall deposit daily funds received for the City in such depositories as may be designated.

5. The City Treasurer shall provide for the disbursement of funds countersign warrants as required by Law.

6. The City Treasurer shall receive a monthly salary, as set by the City Council, to be paid in the manner as the salaries of other municipal employees.

(Updated Ord. 1999-13, 12/13/1999; Ord. 2009-29, 10/27/2009; Ord. 2015-02, 1/12/2015)

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

1. There shall be a Police Department, the head of which shall be the Chief of Police appointed by the City Manager for an indefinite term, and removable by the City Manager. All police officers are officers of the city.

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

(Updated Ord. 2011-04, 1/10/2011)

Section 1-34.1. Chief of Police.

1. The Chief of Police shall be in charge of the police department, and he shall formulate whatever general rules and regulations concerning the organization and duties of the department as he deems advisable and necessary.

2. The Chief of Police shall make an annual report to the city manager and to the city council within one month after the close of the calendar year, reporting upon the activities and effectiveness of this department.

3. The Chief of Police shall establish courses of study and training for police service for the members of the Tuttle Police Department.

(Updated Ord. 2011-04, 1/10/2011)

Section 1-34.2. Abandoned or Unclaimed Property.

The chief of police is authorized to dispose of personal property or money or legal tender which has come into the possession of the chief of police in any manner in accordance with 11 O.S. 34-104.

(Updated Ord. 2011-04, 1/10/2011)

Section 1 35. Reserve Police Department.

1. The Chief of Police is authorized to appoint and dismiss Reserve Police Officers, subject to prior approval by the City Manager. The number of Reserve Police Officers will be limited to five (5). Each Reserve Police Officer shall be included in the workman's compensation coverage of the City.

2. Reserve Police Officers shall have the powers, duties and functions as set forth in law or ordinance, for regular full-time municipal police officers, including serving as police officers in another municipality requesting assistance pursuant to 11 O.S. 34-101, but may only perform the duties of a Police Officer while on authorized duty and under the supervision of a full-time Tuttle Police Officer. Reserve Police Officers shall serve on a volunteer, part-time basis only and shall not work more than one hundred ten (110) hours per calendar month.

3. Reserve Police Officers within six (6) months of their appointment must satisfactorily complete a minimum 240 hour CLEET approved certification course and complete a Field Training Program conducted by the Police Department. All Reserve Police Officers shall meet the minimum requirements of 70 O.S. § 3311 and will be subject to all other provisions of state law, including without limitation, 21 O.S. § 1289.23, 11 O.S. § 34-101 and 19 O.S. § 547.

(Updated Ord. 2011-04, 1/10/2011)

Section 1-36. Municipal Judge; Alternate and Acting Judges.

1. There shall be one (1) Judge of the municipal Court and he shall be appointed by the mayor, with the consent of the City Council. The Judge shall serve for an indefinite term.

2. The Judge shall be licensed to practice law in the Courts of the State of Oklahoma. The Judge may engage in the practice of law in other Courts, but he shall not accept employment inconsistent with his duties as a Municipal Judge or arising out of facts which give rise to, or are connected with, cases within the jurisdiction of the Court pending therein or which might become the subject of proceedings therein.

3. The Judge of the Municipal Court shall receive a monthly salary, as set by the City Council, to be paid in the same manner as the salaries of other municipal employees.

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

5. There may be appointed an Alternate Judge of the municipal Court, possessed of the same qualifications as the Municipal Judge, as set out in Subsection 2 herein above.

a. He shall sit as Acting Judge of the municipal Court in any case if the Municipal Judge is absent from the Court, unable to act as Municipal Judge in a case.

b. If, at any time, there is not a Municipal Judge or Alternate Judge, duly appointed and qualified, available to sit as Municipal Judge, the City Council may appoint some person possessing the qualifications required by this Chapter and the City Charter 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.

6. An Alternate Judge or an Acting Judge shall be paid, as prescribed by the City Council, for each day devoted to the performance of his duties, except that, for any month, the total payments so calculated shall not exceed the salary of the municipal Judge in whose stead he sits. An Alternate or Acting Judge who sits for an entire month shall receive the amount specified by the City Council as the salary of the municipal Judge in whose stead he sits.

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

8. 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.

(Updated Ord. 2009-29, 10/27/2009, Ord. 2011-13)

Section 1-37. City Attorney.

1. The City Attorney shall be appointed by the Mayor, and approved by the City Council on a contractual basis, for an indefinite term; the City Attorney may be suspended or removed by a majority vote of all members of the City Council, subject to the terms of the contractual agreement.

2. It shall be the duty of the City Attorney to attend council meetings, to give legal advice on questions submitted to him by the City Manager or members of the City Council, when the subject matter concerns the powers of any Municipal officials or employees, or the performance of their duties.

3. The City Attorney shall draw such ordinances, Resolutions, notices, forms, leases, deeds, papers or other documents as may be required of him by the City Manager or any member of the City Council.

4. The City Attorney shall be authorized to appear, prosecute and defend all actions wherein the City of Tuttle, Oklahoma, is a party, and he shall institute proceedings in courts of law upon the order of the City Council.

5. The City Attorney shall be allowed actual and necessary traveling and hotel expenses while outside the City of Tuttle, Oklahoma, and on official business for said City; provided, that, his business has been approved and directed by the City Council or the City Manager.

6. The City Attorney shall perform such other duties as the City Council may require; provided, that, such duties are included within the scope of the contractual arrangement.

7. The City Attorney shall be the head of the Department of Law.

(Updated Ord. 2011-13)

Section 1-38. Fire Chief.

1. There is hereby created the Office of Chief of the Fire Department, who shall be appointed by the City Manager, for an indefinite term. (See Chapter 7, this Code of Ordinances.)

2. Duties of the Fire Chief shall include:

a. The Fire Chief shall have supervision and control of the Fire Department, subject to the State Law, the provisions of this Chapter, the City Manager, other Ordinances of the Municipality and the City Council; he shall diligently perform the duties imposed upon him by Law and ordinance;

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

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

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

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

f. The Fire Chief should ensure that the City Manager and the City Council, as well as the Municipality's citizens are kept informed on fire hazards in the community and on the activities of the Fire Department;

g. 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; and

h. 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.

Section 1-39. Assistant Fire Chief; Other Officers.

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

2. The officers of the Fire Department shall be selected by the City Manager upon their ability to lead men and their knowledge of fire fighting and fire fighting equipment.

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

Section 1-40. Municipal Building Inspector.

1. There is hereby created the Office of Municipal Building Inspector for the City of Tuttle, Oklahoma. The Municipal Building Inspector shall be appointed by the City Manager. His appointment shall continue during good behavior and satisfactory service and he shall not be removed from office except for cause, after full opportunity has been given him to be heard on specific charges.

2. The municipal Building Inspector shall be in good health and shall be physically capable of performing the duties of his office.

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

a. To enforce all provisions of the Codes adopted by this Code of ordinances;

b. To receive and process applications required by such Codes or this Code of ordinances;

c. To review Building Permit applications, other Permit applications and issue required certificates (See Chapter 4, this Code of ordinances);

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

e. To investigate, when requested by the City Manager or City Council, or when the public interest so requires, matters referred to in such Codes and render written reports on the same;

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

g. To make inspections required under the provisions of the Codes adopted by this Code of ordinances, or to ensure that inspections are made by his duly appointed assistant.

4. During the temporary absence or disability of the Municipal Building Inspector, the City Manager may designate an Acting Building, Inspector; the City Clerk may

serve as Acting Building Inspector, unless the City Manager designates another person as such.

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

6. The Municipal Building Inspector may also serve as the Electrical or Plumbing Inspector, if so designated by the City Manager.

Section 1-41. Electrical Inspector.

1. There is hereby created the office of Electrical Inspector for the City of Tuttle, Oklahoma. The Electrical Inspector shall be appointed by the City Manager.

2. The Electrical Inspector shall meet all State requirements, shall. have had experience as an electrician, shall be of good moral character and shall be knowledgeable of the approved methods of electrical construction.

3. The Electrical Inspector shall have all of the powers and duties prescribed by the Electrical code 'adopted by this Code of ordinances; he shall also ensure that all Municipal ordinances and regulations relating to electrical safety are properly enforced.
(See Chapter 4, this Code of ordinances.)

Section 1-42. Plumbing Inspector.

1. There is hereby created the Office of Plumbing Inspector for the City of Tuttle, Oklahoma.

2. The Plumbing Inspector shall be appointed by the City Manager; the Plumbing Inspector may also hold other positions in the municipal government.

3. The Plumbing Inspector shall have all of the powers and duties prescribed by the Plumbing Code adopted by this Code of ordinances; he shall also ensure that all Municipal ordinances and regulations relating to water and sanitary plumbing are properly enforced.
(See Chapter 4, this Code of ordinances.)

Section 1-43. Animal Control officer.

1. The City Manager shall appoint a person or persons to serve as the Animal Control Officer(s) for the City of Tuttle, Oklahoma; said Officer(s) shall be appointed for an indefinite term, and may be removed by the City Manager; the person or persons appointed may hold other positions with the City of Tuttle or the Tuttle Public Works Authority concurrently with the position of Animal Control Officer(s).

2. The salary of the Animal control Officer(s) shall be established by the City Manager, unless a contractual fee system, related to enforcement activities, is proposed; in the latter case, said contract shall be approved by majority vote of the City Council.

Section 1-44. Emergency Management Director.

1. There is hereby created the Office of the Director of Emergency Management, who shall be appointed by the City Manager, for an indefinite term.
(See Chapter 6, this Code of Ordinances.)

2. The Director of Emergency Management may hold other positions in the municipal government.
(Updated Ord. 2013-17, 6/10/2013)

Section 1-45. Reserved for future use.

(Section 1-45 repealed Ord. 2013-17, 6/10/2013)

Section 1-46. Municipal and Regional Planning Commission.

1. There is hereby created a Municipal Planning Commission of the City of Tuttle, Oklahoma, to be composed of five (5) voting members. The Mayor, the City Manager and the City Clerk shall serve as ex officio members of said Commission, without voting powers. (See Chapter 15, this Code of ordinances.)
2. The terms of members shall expire on June 30. Position 1 term expires on June 30, 1992, and June 30 of every third year thereafter. Positions 2 and 3 terms expire on June 30, 1993, and June 30 of every third year thereafter. Positions 4 and 5 terms expire on June 30, 1994, and June 30 of every third year thereafter. All subsequent appointments of members shall be for a three (3) year term, and until their successors are appointed and qualified.

3. All members of the Municipal Planning Commission shall be nominated for appointment by the Mayor and confirmed by the City Council, shall be residents of the City of Tuttle, Oklahoma, and shall serve without salary.

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

5. At the first meeting of the Municipal Planning Commission after July 1, said Commission shall elect one (1) of their number as Chairman, one (1) as Vice-Chairman and one (1) as Secretary; in addition, the Municipal Planning Commission may create and fill such other offices as it may deem necessary. The term of all such offices shall be one (1) year, with eligibility for re-election.

6. There is hereby created a Regional Planning Commission as an entity of the City of Tuttle, Oklahoma. The Municipal Planning Commission for said City shall also serve as the Regional Planning Commission, in order to avail itself of the powers of State Law. The Mayor of the City of Tuttle, Oklahoma, and the Chairman of the Grady County Board of Commissioners shall be ex officio members of said Regional Planning Commission to serve without voting powers.

Section 1-47. Zoning Board of Adjustment.

As authorized by Title 11, Oklahoma Statutes, 2001, 44-101, there is hereby created a Zoning Board of Adjustment, the composition and authority of which is set forth in the law of the State of Oklahoma and in Article 6 of the Zoning Ordinance of the City of Tuttle.
(Updated Ord. 2010-01, 1/11/2010)

Section 1-48. Parks, Recreation, And Beautification Board.

See Section 24-020. Parks & Recreation Advisory Board. (Updated Ord. 2006-30, 11/13/2006, Ord. 2010-40, 11/8/2010; Amended by Ordinance 2016-10, 5-9-2016, 2017-08, 6-12-2017)

Section 1-49. Fair Housing Board Created.

1. There is hereby created a Fair Housing Board for the City of Tuttle, Oklahoma, to assist in the enforcement of all Municipal fair housing regulations and Ordinances. (See Chapter 5, this Code of Ordinances.)

2. The City Council of Tuttle, Oklahoma, shall serve as the Fair Housing Board of said City.

Section 1-50. Municipal Board of Health; Health official.

1. The City Council of Tuttle, Oklahoma, shall constitute a municipal Board of Health and shall be capable of performing all the functions provided by State Law. (See Chapter 9, this Code of Ordinances.)

2. The Municipal Board of Health shall be under the supervision of the Grady County Department of Health and the Oklahoma State Department of Health.

3. It shall be the general duty of the Municipal Board of Health to examine and consider all measures necessary for the preservation of the public health of residents of the City of Tittle, Oklahoma, and t$ see that all Ordinances and regulations in relation thereto are observed.

4. The City Manager shall appoint or designate the County Health Officer as the Local Health Official to carry out health programs and policies.

Section 1 51. Municipal Departments.

1. In the Statutory Council Manager form of government, there shall be a Police Department, a Fire Department, a Department of Law, and such other administrative Departments, offices and agencies as the City Council may establish.

2. There shall be a Police Department, the head of which shall be the Chief of Police. (See Section 1 33, this Code of Ordinances.)

3. There shall be a Fire Department, the head of which shall be the Fire Chief. (See Sections 1 37 and 1 38, this Code of Ordinances.)

4. There shall be a Department of Law, the head of which shall be the City Attorney. (See Section 1 36, this Code of Ordinances.)

5. There is hereby established an Emergency Management Department under the executive branch of the municipal government, the head of which shall be the Emergency Management Director. (See Section 1-44 & Chapter 6, this Code of Ordinances.)
(Updated Ord. 2013-17, 6/10/2013)

Sections 1-52 through 1-69. Reserved for future use.

Article 4. Financial and Business Procedures

Section 1-70. Purchases of Goods, Services and Capital.

1. The City Manager shall designate certain individuals as purchasing officers empowered to purchase or contract against budget appropriations. Only these designated individuals will be empowered to obligate the City.

2. For all purchases of goods, services or capital (all purchases or disbursements other than payroll and debt service), purchase orders or contracts shall be prepared and approved, in writing, by a designated purchasing officer prior to the time the purchase commitment is made. The approved purchase order or contract shall be forwarded to an officer or employee charged with keeping the appropriation and expenditure records (encumbering clerk) who shall determine that there exists available unencumbered appropriation for that purpose. Upon such determination, the encumbering clerk shall attest to that fact in writing. If appropriation is not available for the proposed purchase or commitment, the purchase or commitment shall not proceed until budget amendments are authorized to provide sufficient appropriation.

Upon approval of the purchasing officer and encumbering clerk, an encumbrance shall be recorded in the appropriation and expenditure records in the amount or estimated amount of the commitment.

These encumbering requirements shall not apply to the following type of purchases or commitments:

a. Payroll and payroll related expenses;

b. Utility and telephone services by entities governed by State Corporation Commission;

c. Insurance contracts;

d. Routine professional services, including legal services, auditing, and engineering services;

e. Purchases made with a city-issued credit card (usually for travel, certain online transactions, and other reasonable purchases) not to exceed $250;

f. The purchase of an item is made with petty cash funds, provided that the purchase does not exceed a total of $50.00 and a blanket purchase order for the desired vendor does not exist;

g. Refunds to customers for deposits on the use of city facilities;

h. Refunds to customers for utility deposits;

i. Refunds to customers for fees paid on city sponsored programs that have been cancelled;

j. Debt service principal and interest payments as appropriated by the governing body;

k. Interfund transfers as appropriated by the governing body in the original or amended budget; and

l. Obligations arising under Contractual Agreements previously approved by the governing body.

3. For all purchases or contracts for goods, services or capital over $10,000, City Council approval shall be obtained prior to the time the commitment is made, and such approval shall be recorded in the minutes of the Council. No purchases or contracts shall be made in two (2) or more iterations or sequential executions with the intent to evade the monetary spending limits imposed by this section.

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

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

Upon completion of the accounts payable officer review, the invoices or claim forms along with the related supporting documentation shall be submitted to the City Manager for consideration and approval of payment, along with an accompanying invoice or claims listing, which shall be approved in writing by the City Manager or his or her designee.

5. Upon approval of the invoices or claims for payment by the City Manager, checks or other payment documents as authorized by State law (11 O.S., Section 17 102) shall be prepared and submitted to the City Treasurer, along with a copy of the approved invoice or claims listing.

The Treasurer shall compare the checks or other payment documents to the invoice or claims listing and verify their accuracy. Upon verification, the Treasurer and the City Clerk shall sign the checks or other documents and prepare them for distribution. In addition, the Treasurer shall prepare or caused to be prepared a check or disbursement register.

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

7. A copy of the approved invoices or claims listing shall be provided to the City Council for informational purposes; however, the City Council approval is not required prior to the payment if incurred and paid in accordance with the provisions above.
(Updated Ord. 2009-03, 02/09/2009; Ord. 2009-12, 5/11/2009; Ord. 2010-41, 12/13/2010)

Section 1-71. Competitive Bidding.

1. The City shall adhere to the provisions of Oklahoma Statutes (2001), Title 61, Sections 101 et seq. when determining when competitive bidding is required and the manner in which competitive bids will be obtained.

2. In addition to the requirements of paragraph (1) above, public trusts created pursuant to O.S. Title 60, Section 176, of which the City is beneficiary, shall also follow the competitive bidding provisions of Section 176(g) of Title 60.

3. The City Manager is delegated approval of change orders, as authorized by 61 O.S. Section 121(e), up to Ten Thousand Dollars ($10,000.00) or ten percent (10%) of any contract, whichever is less, with any approved change orders reported to the governing body at the next regularly scheduled meeting.
(Updated Ord. 2009-03, 02/09/2009; Ord. 2010-41, 12/13/2013)

Section 1-72. Insurance.

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

2. The City Council may purchase insurance to pay damages to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the City of Tuttle, Oklahoma.
(Updated Ord. 2009-03, 02/09/2009)

Section 1-73. Capital Improvements Fund Created.

1. There is hereby created and established a Capital Improvement Fund for the City of Tuttle, Oklahoma, which shall not be subject to fiscal operations. Said Fund shall be a special fund, created on a revolving basis pursuant to the law, in such case made and provided, without the necessity of appropriation. However, no expenditures shall be made without an appropriation having been made for the specific expenditures to be undertaken.

2. The proceeds of said Fund, together with any interest and increments thereto, may, at the discretion of the City Council, be used for Capital Improvement purposes only, including, but not limited to:

a. Principal and interest obligations of the City or the Tuttle Public Works Authority relating to any municipal debt incurred for the purpose of funding municipal or utility equipment or infrastructure;

b. Cash expenditures, including lease-purchases, for capital improvements or equipment for parks and open space, streets and traffic, water, sewer, storm drainage and sanitation, utilities, public buildings and other projects;

c. Where transfers from said Fund or any part thereof to a Sinking Fund or other appropriate City of Tuttle Fund or Tuttle Municipal Trust Authority Fund is necessary to accomplish such purposes, the City Council is authorized to make such transfer of funds.

3. The Tuttle Public Works Authority is hereby authorized to implement and collect a Capital Improvement Fee, to be deposited in the Capital Improvement Fund. Said Fee, as established by resolution of the Board of Trustees of the Tuttle Public Works Authority, is to be assessed to all utility accounts within the City of Tuttle and such fee shall be used to fund any authorized expenditure within this Fund.
(Updated Ord. 2009-03, 02/09/2009; Ord. 2011-23, 10/10/2011)

Section 1-74. Payroll Disbursements.

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

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

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

4. Upon approval of the payroll statement or register, the net payroll checks shall be prepared along with checks or wire transfers for payment of related payroll taxes and other payroll benefits, required by law or contract. Direct deposits may be used as an alternative to checks and wire transfers.

5. The checks or direct deposit report shall be presented to the City Treasurer along with the approved payroll statement or register. The Treasurer shall compare the checks or direct deposits to the payroll statement or register and verify their accuracy. Upon verification, the Treasurer and the City Clerk shall sign any checks and prepare them for distribution. In addition, the Treasurer shall prepare or caused to be prepared a check or payment register.

6. No payroll related encumbrances are required to be recorded in the budgetary accounting records as long as the payroll costs are recorded as expenditures at the time they become due and payable. However, no payroll costs may be incurred or paid if they exceed the available appropriation for the purposes as established by the City Council.

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

8. A copy of the payroll statement, register or payroll check register may be provided to the City Council for informational purposes; however, the City Council approval is not required prior to the payment of payroll related costs if incurred and paid in accordance with the provisions above.
(Updated Ord. 2009-03, 02/09/2009; Ord. 2009-12, 5/11/2009)

Section 1-75. Debt Service.

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

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

3. The manner of payment shall be consistent with the manner used for the payment of purchases of goods, services or capital as described in Section 1-70 of the Code of Ordinances of the City of Tuttle, Oklahoma.

4. The City Treasurer shall record or cause to be recorded in the appropriate journals and ledgers the debt service payments and maintain current records of the remaining amount of indebtedness.
(Updated Ord. 2009-03, 02/09/2009)

Section 1-76. Interfund Transfers.

1. All transfers of resources between funds shall only be made in accordance with the appropriations provided by the City Council for such transfers. Such appropriations shall be contained in the original or amended budget of the City.

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

3. The manner of payment of these interfund transfers shall be consistent with the manner used for the payment of purchases of goods, services and capital as described in Section 1-70, above.

4. The City Treasurer shall record or cause to be recorded these interfund transfers in the appropriate journals and ledgers.
(Updated Ord. 2009-03, 02/09/2009)

Section 1-77. Petty Cash.

1. As provided for in 11 O.S., Section 17 102(D) of the Oklahoma State Statutes, the City may have petty cash accounts for use in making certain small payments for costs incurred in operating the municipality.

2. Each petty cash account established shall require City Council approval, including the amount of the petty cash imprest balance. However, in no case, should the imprest balance exceed $500.

3. The petty cash accounts shall be reimbursed by utilizing properly itemized invoices or petty cash voucher slips and by then processing the reimbursement in the manner used for payment of purchases of goods, services and capital.
(Updated Ord. 2009-03, 02/09/2009)

Section 1-78. Financial Reporting.

1. The City Treasurer, or their designee, shall prepare a monthly budget status report in accordance with a comparison of actual results to date and the budget by purpose. The report shall be placed on the Agenda for City Council acknowledgment at a meeting of the City Council in the month following the close of the monthly period.
(Updated Ord. 2009-03, 02/09/2009)

Section 1-79. Applicability to Public Trusts of the City of Tuttle.

1. For all public trusts created pursuant to 60 O.S., Sections 176 180, for which the City is beneficiary and for which the trust's governing body (Trustees) are comprised entirely of members of the City Council, the financial requirements set forth in this Article, excluding Section 1-81 relating to Incurring Indebtedness, shall apply.

2. For the purposes of the public trusts, as used above, the terms governing body shall mean board of trustees of the trust, City Manager shall mean Trust Manager as appointed by the trustees, City Treasurer shall mean Trust Treasurer as appointed by the trustees or required by the trust indenture.
(Updated Ord. 2009-03, 02/09/2009)

Section 1-80. Fee For False or Bogus Checks.

1. Any agency, board, commission, department, division or office of the City which receives a false or bogus check is hereby authorized to collect an administrative fee from the maker in the amount of $25.00 plus any additional cost incurred by the City as a result of the false or bogus check.

2. As used in subsection (a) the term "false or bogus check" shall include a check, draft, or order which was not honored because of insufficient funds of the maker to pay for it, or a check, draft or order which was drawn on a closed or nonexistent account.
(Updated Ord. 2003-18, 11/10/2003; Ord. 2009-03, 02/09/2009)

Section 1-81. Incurring Indebtedness.

1. As provided for in Article 10, Section 26 of the Oklahoma Constitution, the City is prohibited from becoming indebted in any manner for any purpose in an amount exceeding the amount appropriated by the City Council for such purpose, without voter approval.
(Update Ord. 2009-03, 02/09/2009)

Section 1-82. Establishment of Fiscal Year.

Effective on the 1st day of January, 2010, the Fiscal Year of the City of Tuttle and the Fiscal Year of all Public Trusts of which the City of Tuttle is the Sole Beneficiary of shall begin on the 1st day of January of each year.
During a transition period, the City Manager shall have the authority to do all things necessary to accomplish the transition and implementation of the municipal and trust finances to a Fiscal Year beginning on January 1. Such authority shall include the proposal of an eighteen (18) month budget from June 1, 2009 through December 31, 2010 (or the proposal of a six (6) month budget from June 1, 2009 through December 31, 2009).
(Updated Ord. 2009-03, 02/09/2009)

Section 1-83. Municipal Debts and Accounts Receivable Including Fines Recoverable By Civil Action: Authorizing Referral For Collection and Authorizing An Additional Collection Fee On Such Amounts When Referred To A Collection Agency.

1. The City of Tuttle may recover by civil action or enter into a contract with a collection agency for the provision of collection services for one or more of the following items:

a. Municipal Debts and accounts receivable, including, but not limited to, unpaid fees, penalties, interest, and other sums due the City of Tuttle, as applicable; or

b. Court penalties, costs, fines and fees in cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation by the Court.

2. There is hereby added to each of the items in this section, when referred to a collection agency for collection, a collection fee of thirty-five (35%). The Court shall order the defendants to reimburse the fee and such court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action, in addition to any other method provided by law.
(Added Ord. 2010-10, 4/12/2010)

Sections 1-84 through 1-89. Reserved for future use.

Article 5. Sales Tax

Section 1-90. Citation.

This Article constitutes, shall be known and may be cited as the "City of Tuttle, Oklahoma, Sales Tax Ordinance."
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-91. Definitions.

The definitions of words, terms, and phrases contained in the Oklahoma Sales Tax Code, as amended, are hereby adopted by reference and made a part of this Ordinance. (68 O.S. 1981, Section 1302, as amended.)
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-92. Tax Collector Defined.

The term "tax collector" as used herein means the department of the Municipal government or the official agency of the State duly designated according to Law, or contract authorized by Law, to administer the collection of the tax herein levied.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-93. Classification of Taxpayers.

For the purpose of this Article, the classification of taxpayers hereunder shall be as prescribed by State Statutes for purposes of the Oklahoma Sales Tax Code.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-94. Subsisting State Permits.

All valid and subsisting Permits to do business issued by the Oklahoma Tax commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Article, hereby ratified, confirmed and adopted in lieu of any requirement for an additional Municipal Permit for the same purpose.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-95. Effective Date.

This Ordinance shall become and be effective on and after February 1, 1977, subject to the approval of a majority of the registered voters of the City of Tuttle, Oklahoma, voting

on the same in the manner prescribed by Oklahoma Statutes.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-96. Purpose of Revenues.

It is hereby declared to be the purpose of this Sales Tax Ordinance to provide revenues for the support of the functions of the Municipal government of the city of Tuttle, Oklahoma.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-97. Tax Rate; Sales Subject to Tax.

There is hereby levied an excise tax of four percent (4%) upon the gross proceeds or gross receipts derived from all sales taxable under the Sales Tax Law of Oklahoma, including but not exclusive of the following:

1. Tangible personal property;

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

3. Transportation for hire of persons by common carriers, including railroads (both steam and electric), motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;

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

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

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

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

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

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

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

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

12. A sale shall include the sale, preparation or service of ice or non alcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages, for consumption on the premises where such sale, preparation or service occurs.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-98. Exemptions.

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

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

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

3. Sale of tangible personal property or services to or by churches, except where such organizations may be engaged in business for profit or savings, competing with other persons engaged in the same or similar business;

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

5. Transportation of persons where the fare of each person does not exceed fifteen cents ($.15), or local transportation of persons within the corporate limits of Cities and Towns, except by taxicabs;

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

7. Carrier sales made directly to consumers or users of newspapers or any other periodicals where any individual transaction does not exceed twenty cents ($0.20);

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

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

10. Sale of crude petroleum or natural or casing head gas and other products subject to the Gross Production Tax under the provisions of the Laws of the State of Oklahoma; this exemption shall not apply when such products are sold to a consumer or user for consumption or use, except when used for injection into the search for the purpose of promoting or facilitating the production of oil or gas;

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

12. Sales by County, district and State fairs;

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

14. Sales for resale to persons regularly engaged in the business, of reselling articles purchased, whether within or without the State; provided, that, such sales to residents of this State are made to persons to whom sales permits have been issued by the Oklahoma Tax Commission as provided by Law; this exemption shall not apply to the sales of articles made to persons holding Permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have Sales Tax Permits or established places of business;

15. Goods, wares, merchandise and property sold for use in manufacturing, compounding, processing, assembling or preparing for sale shall be classified as having been sold for the purpose of resale or the subject matter of resale, only in the event:

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

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

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

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

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

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

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

21. Sales of agricultural fertilizer to persons regularly engaged for profit in the business of farming and/or ranching, which are exempt from State Sales Taxes, shall likewise be exempt from the municipal Sales Tax herein levied;

22. Sales of agricultural fertilizer to any person engaged in the business of supplying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming and/or ranching;

23. Sales of agriculture seed or plants to any person regularly engaged, for profit, in the business of farming and/or ranching; this Section shall not be construed as exempting from Sales Tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;

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

25. Gross proceeds from the sale of farm machinery and repair parts thereto, to be used directly on a farm or ranch in the production, cultivation, planting, sawing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agriculture or dairy products produced from such lands;

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

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

28. All other applicable exemptions granted by future amendments to Oklahoma's Sales Tax Statutes.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-99. Other Exempt Transfers.

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

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

a. A statutory merger or consolidation; or

b. The acquisition by a corporation of substantially all of the properties of another corporation, when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;
2. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;

3. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are, immediately after the transfer, in control of the corporation, and the stock or securities received by each is substantially in proportion to this interest in the property prior to the transfer;

4. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership, and the interest in the partnership received by each is substantially in proportion to his interest in the property prior to the transfer; and

5. From a partnership to the members thereof when made in kind in the dissolution of such partnership.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-100. Tax Due When; Returns; Records.

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the State Sales Tax under the Sales Tax Law of the State of Oklahoma.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-101. Payment of Tax; Brackets.

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

2. The bracket system for the collection of the four percent (4%) Municipal Sales Tax by the tax collector, shall be as the same as hereafter adopted by the agreement of the City of Tuttle, Oklahoma, and the tax collector in the collection of both the four percent (4%) Municipal Sales Tax and the State Sales Tax.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-102. 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.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-103. Vendor's Duty to Collect Tax.

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

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

3. A vendor, as defined herein, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this Article, or willfully or intentionally fails, neglects or refuses to comply with the provisions, or remits or rebates to a consumer or user, either directly or indirectly and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising (verbally or otherwise) any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices, at a price including the tax or in any manner whatsoever, shall be deemed guilty of an offense.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-104. Returns and Remittances; Discounts.

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances required by the State Sales Tax Code; remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for collection of State Sales Tax.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-105. Interest and Penalties; Delinquency.

Section 217 of Title 68 O.S. 1981, as amended, 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. The failure or refusal or 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.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-106. Waiver of Interest and Penalties.

The interest, penalty or any portion thereof, accruing by reason of a taxpayer's failure to pay the Municipal Sales Tax herein levied, may be waived or remitted in the same manner provided for said waiver or remittance, as applied in the administration of the State Sales Tax provided in Title 68, O.S. 1981, Section 220; to accomplish the purposes of this Section, the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Article.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-107. Erroneous Payment; Claim for Refund.

Refund of erroneous payment of the municipal Sales Tax herein levied may be made to any taxpayer making such erroneous payment, in the same manner and procedure and under the same limitations of time, as provided for administration of the State Sales Tax as set forth in Title 68, O.S. 1981, Section 227, and, to accomplish the purposes of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Article.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-108. Fraudulent Returns.

In addition to all civil penalties provided by this Article, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment or any tax, or portion thereof, rightfully due under this Article, shall be an offense and, upon conviction thereof, the offending taxpayer shall be subject to a fine of not more than the limits established in Section 11 50, Article 3, Chapter 11 of this Code of ordinances.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-109. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the Municipal Sales Tax is legislatively recognized and declared, and to protect the same, the provisions of Title 68, 0. S. 1981 (as amended), Section 205 of the State Sales Tax Code and each Subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the Municipal Sales Tax as if set forth herein in full.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-110. Amendments.

The people of the City of Tuttle, Oklahoma, by their approval of this ordinance at the election hereinbefore provided, have authorized the City Council, by Ordinances duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Article as may be necessary or proper for efficiency and fairness; provided, that, the rate of the tax herein provided shall not be changed without approval of the qualified electors of the Municipality, as provided by Law.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-111. Provisions Cumulative.

The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of Municipal Ordinances.
(Updated Ord. 148; Ord. 159; Ord. 176)

Section 1-112. Provisions Severable.

The provisions hereof are hereby declared to be severable, and if any Section, paragraph, sentence or clause of this Article is for any reason held invalid or inoperative by any court of competent jurisdiction, such decision shall not affect any other Section, paragraph, sentence or clause hereof.
(Updated Ord. 148; Ord. 159; Ord. 176)

Sections 1-113 through 1-119. Reserved for future use.

Article 6. Use Tax

Use Tax Ordinance moved to Article 3, Chapter 22 by Ord. 2010-37, 10/11/2010

Sections 1-120 through 1-138. Reserved for future use.
(Sections 1-120 through 1-138 Updated Ord. 1990-01; Deleted by Ord.2010-37, 10/11/2010)

Sections 1-139 through 1-149. Reserved for future use.

Article 7. Firemen's Pensions

Section 1-150. Participation in State Firemen's Relief and Pension Fund.

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

2. From and after the effective date of this Code of Ordinances, it shall be the duty of the City Clerk to deduct, or have deducted, from salaries or wages of each member of the Fire Department, an amount which shall be required by current State Law. The deductions shall be made at the time such firemen are paid and, when so deducted, shall be deposited in the "Firemen's Relief and Pension Fund."
Sections 1 151 through 1 159 (Reserved for future use.)

Article 8 Social Security

Section 1-160. Extension of Benefits.

It is hereby declared to be the policy and purpose of the City of Tuttle, Oklahoma, to extend to the employees and officials thereof, not excluded by Law or this Article, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal old Age and Survivors Insurance, as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 81st Congress. In pursuance of such policy and for that purpose, said Municipality shall take such action as may be required by applicable State or, Federal Laws or regulations.

Section 1-161. Execution of Agreements.

The mayor of the City of Tuttle, Oklahoma, is hereby authorized and directed to execute all necessary agreements and amendments thereto, with the State Department of Public welfare as agent or agency, to secure coverage of employees and officials as provided in Section 1 160 (above).

Section 1-162. Withholdings from Salaries.

Withholdings from salaries or wages of employees and officials for the purpose provided in Section 1 160 (above) are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal Laws or regulations, and shall be paid over to the State or Federal agency designated by such Laws and regulations.

Section 1-163. Contributions by City.

There shall be appropriated by the City of Tuttle, Oklahoma, from available funds, such amounts at such times as may be required by applicable State or Federal Laws or regulations for employers' contributions to the system of Federal old Age and Survivors Insurance. Such funds shall be paid over to the State or Federal agency designated by said Laws or regulations.

Section 1-164. Records and Reports.

The City of Tuttle, Oklahoma, shall keep such records and make such reports, relative to the system of Federal Old Age and Survivors Insurance, as may be required by applicable State or Federal Laws or regulations.

Section 1-165. Excluded Officers and Employees.

1. 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 City of Tuttle, Oklahoma.

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

Sections 1-166 through 1-169 Reserved for future use.

Article 9, Telephone Exchange Fee

Sections 1-170 through 1-179 Reserved for future use.

Article 10. Gross Receipts Tax

Sections 1-180 through 1-189. Reserved for future use.

Article 11. Miscellaneous Provisions

Section 1-190. Officers to Give Bonds.

1. The following Municipal officers shall each be bonded by the City of Tuttle, Oklahoma, within ten (10) days after their election or appointment, in the following manner:

a. City Clerk $5,000.00

b. City Treasurer (not less than) $25,000.00

c. Chief of Police (not less than) $2,000.00

d. City Manager $5,000.00

e. Purchasing Agent(s) $10,000.00

f. Clerk of the Municipal Court (if different

than the City Clerk)$5,000.00

2. Any bond required for Municipal officers shall be paid by the City.
(Updated Ord. 2011-13)

Section 1-191. Compensation; Change of Salaries.

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

a. Each Council Member $0.00

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

Section 1-192. Succession in Government.

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

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

3. All books, vouchers, monies, or other property belonging to., the City of Tuttle, Oklahoma and in charge or possession of any officer of the City, shall be delivered to his successor.

Section 1-193. Nepotism; Compatibility of Offices.

1. No member of the City Council nor any other authority of the municipal government, may appoint, or vote for the appointment of, any person related to himself by affinity or consanguinity within the 3rd degree, to any office or position of profit in the municipal government.

2. The following relatives shall be considered as within the 3rd degree of affinity or consanguinity: sons, daughters, grandsons, granddaughters, great grandsons, great granddaughters, brothers, sisters, nephews, nieces, aunts, uncles, primary cousins, grandfathers, grandmothers, grand uncles, grand aunts, great grandfathers, great grandmothers, son in law, daughter in law, grandson in law, granddaughter in law, great grandson in law, great granddaughter in law, brother in-law, sister in law, nephew in law, niece in law, aunt in law, uncle in law, primary cousins in law, grand father in law, grandmother in law, grand uncle in law, grand aunt in law, great grand

father in law, great grandmother in law, grand nephew, grand niece, grand nephew in law, grand niece in law, stepson, stepdaughter, stepfather or stepmother; a divorce decree shall be deemed to dissolve all relationships arising by that marriage.

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

Section 1-194. Ordinances: General Provisions.

1. The enacting clause of all Ordinances passed by the City Council shall be: "Be it ordained by the City Council of the City of Tuttle,. Oklahoma," and of all Ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Tuttle, Oklahoma."

2. Every proposed Ordinance shall be read and a vote of a majority of the present City Council shall be required for its final passage.

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

4. Every Ordinance, except those excepted by State Law, shall be published by title or in full, within fifteen (15) days after its passage, in a newspaper of general circulation within the City or County, or posted in ten (10) public places within the City.

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

Section 1-195. Ordinances: Adoption by Reference.

The City Council, by ordinance, may adopt by reference Codes, Ordinances and standards relating to building, plumbing, electrical installations and other matters which it has the power to regulate. Such a Code, Ordinance or standard so adopted need not be enrolled in this Code of Ordinances; provided, that, one (1) copy is filed and kept in the office of the City Clerk, unless otherwise specified in this Code.
(Updated Ord. 2014-02, 1/13/2014)

Section 1-196. Ordinances: Compilation.

1. Every ten (10) years, the City of Tuttle, Oklahoma, shall compile and publish its effective Penal Ordinances in a permanent form.

2. One (1) copy of the compilation of Ordinances shall be deposited by the City in the Grady County Law Library.

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

4. When the City has compiled and published its Code of Ordinances and succeeding Supplements, the City Council shall adopt a Resolution notifying the public of such compliance and cause certified copies of the Resolution and the Code of Ordinances and Supplements to be filed in the office of the Grady County Clerk.

Section 1-197. Amendments or Additions to the Code of Ordinances.

1. The City Council shall have the power to repeal, alter or amend this Code of Ordinances.

2. All Ordinances passed subsequent to this Code of Ordinances which amend, repeal, or in any way affect said Code, may be numbered in accordance with the numbering system of this Code of Ordinances and printed for inclusion therein. When subsequent Ordinances repeal any Chapter, Section or Subsection, or any portion thereof, such repealed portions may be excluded from this Code of Ordinances by omission thereof from reprinted pages. Such inclusion of Ordinances passed subsequent to this Code of Ordinances which amend or add to this Code (except in the case of repeal), shall be prima facie evidence of such subsequent Ordinances until such time that this Code of Ordinances and subsequent Ordinances numbered or omitted, are readopted as a new Code of Ordinances by the City Council.

3. Amendments to any of the provisions of this Code of Ordinances shall be made by amending such provisions by specific reference to the Chapter, Article and Section numbers of this Code in the following language:

"Section _____ of Article ____, Chapter _____, of the Code of Ordinances, City of Tuttle, Oklahoma, is hereby amended to read as follows: _____." The new provisions shall then be set out in full as desired.

4. In the event a new Section not heretofore existing in the Code of Ordinances is to be added, the following language shall generally be used:

"The Code of Ordinances, City of Tuttle, Oklahoma, is hereby amended by adding a _____ Section to Article _____ of Chapter _____, which Section reads as follows: '_____.'" The new Section shall then be set out in full as desired.

Article 12. Identity Theft Prevention Program

Section 1-220. Definitions.

For purposes of this Article the following definitions apply: (Other than city and personal identifying information definitions provided in this section are based on the definitions provided in 16 CFR § 681.2.)

1. "City". The City of Tuttle, Oklahoma.

2. “Covered Account”. (i) An account that a financial institution or creditor offers or maintains primarily for personal family or household purposes that involves or is designed to permit multiple payments or transactions such as a credit card account or utility account or Municipal Court imposed fine or costs; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft including financial operational compliance reputation or litigation risks.

3. “Credit”. The right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

4. “Creditor”. Any person who regularly extends renews or continues credit any person who regularly arranges for the extension renewal or continuation of credit or any assignee of an original creditor who participates in the decision to extend renew or continue credit and includes utility companies.

5. “Customer”. A person that has a covered account with a creditor.

6. “Identity Theft”. A fraud committed or attempted using identifying information of another person without authority.

7. “Person”. A natural person, a corporation, government or governmental subdivision or agency, trust estate, partnership, cooperative, or association.

8. “Personal Identifying Information”. A person’s credit card account information, debit card information, bank account information, and drivers’ license information, and for a natural person includes their social security number, other birth name, and date of birth.

9. “Red Flag”. A pattern, practice, or specific activity that indicates the possible existence of identity theft.

10. “Service provider”. A person that provides a service directly to the city.
(Added Ord. 2009-10, 05/09/2009)

Section 1-221. Findings.

1. The city is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

2. The processes of opening a new covered account, restoring an existing covered account, or making payments on such accounts have been identified as potential processes in which identity theft could occur.

3. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city’s computer system and is not otherwise recorded.

4. The city determines that there is a low risk of identity theft occurring in the following ways:

a. Use by an applicant of another person’s personal identifying information to establish a new covered account;

b. Use of a previous customer’s personal identifying information by another person in an effort to have service restored in the previous customer’s name;

c. Use of another person’s credit card bank account or other method of payment by a customer to pay such customer’s covered account or accounts; and

d. Use by a customer desiring to restore such customer’s covered account of another person’s credit card bank account or other method of payment.
(Added Ord. 2009-10, 05/09/2009)

Section 1-222. Process of Establishing a Covered Account.

1. As a precondition to opening a covered account in the city each applicant shall provide the city with personal identifying information of the customer as may be reasonably requested by the employee opening said account. Such information shall be entered directly into the city’s computer system and shall not otherwise be recorded.

2. Each account shall be assigned an account number. The city may utilize computer software to randomly generate assigned PIN’s and to encrypt account numbers and PIN’s.

3. All written or printed applications, receipts, and records shall be placed in a locked filing cabinet or otherwise shredded.

4. City employees responsible for opening new accounts shall take reasonable precautions to insure that third parties are not attempting to view personal identifying information.
(Added Ord. 2009-10, 05/09/2009)

Section 1-223. Access to Covered Account Information.

1. Access to customer accounts shall be password protected and shall be limited to authorized city personnel.

2. Passwords shall be changed by the City’s computer technician at the direction of the City Clerk on a regular basis. The passwords shall be at least 8 characters in length and shall contain letters, numbers, and symbols.

3. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Manager and the password changed immediately.

4. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Manager and the City Attorney.
(Added Ord. 2009-10, 05/09/2009)

Section 1-224. Credit Card Payments.

1. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall

certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

2. All credit card payments made over the telephone or the city website shall be entered directly into the customer account information in the computer data base.

3. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.
(Added Ord. 2009-10, 05/09/2009)

Section 1-225. Sources and Types of Red Flags.

1. All employees responsible for or involved in the process of opening a covered account, restoring a covered account, or accepting payment for a covered account shall check for red flags as indicators of possible identity theft. Such red flags may include:

a. Alerts from consumer reporting agencies, fraud detection agencies, or service providers. Examples of alerts include, but are not limited to:

1. A fraud or active duty alert that is included with a consumer report;

2. A notice of credit freeze in response to a request for a consumer report;

3. A notice of address discrepancy provided by a consumer reporting agency; or

4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

a. A recent and significant increase in the volume of inquiries:

b. An unusual number of recently established credit relationships:

c. A material change in the use of credit especially with respect to recently established credit relationships; or

d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

2. Suspicious documents. Examples of suspicious documents include:

a. Documents provided for identification that appear to be altered or forged;

b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;

c. Identification on which the information is inconsistent with information provided by the applicant or customer;

d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor such as a signature card or a recent check; or

e. An application that appears to have been altered or forged or appears to have been destroyed and reassembled.

3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:

1. The address does not match any address in the consumer report; or

2. The Social Security Number (SSN) has not been issued or is listed on the Social Security Administration Death Master File.

b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date-of-birth.

c. Personal identifying information or a phone number or address is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.

d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers, or answering services, is associated with fraudulent activity.

e. The SSN provided is the same as that submitted by other applicants or customers.

f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

4. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

a. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.

b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:

1. The customer fails to make the first payment or makes an initial payment but no subsequent payments.

c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

1. Nonpayment when there is no history of late or missed payments; or

2. A material change in purchasing or spending patterns.

d. An account that has been inactive for a long period of time is used taking into consideration the type of account the expected pattern of usage and other relevant factors.

e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer account.

f. The city is notified that the customer is not receiving paper account statements.

g. The city is notified of unauthorized charges or transactions in connection with a customer account.

h. The city is notified by a customer, law enforcement, or another person that it has opened a fraudulent account for a person engaged in identity theft.

5. Notice from customers law enforcement victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.
(Added Ord. 2009-10, 05/09/2009)

Section 1-226. Prevention and Mitigation of Identity Theft.

1. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If in his or her discretion such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Clerk. If in his or her discretion such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk who may in his or her discretion determine that no further action is necessary. If the City Clerk, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses as determined to be appropriate by the City Clerk:

a. Contact the customer;

b. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer covered account:

1. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or

2. Close the account;

c. Cease attempts to collect additional charges from the customer and decline to sell the customer account to a debt collector in the event that the customer account has been accessed without authorization and such access has caused additional charges to accrue;

d. Notify a debt collector within 72 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;

e. Notify law enforcement in the event that someone other than the customer has accessed the customer account causing additional charges to accrue or accessing personal identifying information; or

f. Take other appropriate action to prevent or mitigate identity theft.

2. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If in his or her discretion such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Clerk. If in his or her discretion such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk who may in his or her discretion determine that no further action is necessary. If the City Clerk, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses as determined to be appropriate by the City Clerk:

a. Request additional identifying information from the applicant;

b. Deny the application for the new account;

c. Notify law enforcement of possible identity theft; or

d. Take other appropriate action to prevent or mitigate identity theft.
(Added Ord. 2009-10, 05/09/2009)

Section 1-227. Updating the Program.

1. The responsibility for updating this Identity Theft Prevention Program lies with an Identity Theft Committee for the Municipality. The Committee is headed by the City Manager, with the City Treasurer and the City Clerk comprising the remainder of the committee membership. The Committee shall make recommendations for any updates or amendments and the City Manager shall prevent such recommendations to the city council. The Committee and the City Council shall review the Identity Theft Prevention Program at least annually and, as deemed necessary by the council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts

from identity theft. In so doing the city council shall consider the following factors and exercise its discretion in amending the program:

a. The city experiences with identity theft;

b. Updates in methods of identity theft'

c. Updates in customary methods used to detect prevent and mitigate identity theft;

d. Updates in the types of accounts that the city offers or maintains; and

e. Updates in service provider arrangements.
(Added Ord. 2009-10, 05/09/2009)

Section 1-228. Program Administration.

1. The City Clerk is responsible for oversight of the program and for program implementation. The City Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program as necessary in the opinion of the City Manager to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the city council for consideration by the council.

2. The City Clerk will report to the City Manager at least annually on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

a. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

b. Service provider arrangements;

c. Significant incidents involving identity theft and management response; and

d. Recommendations for material changes to the Program.

3. The City Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account, or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary.
(Added Ord. 2009-10, 05/09/2009)

Section 1-229. Outside Service Providers.

In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts, the City Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider activities are conducted in accordance with policies and procedures agreed upon by contract that are designed to detect any red flags that may arise in the performance of the service provider activities and take appropriate steps to prevent or mitigate identity theft.
(Added Ord. 2009-10, 05/09/2009)

Section 1-230. Treatment of Address Discrepancies.

1. Pursuant to 16 CFR § 681.1, the purpose of this section is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

2. In the event that the city receives a notice of address discrepancy the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities as determined to be appropriate by such employee:

a. Compare the information in the consumer report with:

1. Information the city obtains and uses to verify a consumer identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. 5318(1);

2. Information the city maintains in its own records. such as applications for service, change of address notices, other customer account records, or tax records; or

3. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or

b. Verify the information in the consumer report with the consumer.
(Added Ord. 2009-10, 05/09/2009)

Section 1-231. Furnishing Consumer Address to Consumer Reporting Agency.

1. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

a. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report

b. The city establishes a continuing relation with the consumer; and

c. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.
(Added Ord. 2009-10, 05/09/2009)

Section 1-232. Methods of Confirming Consumer Addresses.

1. The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

a. Verifying the address with the consumer;

b. Reviewing the city records to verify the consumer address;

c. Verifying the address through third-party sources; or

4. Using other reasonable processes.

CHAPTER 2 – ALCOHOLIC BEVERAGES

Article 1. Oklahoma Alcoholic Beverage Control Act

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

The Oklahoma Alcoholic Beverage Control Act (37 O.S. 1981, Sections 501566, as amended) is hereby adopted and incorporated by reference in the Code of ordinances of the City of Tuttle, Oklahoma; applicable provisions of the Act are hereby declared to be in full force, as if included herein in complete detail.

Section 2-2. Definitions and Interpretations.

1. All words, phrases and terms used in this and other Chapters relating to the use of alcoholic beverages, and not defined herein, shall be interpreted and construed in conformity with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Control Act (37 O.S. 1981, Section 506, as amended).

2. Beverages containing more than three and twotenths percent (3.2%) alcohol by weight are hereby declared to be "intoxicating beverages."

3. Beverages containing more than onehalf (~) of one percent (1%) alcohol by volume and not more than three and twotenths percent (3.2%) alcohol by weight, are hereby declared to be "nonintoxicating beverages."

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

Article 2. Alcoholic or Intoxicating Beverages

Section 2-10. Municipal Occupation Tax; License; Reporting.

1. An annual municipal Occupation Tax, as shown below, is hereby levied every business or occupation engaging in the following activities relating to alcoholic beverages as specifically enumerated herein and in the amount therein stated:

Brewer License: $1,250.00

Distiller License: $3,125.00

Winemaker License: $625.00

Oklahoma Winemaker License: $75.00

Rectifier License : $3,125.00

Wholesaler License: $3,500.00

Class B Wholesaler License: $625.00

Package Store: $605.00

Mixed Beverage Initial License: $1,005.00

Mixed Beverage Renewal License: $905.00

Mixed Beverage/Caterer Combination License: $1,250.00

Beer and Wine Initial License: $500.00

Beer & Wine Renewal License: $450.00

Bottle Club Initial License: $1,000.00

Bottle Club Renewal License: $900.00

Caterer Initial License: $1,005.00

Caterer Renewal License: $905.00

Annual Special Event License: $55.00

Quarterly Special Event License: $55.00

Hotel Beverage Initial License: $1,005.00

Hotel Beverage Renewal License: $905.00

Airline/Railroad Beverage Initial License: $1,005.00

Airline/Railroad Beverage Renewal License: $905.00

Agent: $55.00

Employee License: $30.00

Industrial License: $23.00

Carrier License: $23.00

Private Carrier License: $23.00

Bonded Warehouse License: $190.00

Storage License: $23.00

Nonresident Seller License: $750.00

Manufacturers Agent License: $55.00

Sacramental Wine Supplier License: $100.00

Charitable Auction License-: $1.00

There shall be added to the initial or renewal fees for a Mixed Beverage License an administrative fee, which shall not be deemed to be a license fee, in the amount of Five Hundred Dollars ($500.00), which shall be paid at the same time and in the same manner as the license fees prescribed by paragraphs (i) and (j) of this subsection; provided, this fee shall not be assessed against service organizations or fraternal beneficiary societies which are exempt under Section 501(C)(19), (8) or (10) of the Internal Revenue Code. There shall be added to the fee for a Mixed Beverage/Caterer Combination License an administrative fee, which shall not be deemed to be a license fee, in the amount of Two Hundred Fifty Dollars ($250.00), which shall be paid at the same time and in the same manner as the license fee prescribed by paragraph (k) of this subsection. (Updated by Ordinance No. 2003-6, April 14, 2003)

2. Notwithstanding the provisions of subsection 1 of this section;

The license fee for a mixed beverage or bottle club license for those service organizations or fraternal beneficiary societies which are exempt under Section 501(C) (19), (8)

or (10) of the Internal Revenue Code shall Be Five Hundred Dollars ($500.00) per year;

The Fees provided for in subsection 1 of this section for a brewer license and for a Class B wholesaler license shall be reduced by seventy-five percent(75%) if the applicant therefor is also the holder of a license to manufacture or wholesale any low-point beer as provided for in this title; and

The renewal fee for an airline/railroad beverage license held by a railroad described in Section 24301, shall be One Hundred Dollars ($100.00)

3. 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 City Clerk. If the applicant hold a valid State License to engage in said business within the City of Tuttle, Oklahoma, is in accordance with Municipal ordinances and has paid the required Municipal Occupation Tax, the City Clerk shall issue the license applied for.

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

5. The City Clerk shall transmit a report to the State ABLE Commission on June 30th of each year, showing the amount of money collected and the number of Municipal Occupation Tax Licenses issued under this Chapter
(Updated Ord. 2003-6, 04/14/2003)

Section 2-11. Retail Package Stores.

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

2. It shall be unlawful for any person to operate or maintain, or to assist in the operation or maintenance of, any retail package store when the premises are not separated from the premises on which any other goods, wares or merchandise are sold or services are rendered, by 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.

3. It shall be unlawful for any person holding a License for a retail package store, or any employee or agent thereof, to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of 10:00 o'clock a.m. and 9:00 o'clock p.m., Monday through Saturday; or to keep such premises open for such 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, Veteran's Day, Thanksgiving Day or Christmas Day.

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

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

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

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

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

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

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

Article 3. Nonintoxicating Beverages

Section 2-20. Definitions.

"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 City of Tuttle, Oklahoma, without regard as to any place where such beverages may be consumed or used.

Section 2-21. License.

1. There is hereby levied an annual license fee of Twenty Dollars ($20.00) on retail dealers selling nonintoxicating beverages for consumption on or off the premises and an annual license fee of Ten Dollars ($10.00) on retail dealers selling nonintoxicating beverages in original packages and not for consumption on the premises. (Updated October 10, 2005 by Ordinance #2005-30 paragraph 1)

2. 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.

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

4. The City Council shall have the power, after public hearing, to revoke any License granted hereunder, for violation of Law or Ordinance by the License holder.

Section 2-22. 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:

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

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

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

4. Permit dancing therein;

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

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

7. Permit sale, furnishing or drinking of intoxicating liquor; or

8. Permit disorderly conduct, loud or disturbing language or any other violation of State Law or of the Code of ordinances of the City of Tuttle, Oklahoma.

9. It shall be unlawful for the owner or person in charge to permit an intoxicated person to remain in or around a place of business where nonintoxicating beverages are dispensed.

Section 2-23. Hours of Sale.

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

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

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

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

Article 4. Miscellaneous Provisions

Section 2-30. Clubs: Application for Certificates of Compliance.

1. Every applicant for Certificates of Compliance with the Zoning, Fire, Health and Safety Codes of the City of Tuttle, Oklahoma, required by Title 37 of Oklahoma Statutes, shall apply at the office of the City Clerk by:

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

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

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

3. The City Clerk shall act on all such applications within twenty (20) days of receipt thereof.

Section 2-31. Clubs. Issuance of Certificates of Zoning and Code Compliance.

1. Upon finding that the premises of an applicant for a Certificate is in compliance with all applicable Zoning Ordinance provisions, a Certificate of Zoning Compliance shall be issued.

2. Upon finding that the premises of an applicant for a Certificate is in compliance with all applicable Fire, Safety and Health Codes, a Certificate of Code Compliance shall be issued.

3. The above Certificates of Zoning and Code Compliance shall be signed by the City Clerk or a designated representative of the City Clerk.

Sections 2-32 through 2-39. Reserved for future use.

Article 5. Penalty

Section 2-40. Penalty.

Any person, firm or corporation violating any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which a violation continues shall constitute a separate offense.

CHAPTER 3 – ANIMALS

Article 1. General Provisions

Section 3-1. Definitions.

The following words and phrases, when used in this Chapter, shall have the meanings prescribed in this Section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning:

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

2. Animal Control officer. The term "Animal Control Officer" shall mean the person(s) responsible for enforcement of the City of Tuttle, Oklahoma's ordinances and regulations pertaining to animal control in said community.

3. Animal Shelter or Municipal Pound. The terms "Animal Shelter" or "Municipal Pound" shall mean any premises formally designated by the City Council for the purpose of impounding and caring for animals held under the authority of this Chapter, irregardless of whether or not said premises are within or without the municipality's corporate boundaries, and irregardless of whether or not said premises are under actual Municipal ownership or provided for under a contractual arrangement between the City of Tuttle, Oklahoma, and private owner(s).

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

5. Dangerous Birds. The term "dangerous bird" shall mean any warmblooded, feathered vertebrate which may constitute a physical threat to human beings.

6. Harboring. The word "harboring" shall mean allowing any animal to habitually remain, or be fed, on premises under his control.

7. Kennel. The word "kennel" shall mean any structure or place where five (5) or more 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 five (5) dogs over six (6) months of age.(Updated 9-8-03/Ordinance #2003-16 paragraph 7)

8. Livestock. The word "livestock" shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

9. Neuter. The word "neuter" shall mean to render a male dog or cat unable to reproduce

10. New owner. The term "new owner" shall mean a person legally competent to enter into a contract acquiring a dog or cat from the releasing agency.

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

12. Pet. The word "pet" shall mean any animal kept for pleasure, rather than utility.

13. Releasing Agency. The term "releasing agency" shall mean any Pound (Municipal or otherwise), shelter or humane society organization, whether public or private.

14. 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.

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

16. Sterilization. The word "sterilization" shall mean to spay or neuter a dog or cat.

17. Vicious Dog or Animal. The term "vicious dog or animal" shall refer to any dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons when not unduly provoked.

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

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

1. 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 City of Tuttle, Oklahoma.

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

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

b. Allow a dog to be under the control of any person, and placed on an inadequatelysized leash so that it can reach or bite any person who may be using the public thoroughfares of the City, so the dog can reach beyond the limits of the lot or premises upon which said dog is kept and confined, so the dog at any time can reach any postman who may be delivering mail to the regularlylocated mailbox of the house located on the premises, or so the dog may reach any person who may be rendering necessary

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

Section 3-3. Disturbances by Animals; Public Nuisance Abatement.

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

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

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

Section 3-4. Keeping Animals.

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

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

3. No swine shall be kept within the corporate limits of the City of Tuttle, Oklahoma except as allowed in Section 3-16 and in accordance with the Zoning Code.

4. Every structure wherein any authorized animal is kept within the corporate limits of the City of Tuttle, Oklahoma, 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 (200) feet of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall be provided with a watertight and flytight receptacle for manure of such size as to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at 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.

5. The keeping of bees within the corporate limits of the City of Tuttle, Oklahoma, 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 shall be required to keep or raise bees.

6. The keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall be permitted throughout the City of Tuttle, Oklahoma, as long as the premises are maintained in accordance with the provisions of Subsection 4 (above) and State and County Health Department requirements and standards. Additional restrictions on the raising and/or keeping of horses, sheep, cattle and chickens may be imposed by the Zoning Ordinance without conflicting with this Subsection.

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

8. The keeping of other animals not specifically mentioned or regulated within this Chapter as pets, shall be subject only to such generally applicable provisions which may exist to require the maintenance of sanitary conditions and the avoidance of nuisance creation.

9. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the City of Tuttle, Oklahoma, except under the conditions and provisions of any License required for such snakes in Article 2 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said City, without having met Permit requirements and obtained a Permit.
(Amended by Ordinance 2016-08; 5-9-2016)

Section 3-5. Responsibilities of owners.

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

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

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

3. Owners shall not abandon their animals.

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

Section 3-6. Cruelty to Animals.

1. It shall be unlawful for any person knowingly, willfully or maliciously to:

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

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

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

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

e. Neglect an animal belonging to him or in his custody in a cruel or inhumane manner;

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

g. Poison, or expose to poison, any dog or other animal, except a noxious, nondomesticated animal.

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

Section 3-7. Turning Confined Animals At Large Unlawful.

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

Section 3-8. Pasturing In Public Areas Unlawful.

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

Section 3-9. Rabies Control; Vaccination Requirements.

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

2. 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. Such quarantine shall be 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; such owner shall then pay any related charges for confinement.

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

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

5. 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 from time to time.

6. No person shall remove from the City of Tuttle, Oklahoma, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer upon demand; the Animal Control Officer shall direct disposition 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.

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

8. It shall be unlawful to not abide by the Municipal vaccination requirements after fifteen (15) days of residency.

Section 3-10. Confining Female Dogs and Cats.

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

Section 3-11. Certain Dogs Running Loose to be Killed.

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

Section 3-12. Inspections to Enforce Chapter.

1. The Local or County Health Official, the Animal Control Officer, the City Manager or any member of the City Council, upon complaint of any person shall inspect any structure or place wherein an animal is kept.

2. The Local or County Health official or the Animal Control officer may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause

such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.

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

Section 3-13. Zoning Ordinance to Prevail.

1. 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.

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

Section 3-14. Dog and Cat Sterilization.

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

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

3. 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.

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

5. 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.

6. Funds which have been forfeited by adopting parties shall be placed in a separate account, which shall be in 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.

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

8. The provisions of the state Dog and cat Sterilization Act shall not be construed to require the sterilization of dogs and cats which are being held in releasing agencies which might be claimed by their rightful owners, nor shall it be construed to require the sterilization of dogs and cats held pursuant to the provisions of section 391402 of Title 4 of Oklahoma Statutes. Further, the State Dog and Cat Sterilization Act shall not be construed to interfere with Municipal ordinances that meet or exceed the dog and cat sterilization requirements set forth in the State Dog and Cat Sterilization Act.

Section 3-15. Keeping of Vicious Animals Prohibited.

1. It shall be unlawful and an offense for any person to keep, own, harbor, or possess any vicious animal within the corporate limits of the City of Tuttle, Oklahoma.

2. If an animal has previously bitten a human being two (2) or more times without provocation, such finding shall be prima facie evidence that the animal has a vicious and furious disposition.

3. When any complaint is filed in the Municipal Court of the City of Tuttle alleging that a vicious or dangerous animal is kept, owned, harbored, or possessed, in violation of this section, then the person against whom the complaint is filed, or any other person having control or custody of the animal alleged to be vicious and dangerous, shall deliver the animal to the animal control officer or a duly designated representative for confinement. Any confinement fees shall be responsibility of the person against whom the complaint is filed or any other person having control or custody of the animal alleged to be vicious.

4. In addition to the complaint alleging violation of this Section, a complaint may be filed requesting the Court to make a determination that an animal is vicious. The procedures set forth is paragraph (3) providing for the delivery of the animal to the animal control officer shall be applicable to this paragraph. If the Court finds the party against whom this complaint is filed, guilty of violating the provisions of this Section, or if the Court finds the animal is a vicious animal constituting an unreasonable risk to the safety of human beings, then the animal may be destroyed.

5. If the Municipal Court judgement is appealed to a higher court as provided by the laws of the State of Oklahoma and the laws of the City of Tuttle, then the animal shall not be destroyed until the appeal has been disposed of by the higher court. Any confinement fees charged while the appeal process is carried out it shall be the responsibility of the person against whom the complaint is filed or any other person having control or custody of the animal alleged to be vicious.

6. Any violation of this Section shall be subject to a fine of $57.00 for the first offense and a fine of $97.00 for the second and any subsequent violation. Every day's violation of any provision of this Section shall constitute a separate offense.
(Updated Ord. 2000-08, 07/10/2000)

Section 3-16. Swine within the City Limits.

1. No swine shall be kept within the City except at a fair or exhibition for purposes of exhibition.

2. Student owned FFA and/or 4-H swine projects may be kept on public school property specifically dedicated for the purpose of raising and housing swine.

3. No more than two (2) miniature pigs, (e.g. Asian Pot-Bellied swine or similar small swine), subject to the following, may be kept as normal merchandise in commercially-zoned property, or may be kept as a household pet in single-family residential or duplex property under the following conditions:

A. Each such miniature pig shall be a pet which is kept for personal enjoyment, and not raised for human consumption, not exceeding 75 pounds in weight and 21 inches in height.

B. There shall not be more than two miniature pigs in excess of three (3) months of age at each residence.

C. The miniature pigs must be kept by their owners in a manner which does not violate other ordinances of the city nor create a nuisance to the neighborhood.

D. Miniature pigs must be kept confined within the building in which they are housed or within any associated fenced yards, or held by a harness and leash under the control of the owner or the owner's representative.

E. An annual license issued by the City Clerk is required for each miniature pig aged three (3) months or older kept as a household pet, in an amount set by resolution of the City Council. Said annual permits shall renew on May 1st of each year. (Added by Ordinance 2016-08; 5-9-2016)

Sections 3-17 through 3-39. Reserved for future use.

Article 2. License and Permit Requirements

Section 3-40. Licenses and Tags for Dogs.

1. No person, without first obtaining a written Dog License from the office of the City Clerk, shall own, keep, harbor or have custody of any dog over six (6) months of age.

2. No License shall be required for animals temporarily (seven days or less) brought and kept within the City of Tuttle, Oklahoma, or for "seeingeye" dogs, when such dogs are actually used to aid blind persons.

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

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

5. The City Clerk shall deliver an appropriate tag for the dog, in addition to the written receipt; the tag shall constitute the License.

6. The owner shall cause the tag received from the City Clerk to be affixed to the collar or harness of the dog upon which the License fee has been paid and the owner shall see that the tag is so worn at all times.

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

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

9. A License tax of five dollars ($5.00) per year for every dog more than six (6) months of age, is hereby levied upon the owner of any such dog kept or harbored within the City of Tuttle, Oklahoma.

10. All License fees shall be paid to the City Clerk, and shall be due not later than the lst day of May of each year, or within one (1) day after bringing such an animal into the City after such date,

11. In the event of loss of the tag before the end of the year for which it was issued, the owner may secure another for the dog by presenting the original receipt and the sum of one dollar ($1.00) to the City Clerk.

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

Section 3-41. Licenses for Poisonous Snakes.

1. No person shall keep, buy, or otherwise acquire from another, any poisonous snake within the City of Tuttle, Oklahoma, without first having obtained from the City Clerk a License to keep, purchase or otherwise acquire such poisonous snake.

2. Said License shall not be issued by the City Clerk until the applicant therefor has made satisfactory showing to the City Clerk that he has ample and sufficient equipment to safely keep and confine any poisonous snake to be kept or acquired by him in the City.

3. To cover the costs of issuing such License, the necessary investigations preliminary to issuing such License and a part of policing (by seeing that any poisonous snakes so acquired by the licensee are safely kept and confined) , the applicant shall, pay to the CityClerk, upon issuance of such License, a License fee of one hundred dollars ($100.00) ; the License, so issued, shall be valid for a term of one (1) year.

Section 3-42. Licenses for Wild Circus Animals.

1. All wild animals owned by a circus or travelling animal show, shall not be permitted within the corporate limits of the City of Tuttle, Oklahoma, unless the owner or person in charge of said circus or show, or his designated representative, has first obtained a License for said animals from the City Clerk.

2. Said License shall be issued by the City Clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare.

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

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

Section 3-43. License Requirements for Kennels and Pet Shops.

1. No person, firm or corporation shall own, maintain or operate a kennel within the corporate limits of the City of Tuttle, Oklahoma, unless such kennel is licensed as hereinafter provided. (See the definition of "kennel" in Section 31, this Code of ordinances.)

2. Application for Such License shall be made to the City Clerk and shall state the name and address of the owner or operator of said kennel, with the street address and legal description of the property upon which the kennel is located; said kennel must be in compliance with any applicable portions of any present or future Zoning ordinance adopted by the City of Tuttle, Oklahoma.

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

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

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

6. Any person, firm or corporation maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this Code of ordinances and any present or future zoning ordinance. Nonconforming kennels shall be deemed a public nuisance.

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

8. All pet shops, catteries and kennels shall:

a. 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;

b. 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

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

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

Sections 3-44 through 3-59. Reserved for future use.

Article 3. Municipal Pound

Section 3-60. Municipal Pound Authorized.

1. The City Council is hereby authorized to establish a Municipal Pound, under the jurisdiction of the City manager, the Chief of Police or the Animal Control officer. He shall provide proper sustenance for all animals impounded and shall treat them in an humane manner.

2. 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 City of Tuttle, Oklahoma.

Section 3-61. Impoundment of Animals.

1. It shall be the duty of the Animal Control Officer (or any other designated officer or employee of the City), to take into custody and impound any animal running at large in violation of the provisions of 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 City of Tuttle, Oklahoma, or that is not confined with a secure and suitable sized leash (as provided in this Chapter), regardless of whether or not the owner may have a Permit, the dog has been vaccinated or the dog bears a tag.

3. 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 of Ordinances.

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

5. Animals taken into custody as provided in this Chapter, shall be destroyed in a humane manner by a licensed veterinarian, provided that no animal taken into custody shall be destroyed until such animal shall have been impounded and held for three full working days, not including the day of arrival, weekends and holidays. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable License fees and expenses incurred in the animal's detention and thereafter may be transferred to an approved pet placement center, adopted, relocated pursuant to law. (Paragraph 5 updated by Ordinance #2006-6)

6. 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 three (3) days and remain unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.

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

Section 3-62. Fees for Impounding and Keeping.

1. The fees for impounding and keeping an animal, to be paid upon redemption, shall be as determined by Resolution of the City Council.

2. All fees shall be paid to the City Clerk. Receipt for payment of fees on an impounded animal shall be presented to the Municipal Pound before the animal shall be released.

Section 3-63. Claiming of impounded Animals.

1. 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.

2. Any person claiming an unlicensed dog shall pay the required License fee to the City Clerk, secure a tag and present the receipt therefor and a tag to the municipal Pound before the latter releases the dog, if a dog is licensed, but not wearing the tag, the Municipal Pound shall require adequate evidence of proper licensing before the animal's release.

Section 3-64. Sale of Impounded Animals of Value.

1. 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 City Hall. Such notice shall describe the animal, notify the owner to pay charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that, unless the animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the 3rd day after posting of the notice and the time of holding such sale for all other animals shall not be before the 10th day after the posting of the notice.

2. 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 City of Tuttle, Oklahoma, for the sale expense, and shall be conducted by, or under the direction of, the Chief of Police. If there is no bid, the Chief of Police shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the City Hall, if he believes that a bid would be made at a later time; otherwise, after any offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the Animal Control Officer as provided in this Chapter.

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

4. The Chief of Police shall pay to the City Clerk all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of said City Clerk is open for business.

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

Sections 3-65 through 3-99. Reserved for future use.

Article 4. Penalty

Section 3-100. 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 Section 11-50, Article 3, Chapter 11 of this Code of Ordinances, and shall be subject to revocation of any license or operating permit issued pursuant to the provisions of this Chapter. Every day's violation of any provision of this Chapter or of such order of the Health officer, Animal Control officer or Chief of Police, shall constitute a separate offense.

CHAPTER 4 – BUILDING AND CONSTRUCTION

Article 1. Codes and Code Administration

Section 4-1. Reserved for future use.

(Deleted Ord. 2013-12, 5/13/2013)

Section 4-2. Reserved for future use.
(
Deleted Ord. 2013-12, 5/13/2013)

Section 4-3. Reserved for future use.

(Deleted Ord. 2013-12, 5/13/2013)

Section 4-4. Codes in Effect.

From the date on which this Chapter shall take effect , the provisions of said Codes, as herein modified, shall be controlling in those areas set forth hereinabove, within the corporate limits of the City of Tuttle, Oklahoma.

Section 4-5. Conflicts With Code of Ordinances.

Whenever any provision of any of those Model Construction Codes adopted by this Chapter conflict with the Code of Ordinances of the City of Tuttle, Oklahoma, the latter provisions shall govern.

Section 4-6. Building inspector to Enforce Codes.

Any certified municipal official, or other certified employee designated by the City Manager, shall be responsible for enforcing the Model Construction Codes adopted by this Code of Ordinances. Said persons may bear such titles as "Building Inspector," "Gas Inspector," "Plumbing Inspector," "Electrical Inspector," etc., as may be deemed appropriate to indicate their respective areas of concern, and shall be appointed or designated by the City Manager.

Section 4-7. Maintenance of Historic Sites; Building Code; Dangerous Conditions.

REPEALED
(Repealed by Ord. 2020-05, 3-9-2020)
Section 48. Reserved for future use.
(Deleted Ord. 2013-12, 5/13/2013)

Sections 4-9. Revocation and Suspension of Registration.

Anytime a state agency revokes a license or equivalent for any person or entity, or said license expires or otherwise becomes Invalid, the corresponding certificate of registration issued by the Community Development Department shall immediately be considered suspended.

The City Council, after referral from the Community Development Department, ten days' notice, and adequate opportunity for public hearing, may revoke any certificate of registration issued in accordance with this Chapter for any of the following causes:

Serious or repeated violation of the laws, ordinances, or other regulations relating to construction;

Grossly unethical conduct in connection with trade or business;

Demonstrated poor workmanship or service, such as to demonstrate incompetence to act in the capacity of the registration;

Installation of inferior or substandard materials, fixtures or equipment;

Making a material misstatement in the application for registration, or the renewal of a registration;

Loaning or illegally using the registration; or

Willfully failing to perform normal business obligations without justifiable cause.

Any person whose certificate of registration has been revoked by the City Council may apply for a new certificate of registration one year after the effective date of the revocation.
(Added Ord. 2014-14, 4/14/2014)

Section 4-10 through 4-19. (Reserved for future use).

Article 2. Permits and Certificates

Section 4-20. Building Permits.

1. No person shall erect, enlarge, construct, relocate, substantially improve, repair, place, alter, move or demolish any building, structure, mobile, modular or manufactured home, storm shelter, greenhouse, or initiate any other construction without first obtaining a separate Building Permit for each such building or structure from the office of the Community Development Director. Said Permit shall be in addition to, and separate from, all other requirements for Zoning Clearance Permits, Occupancy Certificates, Certificates of Appropriateness, or other requirements established in the Tuttle Code of Ordinances, Tuttle Zoning Code, Tuttle Subdivision Regulations, or other applicable regulations.

a. The construction, installation, maintenance, repair and renovation by a public utility regulated by the Corporation Commission, public service corporations, telephone and telegraphy companies, or rural electric associations when performed in public rights-of-ways and in compliance with Chapter 17 of the Tuttle Code of Ordinances shall not need a Building Permit in compliance with this Chapter.

b. Municipal utilities shall not need a Building Permit in compliance with this Chapter.
(Amended Ordinance 2018-07; 2/12/2018)

2. 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 Community Development Department.

3 No mobile, manufactured or modular home shall be placed on improved or unimproved real estate without first obtaining a separate Building Permit for each such home from the Community Development Department.

4. The Community Development Department shall be responsible for the administration of the Building Permit process within City of Tuttle, Oklahoma.

5. Upon receipt of a complete Building Permit application and the required fee, the Community Development Department shall review the application to ensure that:

a. The involved land is properly zoned for the proposed use and complies with the requirements of the Tuttle Zoning Code, including façade and landscaping regulations;

b. Applicable historic preservation provisions have been met;

c. Legally dedicated roadway access is available, proof of such dedication has been provided, and additional required easement dedications have been granted;

d. Adequate and sanitary provisions have been made for utilities, and fire protection is also adequate;

e. The involved land complies with the requirements of the Tuttle Subdivision Regulations, and all easements and street right of way areas provided in the recorded plat, if any, are not encroached upon;

f. All floodplain and stormwater regulations, if applicable, have been met and the required information provided;

g. All other required municipal Permits and/or Licenses have been obtained.

6. Building Permit applications for development, location, demolition or alteration within delineated "Flood Hazard Areas" (as shown on the community's Official Flood Hazard Boundary Map (FHBM) and Flood Insurance Rate map (FIRM) shall be reviewed by the Floodplain Administrator in accordance with Chapter 21 of this Code.

7. If the Building Inspector is satisfied that the proposed work described in the application and attached materials conform to the requirements of the Tuttle Zoning Code, Tuttle Subdivision Regulations, adopted building and trade codes, and other regulations and requirements of the City of Tuttle, they shall authorize the issuance of the Building Permit and return a copy to the Applicant.

8. If the Application or attached materials do not conform to pertinent municipal regulations, the Building Inspector shall not approve said application. The Community Development Department shall return the application, with written reason(s) attached, to the applicant. The applicant may subsequently amend his application, if possible, and re-submit it (along with the required re-submittal fee), or initiate other action to correct the deficiencies.

9. The Building Inspector shall complete all required review processes in an efficient and effective manner, without unreasonable or unnecessary delay. The City of Tuttle and its staff will attempt to accommodate all Applicants in a timely manner. To avoid delays, it is imperative that Applications be complete and accurate.

10. A Building Permit, once approved and issued, shall be construed as a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any Municipal regulations, nor shall such issuance prevent the Building Inspector from thereafter requiring a correction of errors in plans, construction or a violation of this Code of Ordinances or other applicable regulations.

11. The Community Development Department shall keep a permanent and accurate accounting of all Building Permits including Building Permit fee payments.

12. The Building Inspector shall monitor Municipal utility hook up 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.

13. Appeals from any aggrieved person concerning a decision of the Community Development Department relative to the granting of Building Permits, shall be taken to the Board of Adjustment.
(Updated Ord. 2000-01, 01/10/2000; Ord. 2000-02, 01/10/2000; Ord. 2003-15, 09/08/2003; Ord. 2005-10, __/__/2005; Ord. 2007-11, 11/13/2007; Ord. 2009-33, 12/17/2009; Ord. 2012-03, 02/13/2012; Amended by Ordinance 2016-18, 6-13-2016; Amended by Ord. 2020-05, 3-9-2020)

Section 4-21. Permits Fees.

1. Building permit fees.

a. All building and construction permits, inspection, tap, trade, application, sign and other fees for both residential and commercial construction shall be as set forth in the Manual of Fees adopted by the Tuttle City Council.

b. The applicant for any required building or trade permit required shall pay permit fees to the City of Tuttle. Said fees shall be determined by the square footage of the building area being directly involved in the construction, modification or repair of the building for which the permit is issued. Each separate level of such area, whether subterranean, surface or aboveground, shall be computed in determining the total area.

2. Inspection and permit fees. The adopted fees shall be charged and collected for inspections at the time of permit issuance and inspections shall be made pursuant to the adopted code.

3. Oklahoma Uniform Building Code (OUBCC) fees. The fees set out in Oklahoma Uniform Building Commission Act at 59 O.S. §§ 1000.20-1000.29 (the "Act") (HB 1182) shall be charged and collected at the time of permit issuance and shall be made pursuant to the adopted code.

4. Payment of permit fees requiring review. Upon acceptance of an application for a permit and the permit review fee, permit-associated required documents and plans shall then be reviewed and upon approval, the applicant shall then be notified that the permit is approved and advised of what remaining fees are due. For any permit to be valid, it shall have been paid in full and posted at the job site prior to beginning construction. Payments for permits shall be due upon notification to an applicant that the permit has been approved and is ready for issuance. Any permit not paid for within 30 days after notification may be deemed void.

5. Reserved for future use.

(Deleted Ord. 2014-01, 1/13/2014; Added by Ordinance 2020-05, 3-9-2020; Amended by Ord. 2022-10, 4-25-2022)

Section 4-22. Permits for Pipes Across Streets.

1. Oil and gas companies, and other persons, firms and corporations not operating pursuant to a franchise granted by the Municipality or not operating pursuant to a license or permit granted by the State Corporation Commission, shall secure a Permit from the Office of the City Clerk 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 City of Tuttle, Oklahoma; said Permit shall first be approved by the City Manager.

2. The application for the Permit shall specify:

a. The location of the pipe, cable, wire conduit or line; and

b. The privileges and proposed terms which the applicant desires to secure from the City and to exercise.

3. The City Manager, if the Permit is granted, will grant it on written terms which are mutually agreeable. The City Manager may revoke said Permit after adequate opportunity for a public hearing, for any of the following reasons:

a. Failure to abide by the terms on which the Permit was granted;

b. Violation of State Law or Municipal Ordinances; or

c. Protection of the public peace, health, safety or welfare.

4. The applicant shall pay a fee of five hundred dollars ($500.00) for such Permit and for its periodic renewal.

Section 4-23. Liquefied Petroleum Gas State Permits.

It shall be unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install or repair any system, container, apparatus or appliance to be used for the transportation, storage, dispensing or utilization of liquefied petroleum gas, or to transport, handle or store such gas, unless such person has complied and complies with, all provisions of the State Law and local ordinances relating thereto, and has any Permit which may be required by State Law. No storage of liquefied petroleum gas, except by retail customers, in reasonable amounts, strictly intended for their own use, shall be permitted within the corporate limits of the City of Tuttle, Oklahoma.

Section 4-24. Plumbing Permits.

New Construction:	
Residential	$0.10/sq. ft., $50.00 min
Commercial	$0.15/sq. ft. $75.00 min
Minor Plumbing	
Residential	$75.00
Commercial	$125.00
Inspections	$50.00
Re-Inspections	$100.00

(Repealed by Ord. 2020-05, 3-9-2020; Added Ord. 2021-13; 12/13/2021))

Section 4-25. Electrical Permits.

New Construction:	
Residential	$0.10/sq. ft., $50.00 min
Commercial	$0.15/sq. ft. $75.00 min
Minor Electric	
Residential	$75.00
Commercial	$125.00
Inspections	$50.00
Re-Inspections	$100.00

(Repealed by Ord. 2020-05, 3-9-2020; Added Ord. 2021-13; 12/13/2021)

Section 4-26. Requirement for Permit to Drill Water Wells.

No water well shall be drilled within the municipal limits of the City of Tuttle, without first obtaining a permit from the Community Development Department. The permit will be issued only upon the applicant's ability to furnish proof of compliance with all federal, state and local rules and regulations. The fees for a water well drilling permit shall be established by resolution of the City Council. Said fees shall be paid to the City Clerk of the City of Tuttle.
(Updated Ord. 2009-13, 6/8/2009; Ord. 2011-25, 10/10/2011)

Section 4-27. Mechanical Service Permits.

New Construction:	
Residential	$0.09/sq. ft., $50.00 min
Commercial	$0.15/sq. ft., $75.00 min
Minor Mechanical	
Residential	$75.00
Commercial	$125.00
Inspections	$50.00
Re-Inspections	$100.00

(Repealed by Ord. 2020-05, 3-9-2020; Added Ord. 2021-13; 12/13/2021)

Section 4-28 Gas Service Permits.

1. No gas service work shall be initiated within the City of Tuttle, Oklahoma without a Permit therefor from the Gas Service Inspector or the City Clerk, unless excepted by ordinance.

2. The Gas Service Permit Fee shall be according to the following schedule:

Base Fee:	$50.00
Gas New Construction/Remodel	$30.00
Gas Line Extension (New Service)	$20.00
Gas Line Replacement (Existing Service)	$20.00
Inspections	$50.00
Re-Inspections	$100.00

(Amended by Ord. 2020-05, 3-9-2020; Amended by Ord. 2021-13; 12/13/2021)

3. When a Permit for at least two of the following services, Gas Line Extension, a Gas Line Replacement, Gas Service from the meter to a structure or Gas Service during construction, is purchased simultaneously for service to the same structure, the Permit fee will be $10.00 for each item that is Permitted.

Section 4-29. Street Impact Fee.

Prior to issuance of a building permit for a primary structure, the applicant shall pay to the City Clerk a Street Impact Fee in the amount of $350.00, provided however that no Street Impact Fee shall be collected by the City Clerk if a Street Impact Fee was collected from the sub-divider at the time the plat was approved or if the primary structure is a replacement structure for a previous structure, on which a Street Impact Fee had been paid, located on the site of the new structure.
(Added by Ord. 2020-05, 3-9-2020)

Section 4-30. Community Development Technology Fee.

1. Purpose. The purpose of this section is to provide for community development permitting and licensing software.

2. Fees.

a. The fee under this section shall be as set forth in the manual of Fees adopted by the Tuttle City Council.

b. This fee shall be assessed to all permits, licenses, petitions, and other applications issued through the Community Development Department except for the following:

i. Garage Sale Permits; and

ii. Business Licenses

3. Deposit of Fees. The fees provided for in this section shall be deposited in a segregated general ledger account within the Capital Projects Fund. Such fees shall be budgeted and appropriated for the purposes of funding the purchase, operation, maintaining, and upgrading of community development permitting and licensing software, along with the servers, tablets, computers and other necessary software and technology needed for the operation of said permitting and licensing software.
(Added by Ord. 2021-14; 12/13/2021)

Sections 4-31 through 4-59. Reserved for future use.
(Sections 4-40 through 4-59 repealed Ord. 2010-02, 2/11/2010)

Section 4-60. Maintenance.

The owner of any sign requiring a permit shall be required to maintain an exterior which is properly painted, galvanized or otherwise treated to prevent rust and deterioration of all parts, including lighting and supports. All signs, and landscaping around the base, shall be required to be adequately maintained and shall not become tattered, torn, frayed, ragged, shredded, unkempt or the like. The sign shall be repaired within sixty (60) days following notice from the City of a violation.
(Updated Ord. 2007-04, 05/25/2007; Amended by Ord. 2020-05, 3-9-2020)

Article 4. Historic Preservation

Sections 4-100 through 4-129. Reserved for future use.

Article 5. Miscellaneous Provisions

Section 4-130. Reserved for future use.

(Deleted Ord. 2014-03, 1/14/2014)

Section 4-131. Fire Limits.

1. The following area within the corporate limits of the City of Tuttle, Oklahoma, shall embrace and constitute the "Fire Limits" of said Municipality:

a. The following described boundary shall constitute the fire limits of the City of Tuttle, Grady County, Oklahoma, to wit: Beginning where Eleventh Street intersects the north side of Holly Street, thence west along said street to where said street intersects the east boundary line of the St. Louis & San Francisco Railroad RightofWay, thence southwest along said east boundary line of the St. Louis & San Francisco Railroad Rightof Way to where said boundary line intersects the south side of Bond Street, thence east along the south side of Bond Street to where said street intersects Eleventh Street, thence north along said Eleventh Street to the point of beginning.

2. It shall hereafter be unlawful for any person, firm or corporation to build, erect, construct or cause to be built, erected or constructed, or place or move within the area described in Subsection 1 (above) , any building or addition thereto, unless the walls of such building or addition shall be built or constructed of stone, brick or other noncombustible material; it shall also be unlawful to rebuild any building which has been more than fifty percent (50%) destroyed by fire, except as herein stated.

Section 4-132. Movement of Frame Buildings.

No frame building shall be moved from without to within the corporate limits of the City of Tuttle, Oklahoma, which by reason of its age, state of repair, condition of wiring or which, for any other reason, is unfit for human habitation or which might endanger the public peace, safety, health or welfare.

Section 4-133. Plumbers', Electricians' and Mechanical Contractors, Registration; Revocation.

REPEALED
(Repealed by Ord. 2020-05, 3-9-2020)

Section 4-134. Grease, oil and Sand Interceptors.

1. A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in restaurants, hotel kitchens, cafeterias and food processing establishments, and in any bar, lounge, private club or fountain where food is prepared or served, or where dishes, glasses, pots, pans or other kitchenwares are washed, or any other establishment where grease or broken glass can be introduced into the drainage system in quantities that can effect line stoppage or hinder sewage disposal. Grease, oil and sand interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other ingredients harmful to the building's drainage system, the public sewer or sewage treatment plant process.

2. Interceptors shall not be required for private living quarters or residential dwelling units.

3. All interceptors shall be of a type and capacity as defined in the City's current adopted Plumbing Code and shall be approved by the 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 maintained by the owner, at his expense, in continuously efficient operation at all times.

4. An oil separator shall be installed in the drainage system of any establishment where, in the judgement 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.

5. All garages, filling stations and car washes having car wash racks or facilities shall install combination grit and grease interceptors.

6. All commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons or other materials detrimental to the public sewage system from passing into the drainage system.

7. Bottling plants shall discharge all process wastes into an interceptor which will provide for the separation of broken glass or other solids, before discharging liquid wastes into the drainage system.

8. 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.

9. All existing establishments listed in Subsection 1 (above) shall have ninety (90) days from the effective date of this Code of ordinances to install an improved interceptor or separator. Establishments covered under Subsection 4 (above) will be handled on a case-by-case basis to determine whether an oil separator is required. All establishments covered under Subsection 1 (above) , constructed henceforth, shall include an approved interceptor.

10. The municipal Building Inspector, Utilities Superintendent or City Manager shall have the right of entry during usual business hours, to conduct an inspection of an interceptor or separator.

11. 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 City to immediately discontinue water service to the establishment' for a period of not less than ten (10) days during which time the offender shall correct the violation.

12. Any person who shall continue any violation beyond the time limit provided for in Subsection 11 (above) and upon conviction thereof, shall be fined in an amount not exceeding the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 4-135. Off-Street Parking.

All off-street parking shall be designed, constructed and utilized in accordance with the provisions and requirements contained in the community's adopted Zoning Ordinance and Subdivision Regulations Ordinance.

Section 4-136. Wind Energy Conversion Systems.

1. The following definitions are used in this section, and shall have the meanings shown below.

a. Overspeed Control: A mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy Conversion System.

b. Site: The plot of land where the Wind Energy Conversion System is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties.

c. Swept Area: The largest area of the Wind Energy Conversion System which extracts energy from the wind stream. In a conventional propeller type wind Energy Conversion System there is a direct relationship between swept area and the rotor diameter.

d. Total Height: The height of the tower and the farthest vertical extension of the Wind Energy Conversion System.

e. Wind Energy Conversion System (WECS): A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The Wind Energy Conversion System includes all parts of the System, except the tower and the transmission equipment.

2. Building Permit applications (see Section 420, this Chapter) for a Wind Energy Conversion System shall be accompanied by a plot plan drawn in sufficient detail to clearly describe the following:

a. Property lines and physical dimensions of the site;

b. Location, approximate dimensions, and types of major existing structures and uses on site;

c. Location and elevation of the proposed wind Energy Conversion System;

d. Location of all aboveground utility lines onsite or within one (1) radius of the total height of the wind Energy Conversion System;

e. Location and size of structures and trees over thirty-five (35) feet in height, which are within a five hundred (500) foot radius of the proposed wind Energy Conversion System; for purposes of this requirement, electrical transmission and distribution lines, antennas, and slender or open lattice towers are not considered structures; and

f. The Zoning designation of immediate and adjacent sites.

3. Before a Building Permit may be issued, all requirements of this Section must be met. This Section covers those Wind Energy Conversion Systems whose swept area is one thousand (1,000) square feet or less; for conventional propeller Wind Energy Conversion Systems, this would be approximately thirty-five (35) feet or less in diameter. (Nonelectrical windmills used for pumping water may be exempted from the remaining provisions of this Section.)

4. Building Permit applications shall be accompanied by standard drawings of the structural components of the Wind Energy Conversion System, including support structure, tower, base and footings. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer to show that the System compiles with the adopted Building Code. (This certification would normally be supplied by the manufacturer.) Where the structural components or installation vary from the standard design or specification, the proposed modifications shall be certified by a registered professional engineer for compliance with the structural design provisions of the adopted Building Code.

5. Building Permit applications shall be accompanied by a line drawing identifying the electrical components of the System to be installed, in sufficient detail to allow for a determination that the manner of installation conforms to the adopted Electrical Code. The application shall include a statement from a registered professional engineer indicating that the electrical system conforms with good engineering practices and compiles with said Electrical Code. (This certification would normally be supplied by the manufacturer.) All equipment and materials shall be used or installed in accordance with such drawings and diagrams. where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a registered professional engineer for compliance with the requirements of said Electrical Code and good engineering practices.

6. Each Wind Energy Conversion System must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. (This certification would normally be supplied by the manufacturer.)

7. Anchor points for guy wires for the Wind Energy Conversion System tower shall be located within property lines and not on or across any aboveground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six (6) feet high, or the Wind Energy Conversion System shall be set back from the property line or site parameters the total height of the Wind Energy Conversion System.

8. Towers should have either a tower climbing apparatus located no closer than twelve (12) feet from the ground, a locked anticlimb device installed on the tower, or the tower shall be completely enclosed by a locked, protective fence at least six (6) feet high.

9. The Wind Energy Conversion System. shall meet the requirements of any existing municipal noise regulations.

10. The Wind Energy Conversion System shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the Municipal Building Inspector that a Wind Energy Conversion System is causing harmful interference, the operator shall be required to promptly mitigate the harmful interference.

11. At least one (1) sign shall be posted at the base of the tower warning of electrical shock or high voltage.

12. The minimum height of the lowest part of the Wind Energy Conversion System shall be thirty (30) feet above the highest existing major structure or any tree within a two hundred and fifty (250) foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.

13. The Wind Energy Conversion System shall be located such that the farthest extension of the apparatus does not cross any site lines.

14. For Wind Energy Conversion Systems which will be interconnected to a utility grid, no wind turbine shall be installed until evidence has been given that the utility company has been notified in writing.

15. If a Wind Energy Conversion System is not maintained in operational condition for a period of one (1) year and poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The City of Tuttle, Oklahoma, reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the System. If the City of Tuttle, Oklahoma, determines that the Wind Energy Conversion System has been abandoned and poses a safety hazard, the System shall be removed within forty-five (45) days of written notice to the owner or operator of the System.

16. The applicant, owner, leasee or assignee shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion System at all times. Said policy shall provide a minimum of one hundred thousand ($100,000) property and personal liability coverage.

Section 4-137. Officers and Employees Not Liable.

1. Any officer or employee of the City of Tuttle, Oklahoma, charged with the enforcement of this Chapter and acting in good faith and without malice, for the City of Tuttle, Oklahoma, in the discharge of his duties, shall not thereby render himself liable personally and be 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.

2. Any suit brought against any officer or employee because of such act or omission performed by him in the enforcement of any provisions of such Codes may be

defended by the City Attorney until the final termination of the proceedings.

Section 4-138. 911 Addressing System.

1. All buildings and dwellings in the City of Tuttle, Oklahoma, shall be assigned a 911 address. Other facilities in the City may be assigned a 911 address. The Emergency Management Department shall be responsible for designating appropriate 911 addresses and shall maintain records disclosing all 911 addresses within the City of Tuttle.

2. Assignment of 911 addresses shall conform inasmuch as possible to National Emergency Number Association (NENA) standards while preserving a clear and readily understandable system that enhances public-safety response, aids in navigation, and facilitates appropriate accountability for City, State & Federal functions and operations. The City Manager, or his designee, may make exceptions to this ordinance as necessary in the interest of preserving these goals.

3. Rules for All 911 Addresses. The following rules will apply to all addresses within the City regardless of location.

a. Reference Point. The reference point for all 911 addressing in the City shall be the intersection of Cimarron Road and Main Street/State Highway 37.

b. Baselines.

i. The north-south baseline shall be Cimarron Road, and its logical straight-line extensions; all addresses east of the baseline shall be known as east, and all addresses west of the baseline shall be known as west.

ii. The east-west baseline shall be Main Street/State Highway 37, and its logical straight-line extensions; all addresses north of this line shall be known as north, all addresses south of this baseline shall be known as south.

c. The final digit of all addresses shall be odd for addresses on the north and west sides of the roadway or street, and even for addresses on the opposite sides of the roadway or street.

d. The address “zero” (“0”) shall not be assigned.

e. Addresses should be assigned from the center of the side of the building where the front door is located. However, when the front door is obscured or invisible from the road, or the structure is obviously best reached for emergency purposes by the driveway, the address should be assigned based on where the driveway intersects the road.

f. Each separate building or facility on a property shall have its own address, including apartment buildings, duplexes, mobile-home parks, strip malls, and other multi-occupancy dwellings and multiple-building locations. The use of the affixes such as “one-half” (“1/2”), or separate apartment, suite, or lot numbers is specifically discouraged. However, they may be used when there is not space available in the addressing sequence to practically create a separate address.

g. All streets with more than one address shall be named and all addresses along that street shall be addressed to be on that street. If a second address is added to a private drive that previously only contained one address up until that point, the private drive shall be given a name and the existing address(es) shall be re-assigned to the new street name.

4. Street Naming.

a. Components of a full street name. A full street name shall consist of three components:

i. Pre-direction. Indicates the primary compass direction that a second-order street follows from a baseline (i.e., N, NE, E, SE, S, SW, W, NW). Pre-direction may be a null value.

ii. Street name. The principle identifying component of a full street name, which in most cases should uniquely distinguish a street from all others (e.g., Oak or Main). Street name may not be a null value.

iii. Street type. Gives some indication of the primary length, or shape of the street (e.g., Lane or Circle). Street type may not be a null value.

b. Selection of pre-direction.

i. Use proper reference point. Pre-directions should be used only to indicate the primary direction that a street travels from its intersection with the baseline. Pre-directions shall not be assigned relative to a landmark or major thoroughfare other than a baseline. Pre-directions should not be assigned to streets that do not continue across a baseline.

ii. Use proper format. Pre-directions shall consist of only one primary direction and not a combination of two.

c. Selection of street name.

i. Avoid duplication. Street names shall be unique within the City, and should not duplicate existing streets in the immediately surrounding areas.

ii. Avoid confusion. Street names shall be appropriate as well as easy to read, spell, and pronounce. Street names that tend to be mispronounced or misspelled or are difficult to pronounce or spell shall not be used (e.g., Javelina, Peony, Weimaraner). Homonyms (i.e., other words pronounced similarly but spelled differently) with existing street names shall not be used, even if the street type is different (e.g., Steven Lane/Stephen Drive). Two-word names or one-word names that can be confused as two-word names shall not be used (e.g., Clearlake/Clear Lake). Street names shall not contain directional words (e.g., Northridge). Street names shall not contain punctuation or special characters (e.g., Fisherman’s Landing). Names that would normally require punctuation shall not be used with the punctuation omitted (e.g., Fishermens Landing). In the case of numbered streets, names shall be spelled out with numbered ordinals (1st, 2nd, 3rd) as opposed to all letters (e.g., First, Second, Third).

iii. Avoid emotion. Proper names shall not be used except where historically significant.

iv. Promote continuity. Continuous streets shall have one name and one name only throughout their entire length. In the case of permanent voids where a portion of the road is permanently closed or non-continuous, the road may have the same name on both sides of the void if the void can be easily breached by an alternate route. New streets added on the opposite sides of a permanent void, in line or out of line with the existing street shall be given a unique name.

v. Keep names short. Street names should be made up of one word of no more than 15 characters.

vi. Promote general identification. Street names in subdivisions should be related to a single theme (e.g., flowers, states, presidents) to promote general identification for streets in subdivisions. Street names shall not be duplicated such that they only differ by street type (e.g., Reagan Drive and Reagan Lane). Consideration should also be given to naming streets in alphabetical order to aid navigation.

d. Selection of street type.

i. Promote consistency. All streets shall be assigned a street type.

ii. Avoid confusion. The words used as street types shall not be used as part of street names (e.g., Terrace Drive).

iii. Street types available. Only the following street types may be used for full street names. Assignment of street types should conform to the descriptions provided.

1. Alley (Aly). A short, narrow passage commonly found between close buildings and not used for through traffic.

2. Avenue (Ave). A thoroughfare running principally in an east-west direction and usually terminating at a north-south running street. (Note: Although this directional arrangement is the recommended standard, some cities or counties may already have established grid systems in which avenues run N-S and streets run E-W. In any case, avenues should never run parallel to streets.)

3. Boulevard (Blvd). A street divided by a landscaped center or median, often flanked by sidewalks, and generally designated with an alphabetical name (rather than a number).

4. Circle (Cir). A short street that intersects another street only once and terminates in a closed loop.

5. Court (Ct). A relatively short, uninterrupted dead-end street.

6. Drive (Dr). A curvilinear street of appreciable length which continues through to other rights-of-way.

7. Lane (Ln). A relatively short, uninterrupted street ending in a cul-de-sac.

8. Parkway (Pkwy). A special scenic street or park drive.

9. Place (Pl). A relatively short, uninterrupted dead-end street.

10. Road (Rd). A limited thoroughfare that is frequently used and often allows heavy traffic volume. A road may run in any direction, and is normally non-urban although it may extend through an urban area.

11. Street (St). A thoroughfare running principally in a north-south direction and usually terminating at an east-west running avenue. (Note: Although this directional arrangement is the recommended standard, some cities or counties may already have established grid systems in which streets run E-W and avenues run N-S. In any case, streets should never run parallel to avenues.)

12. Terrace (Ter). A roadway flanked by a decline, often with an incline on the opposite side, and in many cases overlooking a river, gorge, park, or other scenic area.

13. Trail (Trl). Any curvilinear street.

14. Way (Way). A widely applied thoroughfare designation, usually utilized in residential areas for aesthetic purposes.

5. Rules for 911 Addressing Based on Location.

a. Downtown District. For the purposes of this ordinance, the “Downtown District” shall be the area bounded by the first half-mile in each direction from the intersection of the baselines. Addresses in the Downtown District shall conform to the following block-addressing standards:

i. Addresses shall generally consist of three digits except when leading zeros are dropped.

ii. The first digit shall indicate the number of blocks from the baseline.

iii. The remaining digits shall be assigned consecutively increasing outward from the baseline, maintaining a general spacing of 25 feet of frontage per address.

b. All Other Locations. All locations in the City not in the Downtown District shall conform to mile-section addressing standards:

i. Addresses shall generally consist of four digits except when a leading zero is dropped.

ii. The first digit of the 911 address shall indicate the number of whole miles from the baseline as indicated by section lines. When the number of whole miles from the baseline is zero (0), the leading zero will be dropped.

iii. The remaining three digits of the 911 address shall represent the location of the address as a percentage of a mile from the last section line passed.
(Ordinance 2017-18, 12-11-2017)

Section 4-139. Clear Display of 911 Address Required.

1. Clear display of 911 Address. The property owner must identify each dwelling and building that has been assigned a 911 address by the City.

a. At all times, the 911 address must be installed and maintained so as to face and be plainly legible and clearly visible from the public street to which the dwelling

or building is addressed. This may be done on the directly on the dwelling or building, on the curb directly in front of the dwelling or building, and/or with a sign on or near the dwelling or building.

b. To limit confusion with respect to corner properties, the 911 address may not be displayed along a public street, such as on a mailbox or on a curb, to which the dwelling or building is not addressed unless the street name is included in the display.

2. Enforcement.

a. Civil enforcement, new construction. Owners and general contractors of new construction, or structures being substantially altered and requiring building permits, shall provide and maintain the above numbering system commencing at the start of construction. The structures shall be deemed to have failed to pass any inspection by the city, which may be being conducted, unless the numbers exist and are properly maintained at the time of each inspection. Further, the building inspector is authorized to refuse to conduct any further inspections or to grant any further permits until such time as the structure comes into compliance with these provisions.

b. Civil enforcement; existing structures. The Community Development Department is authorized to require proof that these numbers are being maintained as to any building concerning which an application for zoning change, variance, specific use, or any other request is made under the jurisdiction and authority of the Community Development Department, Planning Commission, or Board of Adjustment. Proof of compliance is an absolute precondition for proceeding with these applications.

c. Penalty. Failure of the owner or the occupant to install or to maintain these numbering systems on all existing primary structures shall be a punishable offense under this Code as a nuisance specified in Chapter 12 of this Code; providing that it must be shown: (1) That member of the city staff gave actual written notice to the owner or occupant of the land through posting a letter to the official address of the structure in question; or (2) That actual loss or injury occurred to another by virtue of the failure to maintain the numbering systems.

d. Nuisances. In addition to any other penalties and sanctions which may be imposed, any structure, which does not have a well-maintained numbering system as required under this section is hereby declared a public nuisance, and the city may abate such a nuisance by installing the numbers after following the procedures set forth elsewhere in this Code; and the city may assess the land or the applicable utility bills with the costs of abatement as set forth elsewhere in this Code or applicable state law.
(Ordinance 2017-18, 12-11-2017)

Section 4-140. Landscape Regulations.
REPEALED
(Added Ord. 2005-15; Repealed Ord. 2019-21, 1-13-2020)

Section 4-141. Street Access.

1. No building permit shall hereafter be constructed on a lot which does not abut a public dedicated street, an approved private street, or other access easement as approved by the Planning Commission.

2. Anyone requesting a building permit where the existing lots or unplatted property abuts a dedicated city street shall grant sufficient right-of-way to the city for future street and utility expansion.

3. The right-of-way easement and utility easement granted must be sufficient to meet the requirements of City's Subdivision Regulations and by the street classification or thoroughfare plan as adopted by the Planning Commission and approved by the City Council.
(Added Ord. 2009-07, 2/9/2009)

Section 4-142. Americans with Disabilities Act Compliance Required.

It is the policy of the City of Tuttle to enforce all provisions of the American with Disabilities Act. Prior to the issuance of any building permit, the building inspector shall review the submitted building, parking, and site plans for compliance with the most current edition of ADA Standards for Accessible Design, as published by the United States Department of Justice.
(Added Ord. 2010-04, 3/8/2009)

Sections 4-142 through 4-199. Reserved for future use.

Article 6. Penalty

Section 4-200. Penalty.

1. 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 provision 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 Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day upon which a violation continues, shall be deemed a separate offense.

2. When work for which a permit is required is commenced prior to obtaining a permit, the permit applicant will be required to pay a double permit fee. The payment of the required fee shall not relieve them from being subject to any of the additional penalties therein. The double fee requirements shall be applicable to all permits required in this Chapter and other permits issued by the Community Development Department.
(Amended by Ordinance 2016-09, 5-9-2016)

Article 10. Building Code

Section 4-301. Building Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Building Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., and as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, is hereby adopted as governing law for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such

structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-302. Building Code Amendments.

The International Building Code adopted in §4-301 is hereby amended as set forth in the following paragraphs:

1. Subsection 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Building Safety".

3. Subsection 103.1 is amended by inserting the phrase, “Community Development Department” in lieu of the phrase, “Department of Building Safety”.

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a building official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy building officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director. For the maintenance of existing properties, see the International Property Maintenance Code.

6. Subsections 105.1.1 and 105.1.2 shall be deleted.

7. Subsection 105.3 is amended by adding the following statement:

8. All construction documents shall be prepared by a design professional, such as a licensed architect, registered professional engineer or other professional as determined by the building official.

8. Subsection 107.1 is amended to read as follows: 107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a design professional as described in Section 105.3. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional.

9. Section 113.1 is amended to read as follows: 113.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code.

9. Section 113.3 shall be deleted.

10. Subsection 114.4 is amended to read as follows: 114.4 Violation penalties. Penalties shall be set forth in § 4-200 of the Tuttle Code of Ordinances.

11. Add Section 1106.8 to read as follows: 1106.8 Markings. Accessible parking spaces shall have a painted square blue field and either a yellow or white international symbol of access in the field.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2022-18, 12/12/2022)

Sections 4-303 Reserved for future use.

Section 4-304. Local Registration of Contractors Engaged in Construction.

1. Beginning July 1, 2014, it shall be unlawful for any person to engage in the business, trade or occupation of construction, unless the lead or general construction contractor holds a current and valid certificate of registration issued by the Community Development Department. Construction shall include, but is not exclusive to general, water drilling, fence, and roof contractors. Subcontractors do not need to first obtain a certificate of registration unless otherwise required by ordinance or applicable state regulation. The registration of a business as a contractor shall include all employees of the business.

2. Any person or business required to obtain a plumbing registration (see. Section 4-354), an electrical registration (see Section 4-344), or a mechanical registration (see Section 4-334) shall be issued a certificate of registration at no additional cost.

3. The City Council, by resolution, shall establish fees associated with first time registrants, re-registration prior to July 1 for the next consecutive year, and re-registration on or after July 1 for the next consecutive year. Said fees shall be paid at the Community Development Department and the registration shall not be valid unless it has attached to it or written on it, a receipt or statement showing that the required fee has been paid. Registration fees in a current year are for the period July 1 to June 30 of the year in which registration occurs. Any registration that is lapsed for longer than one year may apply for a new registration in the same manner and under the same conditions as a new applicant.

4. Upon application to the Community Development Department, verification of compliance with applicable state statutes and agency regulations, submittal of proof of liability insurance, submittal of proof of workers' compensation of satisfactory coverage pursuant to the Workers' Compensation Act or an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act, and payment of required fees, the Community Development Department shall register such applicants and issue certificates of registration.
(Added Ord. 2014-14, 04/14/2014)

Section 4-305. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workmanlike manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2013-12, 04/14/2014)

Sections 4-306 through 4-310 Reserved for future use.

Article 11. Residential Code.

Section. 4-311. Residential Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Residential Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., and as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, is hereby adopted as governing law for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016; Amended by Ordinance 2022-18; 12/12/2022)

Section 4-312. Residential Code Amendments.

The International Residential Code adopted in §4-311 is hereby amended as set forth in the following paragraphs:

1. Subsection R101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section R103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Building Safety".

3. Subsection R103.1 is amended by inserting the phrase “Community Development Department” in lieu of the phrase “Department of Building Safety”.

4. Subsection R103.2 is amended to read as follows: R103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a building official may be designated by the City Manager.

5. Subsection R103.3 is amended to read as follows: R103.3 Deputies. The City Manager shall have the authority to appoint deputy building officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director. For the maintenance of existing properties, see the International Property Maintenance Code.

6. Subsection R105.1 is amended by adding the following language at the end of the subsection: “No new permits shall be issued to a permit holder who has unpaid fees on any current permit.”

7. Section R112.1 is amended to read as follows: 112.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code.

8. Section R112.3 shall be deleted.

9. Subsection R112.4 is amended to read as follows: R113.4 Violation penalties. Penalties shall be set forth in Section 4-200 of the Tuttle Code of Ordinances.

10. Table 302.1(1) is amended to read as follows:

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD[o]	WIND DESIGN				SEISMIC DESIGN CATEGORY[l]	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP[e]	ICE BARRIER UNDERLAYMENT REQUIRED[h]	FLOOD HAZARDS[g]	AIR FREEZING INDEX[i]	MEAN ANNUAL TEMP[l]
	Speed[d] (mph)	Topographic effects[k]	Special wind region[j]	Windborne debris zone[m]		Weathering[a]	Frost line depth[b]	Termite[c]					
10	115	No	No	No	C	Moderate	18	Yes	13	No	4/19/2005	1500	61.4

MANUAL J DESIGN CRITERIA[n]

Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference
451-3266 ft	33.909 N - 36.605 N	11.8 - 25 F	95 - 101.8 F	.99 - .89	68 - 70 F	72 - 75 F	58.2 - 45 F
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident web bulb	Daily range	Winter humidity	Summer humidity	
23 - 26.8 F	15 MPH	7.5 MPH	67.5 - 77.4 F	M	30%	50%-65%	

For SI: 1 pound per squae foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Where weathering requires a higher strengh concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "neglible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry un ts shall be determined from ASTM C34, C55, C82, C73, C90, C129, C145, C218 or C652.

b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1). the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fil in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basic in accordance with Section R301 2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the Interetional Plubming Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local wather experience as determined by the building official [Also see Figure R301.2(1).]

f. The jurisdiction shall fil in this part of the table with the se smic design category determined from Section R301 2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the Natonal Flood Insurance Porgram (date of adoption of the first code or ordinace for management of flood hazard areas) (b) the date(s) of the Flood Insurance. Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction. as amended.

h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3 1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fil in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shal fill in this part of the table with the 100-year period air freezing index (8F-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° F)."

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° F)."

k. In accordance with Section R30 1.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the juridiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdict on shall fil in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R301.2.1 2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

n The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria by the jurisdiction

o The jurisdiction shal fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).

11. Subsection P3005.2.3 is amended to read as follows: P3005.2.3 Building drain and building sewer junction. There shall be two (2) directional cleanouts with a backwater valve in between the two (2) directional cleanouts near the junction of the building drain and building sewer. The two (2) directional cleanouts and backwater valve shall be outside the building wall, provided that it is brought up to finish grade.

(Amended by Ordinance 2022-18, 12/12/2022)

Section 4-313. Residential Code Appendices.

1. International Residential Code Appendix E is hereby adopted by the City of Tuttle as governing law controlling all matters concerning a manufactured home used as a single dwelling unit installed on private property, as if fully set forth herein, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle. (Added Ord. 2013-12, 05/13/2013; Amended by Ord. 2019-19)

Section 4-314 Reserved for future use.

Section 4-315. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workmanlike manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2013-12, 05/13/2013)

Section 4-316. Residential Wind Requirements.

The following additions are hereby included in the residential building code for the purposes of establishing minimum regulations governing residential construction for high wind resistance for new residential construction:

1. Roof sheathing (OSB or plywood) shall be fastened with 8d ring shank (0.131" by 2.5") or 10d (0.148" by 3") nails on four-inch on center along the edges and six-inch on center in the field. Dimensional lumber decking is allowed along as it meets S4S #3 Common or better.

2. Maximum spacing for roof rafters shall be 24 inches on center. Minimum nominal sheathing panel size shall be 5/8 inch. Minimum wood structural panel span rating shall be 24/16.

3. Connections for roof framing shall be designed for both compression and tension, and may include nail plates or steel connection plates. Connections for roof framing shall include connections on rafters, web members, purlins, kickers, bracing connections, and the connections to interior brace wall top plates or ceiling joists.

4. Gable end walls shall be tied to the structure, and may include steel connection plates or straps. The connections shall be made at the top and bottom of the gable end wall.

5. Structural sheathing panel (OSB or plywood) shall be required for gable end walls.

6. The upper and lower story wall sheathing shall be fastened to the common rim board.

7. All walls shall be continuously sheathed with structural sheathing (OSB or plywood) using the CS-WSP method. Garage doors shall be framed using the sheathed portal frame method CS-PF. No form of intermittent bracing shall be allowed on an outer wall. Intermittent bracing may only be used for interior braced wall lines.

8. Fastening of wall sheathing (OSB or plywood) shall be on four-inch on center along the edges and six-inch on center in the field.

9. Structural wood sheathing shall be extended to lap the sill plate and fastened to the sill plate using a four inch on center along the edges. Structural wood sheathing shall be fastened to rim board if present on four-inch on center along both the top and bottom edges of the rim board.

10. Garage doors shall be a steel-backed door (See example below).

Example of a steel-backed garage door

11. Exterior wall studs shall be 16 inch on center.

12. Roofing products must be rated to withstand winds of at least 110 miles per hour under normal installation methods except for the starter shingle and ridge cap.
(Added Ord. 2019-18, 10/14/2019; Amended by Ordinance 2022-18, 12/12/2022)

Sections 4-317 through 4-320 Reserved for future use.

Article 12. Fire Prevention Code

Section. 4-321. Fire Prevention Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Fire Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., and as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, is hereby adopted as governing law the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Prevention Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Amended by Ordinance 2022-18, 12/12/2022)

Section 4-322. Fire Prevention Code Amendments.

The International Fire Code adopted in §4-321 is hereby amended as set forth in the following paragraphs:

1. Subsection 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Fire Department" in lieu of the phrase, "Department of Fire Prevention".

3. Subsection 103.1 is amended by inserting the phrase, "Fire Department" in lieu of the phrase, "Department of Fire Prevention".

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) and the Fire Chief shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a fire code official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy fire code officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Fire Chief.

6. Section 109.1 is amended to read as follows: 109.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board.

7. Subsection 109.3 is amended to read as follows: 109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code shall be prosecuted in accordance with § 4-200 of the Tuttle Code of Ordinances.

(Amended by Ordinance 2022-18, 12/12/2022)

Section 4-323. Fire Code Appendices.

1. International Fire Code Appendices B is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

2. International Fire Code Appendices C is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

3. International Fire Code Appendices D is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

4. International Fire Code Appendices E is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

5. International Fire Code Appendices F is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

6. International Fire Code Appendices G is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

7. International Fire Code Appendices H is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

8. International Fire Code Appendices I is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

9. International Fire Code Appendices J is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

10. International Fire Code Appendices K is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

11. International Fire Code Appendices L is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

12. International Fire Code Appendices M is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

13. International Fire Code Appendices N is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the matters of each appendix, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.

(Added by Ordinance 2022-18, 12/12/2022)

Sections 4-324 through 4-330 Reserved for future use.

Article 13. Mechanical Code

Section. 4-331. Mechanical Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Mechanical Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., and as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, is hereby adopted as governing law for regulating and the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016)

Section 4-332. Mechanical Code Amendments.

The International Mechanical Code adopted in §4-331 is hereby amended as set forth in the following paragraphs

1. Subsection 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Plumbing Inspection".

3. Subsection 103.1 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Plumbing Inspection".

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a building official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy building officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director.

6. Subsection 106.1 is amended by adding the following language at the end of the subsection: “No new permits shall be issued to a permit holder who has unpaid fees on any current permit.”

7. Subsection 106.1.1 shall be deleted in its entirety.

8. Subsection 106.1.2 shall be deleted in its entirety.

9. Subsection 108.4 is amended to read as follows: 108.4 Violation penalties. Penalties shall be set forth in § 4-200 of the Tuttle Code of Ordinances.

10. Section 109.1.1 is amended to read as follows: 109.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code.

11. Sections 109.2 through 109.7 shall be deleted.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-333 Reserved for future use.

Section 4-334. Mechanical Licensing.

1. All persons designing, assembling, erecting, constructing, installing, altering, servicing, repairing or maintaining refrigeration, air conditioning, heating and/or ventilation systems in the City of Tuttle, Oklahoma, shall first obtain a mechanical license from the Community Development Department.

2. All applicants for a Tuttle Mechanical License shall be licensed to do so under the Mechanical Licensing Act (59 O.S. § 1850.1 et seq.) as administered by the Oklahoma Construction Industries Board. No person shall do any work of said nature except a State-licensed and locally-licensed craftsman, as provided in this section.

3. The City Council, by resolution, shall establish fees associated with first time registrants, re-registration prior to July 1 for the next consecutive year, and re-

registration on or after July 1 for the next consecutive year. Said fees shall be paid at the Community Development Department and the registration shall not be valid unless it has attached to it or written on it, a receipt or statement showing that the required fee has been paid. Registration fees in a current year are for the period July 1 to June 30 of the year In which registration occurs. Any registration that is lapsed for longer than one year may apply for a new registration in the same manner and under the same conditions as a new applicant.

4. No license shall be required for:

a. A person who is the property owner of record, or his or her authorized representative, when performing minor repair which shall include, but not be limited to, cleaning, adjusting, calibrating and repair of mechanical system parts and the replacement of fuses and room thermostats, and other minor repairs which shall not include any repair which could violate the safe operation of the equipment;

b. REPEALED

c. REPEALED

d. Any permanent employee of a manufacturing facility, whether owned or leased, while performing mechanical work on the premises of such facility. The performance of such mechanical work authorized by the paragraph shall not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulation;

e. The service, repair and installation of boilers, pressure vessels and welded steam lines which are subject to the jurisdiction of the Commissioner of Labor pursuant to the provisions of Sections 141.1 through 141.18 of Title 40 of the Oklahoma Statutes;

f. Employees of state-owned institutions doing maintenance to state-owned facilities which does not violate manufacturer specification nor compromise health or safety standards and practices;

g. Public utilities, public service corporations, or rural electric associations when performed in accordance with Chapter 17 of the Tuttle Code of Ordinances, or during work on their own facilities or during the performance of energy audits, operational inspections, minor maintenance, or minor repairs for their customers or on their own equipment;

h. Intrastate gas pipeline companies, gas gathering pipeline companies, or gas processing companies, when performed in accordance with Chapter 14 of the Tuttle Code of Ordinances, or during work on their own facilities or during the performance of energy audits, operational inspections, minor maintenance, or minor repairs for their customers or on their own equipment;

i. Municipal utilities and their subsidiaries;

j. Employees of chemical plants, gas processing plants, and petroleum refineries during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment, the performance of which does not violate any manufacturer specification or compromise any health or safety standards and practices in accordance with state and federal regulations.

k. Employees of research facilities during work on their own facilities or during the performance of operational inspections, mechanical work, maintenance, or repairs on their own equipment used solely for research purposes when such items of equipment require one or more details of construction not covered by normally used national codes and standards or which involve destruction or reduce life of the equipment and systems.

(Added Ord. 2013-12, 05/13/2013; Ord.2014-14, 04/14/2014; Ord. 2018-07, 2/12/2018; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-335. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workmanlike manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2013-12, 05/13/2013)

Sections 4-336 through 4-340 Reserved for future use.

Article 14. Electric Code

Section 4-341. Electric Code Adopted.

The NFPA 70, National Electrical Code, 2020 Edition, sponsored by the National Fire Protection Association, hereinafter referred to as “NEC” in this chapter, is hereby adopted by the City of Tuttle as governing law controlling all matters concerning electrical installations made, maintained and operated in the City of Tuttle, as if fully set forth herein, except as to such portions as are specifically amended or deleted in this chapter, as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code. Electrical installations, under the exclusive control of the electric utility department, prior to the service point, as defined in the NEC, shall be subject to the requirements of IEEE C2 (National Electric Safety Code).

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016; Amended by Ordinance 2022-18, 12/12/2022)

Sections 4-342 through 4-343 Reserved for future use.

Section 4-344. Electrical Licenses.

1. All persons, firms, partnerships, corporations or individuals, engaged, or hereafter engaging, in the installation of electrical fixtures, wiring or apparatus in or on any building or other structure or any person desiring to engage in the business or activity of Electrician or Electrical Contracting in the City of Tuttle, Oklahoma, shall first obtain an electrical license from the Community Development Department.

2. All applicants for a Tuttle Electrical License shall be licensed to do so under the Electrical License Act (59 O.S. § 1680 et seq.) as administered by the Oklahoma

Construction Industries Board. No person shall do any electrical work, except a State-Licensed and locally-licensed electrician, except as provided in this section.

3. The City Council, by resolution, shall establish fees associated with first time registrants, reregistration prior to July 1 for the next consecutive year, and re-registration on or after July 1 for the next consecutive year. Said fees shall be paid at the Community Development Department and the registration shall not be valid unless it has attached to it or written on it, a receipt or statement showing that the required fee has been paid. Registration fees in a current year are for the period July 1 to June 30 of the year in which registration occurs. Any registration that is lapsed for longer than one year may apply for a new registration in the same manner and under the same conditions as a new applicant.

4. No permit or license shall be required for:

a. Minor repairs, consisting of repairing or replacing outlets or minor working parts of electrical fixtures;

b. Maintenance work for state and federal institutions;

c. The construction, installation, maintenance, repair and renovation by a public utility regulated by the Corporation Commission when performed in accordance with Chapter 17 of the Tuttle Code of Ordinances;

d. Public service corporations, telephone and telegraph companies, or rural electric associations when performed in accordance with Chapter 17 of the Tuttle Code of Ordinances;

e. Municipal utilities;

f. The construction, installation, maintenance, repair and renovation of telephone equipment or computer systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve work exclusively for communication of data, voice, or other signaling purposes; except fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system; or

g. The installation, maintenance, repair or replacement of water supply pumps, provided such work is performed from the output side of a fused disconnect or breaker box.

5. Nothing in this section shall be construed to require:

a. Employment of a licensed electrical contractor, journeyman electrician or electrical apprentice;

b. Any regular employee of any firm or corporation (the City Council of the City of Tuttle, Oklahoma interprets this to include municipalities and their public trusts), to hold a license before doing any electrical work on the property of the firm or corporation whether or not the property is owned, leased or rented, provided, however, applicable permits and inspections will still be required; or

c. An individual to hold a license before doing electrical work on his own property or residence, provided, however, applicable permits and inspections will still be required,
(Added Ord. 2013-12, 05/13/2013; Ord. 2014-14, 04/14/2014; Ord. 2018-07, 2/12/2018)

Section 4-345. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workmanlike manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2013-12, 05/13/2013)

Sections 4-346 through 4-350 Reserved for future use.

Article 15. Plumbing Code

Section. 4-351. Plumbing Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Plumbing Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., and as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, is hereby adopted as governing law for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-352. Plumbing Code Amendments.

The International Plumbing Code adopted in §4-351 is hereby amended as set forth in the following paragraphs:

1. Subsection 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Plumbing Inspection".

3. Subsection 103.1 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Plumbing Inspection".

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a building official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy building officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director.

6. Subsection 106.1 is amended by adding the following language at the end of the subsection: "No new permits shall be issued to a permit holder who has unpaid fees on any current permit."

7. Subsection 106.1.1 shall be deleted in its entirety.

8. Subsection 106.1.2 shall be deleted in its entirety.

9. Subsection 108.4 is amended to read as follows: 108.4 Violation penalties. Penalties shall be set forth in § 4-200 of the Tuttle Code of Ordinances.

10. Section 109.1.1 is amended to read as follows: 109.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code.

11. Sections 109.2 through 109.7 shall be deleted.

12. Subsection 305.4.1 is hereby amended to read as follows: 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

13. Subsection 715.1 is hereby amended to read as follows: 715.1 Sewage Backflow. A backwater valve shall be installed on all building sewers that connect to a public sewer system.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-353. Reserved for future use.

Section 4-354. Plumbing Licenses.

1. Any person desiring to engage in the business or activity of Plumbing or Plumbing Contracting in the City of Tuttle, Oklahoma, shall first obtain a plumbing license from the Community Development Department.

2. All applicants for a Tuttle Plumbing License shall be licensed to do so under the Plumbing License Law of 1955 (59 O.S. § 1000 et seq.) as administered by the Oklahoma Construction Industries Board.. No person shall do any plumbing, gas fitting, extensions, connection of fixtures or repairs to any gas fitting, except a State Licensed and locally licensed plumber, except as provided in this section.

3. The fee for plumbing registration shall be $100.00 for first time registrants and for re-registration after the lapse of registration for a period of more than one year. Re-registration in consecutive years following first time registration shall be $30.00 if registration occurs before July 1 and $35.00 if registration occurs after July 1. Registration fees in a current year are for the period July 1 through June 30 of the year in which registration occurs.

4. No license shall be required for:

a. Minor repairs, consisting of repairing or replacing faucets or minor working parts of plumbing fixtures;

b. Maintenance work for state institutions and school districts;

c. The installation, maintenance, repair, renovation of automatic sprinkler systems and related mechanical appurtenances beginning at a point where the pipe or piping system provides water used exclusively for these automatic sprinklers and their related appurtenances and to standpipes connected to automatic sprinkler systems;

d. An individual who performs plumbing work on such individual's property of residence.

(Added Ord. 2013-12, 05/13/2013; Ord. 2014-14, 04/14/2014; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-355. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workmanlike manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2013-12, 05/13/2013)

Sections 4-356 through 4-360 Reserved for future use.

Article 16. Existing Building Code

Section. 4-361. Existing Building Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Existing Building Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., and as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, is hereby adopted as governing law for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-362. Existing Building Code Amendments.

The International Existing Building Code adopted in §4-361 is hereby amended as set forth in the following paragraphs:

1. Subsection 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Inspection".

3. Subsection 103.1 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Inspection".

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a building official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy building officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director.

6. Subsection 105.1 is amended by adding the following language at the end of the subsection: “No new permits shall be issued to a permit holder who has unpaid fees on any current permit.”

7. Subsections 105.1.1 and 105.1.2 shall be deleted.

8. Section 112.1.1 is amended to read as follows: 109.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code.

9. Sections 112.2 through 112.3 shall be deleted.

10. Subsection 113.4 is amended to read as follows: 113.4 Violation penalties. Penalties shall be set forth in § 4-200 of the Tuttle Code of Ordinances.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2022-18, 12/12/2022)

Sections 4-363 through 4-364 Reserved for future use.

Section 4-365. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workmanlike manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2013-12, 05/13/2013)

Sections 4-366 through 4-370 Reserved for future use.

Article 17. Fuel Gas Code

Section. 4-371. Fuel Gas Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Fuel Gas Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., and as currently and subsequently modified by the Oklahoma Uniform Building Code Commission, is hereby adopted as governing law for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-372. Fuel Gas Code Amendments.

The International Fuel Gas Code adopted in §4-372 is hereby amended as set forth in the following paragraphs:

1. Subsection 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Inspection".

3. Subsection 103.1 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Inspection".

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a building official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy building officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director.

6. Subsection 106.1 is amended by adding the following language at the end of the subsection: “No new permits shall be issued to a permit holder who has unpaid fees on any current permit.”

7. Subsection 106.1.1 shall be deleted in its entirety.

8. Subsection 106.1.2 shall be deleted in its entirety.

9. Subsection 108.4 is amended to read as follows: 108.4 Violation penalties. Penalties shall be set forth in § 4-200 of the Tuttle Code of Ordinances.

10. Section 109.1.1 is amended to read as follows: 109.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code.

11. Sections 109.2 through 109.7 shall be deleted.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2022-18, 12/12/2022)

Sections 4-373 through 4-374 Reserved for future use.

Section 4-375. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workmanlike manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2013-12, 05/13/2013)

Sections 4-376 through 4-380 Reserved for future use.

Article 18. Property Maintenance Code

Section. 4-381. Property Maintenance Code Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Property Maintenance Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., is hereby adopted as governing law for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2016-09, 5-9-2016; Amended by Ordinance 2022-18, 12/12/2022)

Section. 4-382. Property Maintenance Code Amended.

The International Property Maintenance Code adopted in §4-381 is hereby amended as set forth in the following paragraphs:

1. Subsection 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Property Maintenance Inspections".

3. Subsection 103.1 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Property Maintenance Inspections".

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a code official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy code officials, inspectors, and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director.

6. Subsection 103.5 shall be deleted.

7. Subsection 107.1 shall be amended to state: The Code Official shall serve Notice of Violation or Order in accordance with Title 11 of the Oklahoma Statute and as established in Chapter 12 of the Code of Ordinances.

8. Sections 107.2, 107.3, 107.4, and 107.5 shall be deleted.

9. Subsection 108.3 is amended to read as follows: 108.3 Notice. The Code Official shall serve Notice of Violation or Order in accordance with Title 11 of the Oklahoma Statute and as established in Chapter 12 of the Code of Ordinances.

10. Subsection 111.1 shall be amended by inserting the phrase, "Hearing Officer" in lieu of the phrase, "Board of Appeal" and by inserting the phrase, "ten (10) days" in lieu of the phrase, "20 days".

11. Subsections 111.2 through 111.8 shall be deleted.

12. Subsection 302.4 shall be amended by deleting "(jurisdiction to insert height in inches)" and inserting twelve inches (12").

13. Subsection 304.14 is amended to read as follows: 304.14 Insect screens. Insect screens are required on every door, window and other outside openings utilized or required for ventilation.

(Added Ord. 2013-12, 05/13/2013; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-383. Property Maintenance Code Appendices.

1. International Property Maintenance Code Appendix A is hereby adopted by the City of Tuttle as governing law controlling all matters concerning the

standards for boarding windows, doors, and other openings, as if fully set forth herein, except as to such portions as are specifically amended or deleted in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code and other codes of the City of Tuttle.
(Added Ord. 2013-12, 05/13/2013)

Sections 4-384 through 4-400 Reserved for future use.

Article 19. Swimming Pool and Spa Code

Section 4-1301. Swimming Pool and Spa Adopted.

That certain document, one (1) copy of which is on file with the Office of Community Development, being marked and designated as the International Swimming Pool and Spa Code, 2018 Edition and subsequent versions thereof, as published by the International Code Council, Inc., is hereby adopted as governing law for regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided; providing for the issuance of permits and collection of fees therefore;; and each and all of the regulations, provisions, penalties, conditions and terms of said Swimming Pool and Spa Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter, and except as to such matters as may be provided for in other ordinances or in the rules and regulations authorized under provision of this code.

(Added Ord. 2019-19; 10/14/2019; Amended by Ordinance 2022-18, 12/12/2022)

Section 14-1302. Swimming Pool and Spa Code Amendments.

The International Swimming Pool and Spa Code adopted in §4-1301 is hereby amended as set forth in the following paragraphs:

1. Section 101.1 is amended by inserting the phrase, "The City of Tuttle, Oklahoma" in lieu of the phrase, "[name of jurisdiction]".

2. Section 103 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Building Safety".

3. Subsection 103.1 is amended by inserting the phrase, "Community Development Department" in lieu of the phrase, "Department of Building Safety".

4. Subsection 103.2 is amended to read as follows: 103.2 Appointment. The City Manager or his designee(s) shall be responsible for the enforcement of this Code. To assist in the performance of the responsibilities and duties placed upon the City, a building official may be designated by the City Manager.

5. Subsection 103.3 is amended to read as follows: 103.3 Deputies. The City Manager shall have the authority to appoint deputy building officials, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the City Manager or Community Development Director.

6. Section 105.6.2 shall be deleted.

7. Section 105.6.3 shall be deleted.

8. Section 107.4 is amended to read as follows: 107.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense as punishable in accordance with Section 4-200 of the Tuttle Code of Ordinances. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

9. Section 107.5 is amended to read as follows: 107.5 Stop work orders. Upon notice from the code official, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in accordance with Section 4-200 of the Tuttle Code of Ordinances.

10. Section 108.1 is amended to read as follows: 109.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Tuttle Board of Adjustment, as established and as prescribed in Article 6 of the Tuttle Zoning Code.

11. Sections 108.2 through 108.7 shall be deleted.

(Added Ord. 2019-19; 10/14/2019; Amended by Ordinance 2022-18, 12/12/2022)

Section 4-1303. Reserved for Future Use.

Reserved.

(Added Ord. 2019-19; 10/14/2019)

Section 4-1304. Reserved for Future Use.

Reserved.

(Added Ord. 2019-19; 10/14/2019)

Section 4-1305. Approved Materials and Installation.

All installations hereafter installed within the corporate limits of the City of Tuttle shall be done in a neat, workman like manner in accordance with the codes and ordinances of the City of Tuttle. All materials shall be approved for the purpose. The building official shall have the right to request data and tests on any and all material and the installation thereof at any time.
(Added Ord. 2019-19; 10/14/2019)

CHAPTER 5 – BUSINESSES AND OCCUPATIONS

Article 1. Peddlers and Itinerant Occupations

Section 5-1. Definitions.

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

2. Peddler. The word "peddler" 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 or whatsoever nature, offering and exposing the same for sale, or who, without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance or on any public street or thoroughfare.

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

4. Person. The word "person", for the purpose of this Article, shall mean any individual, and shall not extend and be applied to firms, corporations or any other organizations.

(Amended Ord. 2026-07, 9-14-2026)

Section 5-2. License Required; Exclusions.

1. It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser or any other itinerant occupation within the corporate limits of the City of Tuttle, Oklahoma, 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 fee shall be paid to the Community Development Clerk when the application is filed and shall not be returnable under any circumstances. The City Council, from time to time, may change such fee by resolution, to an amount not to exceed the reasonable costs of Licensing and enforcement under this Article.

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

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

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

c. Persons selling newspapers or flowers.

(Amended Ord. 2026-07, 9-14-2026)

Section 5-3. Application For License.

1. Applicants for a License hereunder shall file with the Community Development Office.

2. The application shall give the following information:

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

b. Address, both legal and local;

c. Nature of business and kinds of goods to be sold, and if the applicant is a farmer or truck gardener, whether said goods are produced by him on lands he owns, cultivates and controls;

d. If employed by another, the name and address of the applicant's employer together with a brief description of the applicant’s credentials and the exact nature of the employment relationship.

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

f. Description and License number, registration number or other identification of any vehicle to be used; and

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

3. Each applicant for a license shall provide written proof that the applicant will collect and remit all applicable State and Local Sales Taxes to the appropriate taxing authorities, including the City of Tuttle, Oklahoma, if required by State Law or Municipal Ordinance.

4. Each individual applicant for a license shall submit with the application a surety bond in - the amount of one thousand dollars ($1,000.00), executed by the applicant and by a surety company qualified to do business within the State of Oklahoma.

a. The bond shall run in favor of the City of Tuttle, Oklahoma.

b. An action may be brought on the bond by any citizen who has been damaged by the applicant's conduct in violation of this Article or applicable law.

c. If more than one (1) applicant shall be employed by the same employer,- the employer may furnish the surety bond in lieu of the applicant, and the amount of such bond shall be the total number of employees multiplied by one thousand dollars ($1,000.00).

d. The employer shall have the privilege of changing employees, but the number of employees shall never exceed the amount listed in the original bond filed.

e. Any increase in the number of employees shall require either individual surety bonds for the additional employees, or an increase in the original surety bond in the amount of one thousand dollars ($1,000.00) for each, additional employee.

f. Any employer furnishing such a bond shall furnish to the Community Development Office a current list of all employees covered by the bond.

5. Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the Community Development Office a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the Community Development Office.

(Amended Ord. 2026-07, 9-14-2026)

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

1. Upon receipt of an application for a License, the Community Development Clerk shall refer application to the Chief of Police. The Chief of Police shall cause an investigation of the applicant's business practices, character, and responsibility to be conducted as the Chief of Police deems reasonably necessary for the protection of the public good. A waiting period of three (3) days shall be provided from the date the application is received to allow completion of the investigation.

2. If, as a result of the investigation, the character, business practices, and business responsibility of the applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this Article, the Chief of Police shall endorse the application as approved and return it to the Community Development Clerk. The Community Development Clerk, upon payment of the prescribed License fee, shall issue the License.

3. If, as a result of the investigation provided for in this Article, the application is determined to be incomplete, misleading, fraudulent, or false, of if the applicant's character business practices, or business responsibility are found to be unsatisfactory, then the Chief of Police shall endorse the application as disapproved and return it to the Community Development Clerk. The Community Development clerk shall then provide written notice to notify the applicant that his application has been disapproved and that no License will be issued.

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

5. An annual license fee of Seventy-Five Dollars ($75.00) shall be paid by any person or business residing within the corporate limits of the City of Tuttle, Oklahoma, and an annual license fee of Two Hundred Fifty Dollars ($250.00) shall be paid by any person or business not residing within the corporate limits of the City of Tuttle, Oklahoma. The annual license shall expire at midnight on June 30 following the date of issuance, and there shall be no prorating of the annual license fee. The annual license shall be issued to the person or business and shall apply to the employees of the licensed business, provided that an application has been filed and approved with the Community Development Office for each employee who will engage in activities regulated under this Article.

6. A permit fee of Twenty-Five Dollars ($25.00) per person, per day shall be paid to the Community Development Clerk for each person engaging in activities regulated under this Article. The permit shall be valid only for the date or dates for which the applicable fee has been paid. An application for each person engaging in such activities shall be on file with the City prior to issuance of the permit.

7. Revocation of a license shall not constitute grounds for the return or refund of the license fee.

(Updated Ord. 1991-08; Amended Ord. 2026-07, 9-14-2026)

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

1. Licenses issued under the provisions of this Article may be revoked by the Community Development Office of the City of Tuttle, Oklahoma, after notice has been served on the applicant for any of the following causes:

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

b. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser;

c. Any violation of this Article;

d. Conviction of the licensee for murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony.

e. 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.

2. Notice of revocation of a License shall be in writing, setting forth specifically the grounds of complaint and the time and place for a hearing where the decision to revoke may be appealed to the City Council. Such notice shall be given to the appellant in the same manner as provided in Subsection 5 of Section 5-4 of this Article, for notice of hearing on approval of an application for a Permit.

(Amended Ord. 2026-07, 9-14-2026)

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

1. No solicitations shall be conducted between the hours of 7:00 o'clock p.m. and 10:00 o'clock 'a.m. each day; provided, however, that solicitations may be made where the person solicited has agreed by previously-arranged appointment for a time other than the prescribed hours.

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

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

(Amended Ord. 2026-07, 9-14-2026)

Sections 5-7 through 5-19. Reserved for future use.

Article 2. Fair Housing

Section 5-20. Policy.

It is the policy of the City of Tuttle to provide, within constitutional limitations, for fair housing throughout the City of Tuttle.
(Amended by Ord. 2016-01, 1/11/2016)

Section 5-21. Definitions.

1. "Discriminatory housing practices" means an act that is unlawful under Sections 5-23, 5-24, and 5-25.

2. "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.

3. "Family" includes a single individual.

4. "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.

5. "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.
(Amended by Ord. 2016-01, 1/11/2016)

Section 5-22. Unlawful Practices.

Subject to the provisions of Subsection 2 and Section 5-26, the prohibitions against discrimination in the sale or rental of housing set forth in Section 5-23 shall apply to:

1. All dwellings except as exempted by Subsection 2.

2. Nothing in Section 5-23 shall apply to:

a. 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:

1. 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

2. Without the publication, posting or mailing, after notice, of any advertisement or written notice In violation of Section 5-23.3 of this Article However, nothing In this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as Is necessary to perfect or transfer the title; or

b. 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.

3. For the purposes of Subsection 2, a person shall be deemed to be In the business of selling or renting dwellings if:

a. 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;

b. 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;

c. He Is the owner of any dwelling designed or Intended for occupancy by, or occupied by, five (5) or more families.
(Amended by Ord. 2016-01, 1/11/2016)

Section 5-23. Discrimination in the Sale or Rental of Housing.

As made applicable by Section 5-22 and except as exempted by Sections5-22.2 and5-26 it shall be unlawful:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-24. 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 5-22.2.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-25. Discrimination in the Provision of Brokerage Services.

It shall be unlawful to deny any person access to or membership or participation in any multiplelisting 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.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-26. Exemption.

Nothing in this Article shall prohibit a religious organization, association or society or any nonprofit Institution or organization operated, supervised or controlled by or In conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, 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.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-27. Administration.

1. The authority and responsibility for administering the City's Fair Housing Code shall be in the Chief Executive Officer of the City of Tuttle or his designee.

2. The Chief Executive Officer may delegate any of these functions duties and powers to employees of the City or to boards of such employees, Including functions, duties and powers, with respect to Investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this 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 City, to boards of officers or to himself, as shall be appropriate and in accordance with law.

3. 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.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-28. 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 of enforcement.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-29. Enforcement.

1. 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 that $100 or Imprisoned not more than 10 days.

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

3. 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.

4. 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.

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

6. Whenever an action by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-30. Investigations, Subpoenas, Giving of Evidence.

1. 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.

2. 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.

3. 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 the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous or for other good reason.

4. 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.

5. Any person who willfully fails or neglects to attend and testily 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 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 fall 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 or imprisoned not more than 10 days, or both.

6. The City Attorney shall conduct ail litigation in which the Chief Executive Officer participates as a party or as amicus pursuant to this Article.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-31. Enforcement by Private Persons.

1. The rights granted herein by Sections 5-22,5-23, 5-24, and 5-25 may be enforced by civil actions in State or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this Section or Section 5-29.4from 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.

2. 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 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.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-32. Interference , Coercion or Intimidation.

It shall be unlawful to coerce, Intimidate, threaten or interfere with any person In the exercise or enjoyment of or on account of his having exercised or enjoyed or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Sections 5-22,5-23,5-24 and 5-25. This Section may be forced by appropriate civil action.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-33. 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:

1. 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

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

a. 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

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

3. 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 or Imprisoned not more than 10days, or both; and If bodily injury results, shall be fined not more than $100 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.
(Amended by Ord. 2016-01, 1/11/2016)

Sections 5-27 through 5-39. Reserved for future use.

Article 3. Private Ambulance Services

Sections 5-40 through 5-59. Reserved for future use.

Article 4. Miscellaneous Provisions

Section 5-60. 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 5-61. Shooting Galleries.

Every shooting gallery constructed, established, set up or operated hereafter within the corporate limits of the City of Tuttle, Oklahoma, shall be constructed, established, set up and operated in accordance with the standards, specifications and requirements of Title 63, Oklahoma Statutes, 1981, Sections 701708, as amended, and shall comply with all the requirements thereof. No shooting gallery shall be operated until any Licenses required by this Code of Ordinances have been secured therefor.

Section 5-62. Short Weights and Measures Prohibited.

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

Section 5-63. Pool, Billiard and Other Recreational Halls.

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

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

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

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

Section 5-64. Taxicab operator's License.

1. It shall be unlawful for any person, firm or corporation to operate one (1) or more taxicabs within the City of Tuttle, Oklahoma, without first obtaining an annual Taxicab operator's License from the City Clerk.

2. The City Clerk may issue such License once the applicant has:

a. Paid the annual license fee of twenty dollars ($20.00) for each taxicab;

b. Filed with said City Clerk proof of financial responsibility outlined and required by 47 O.S. 1981, Section 8104); and

c. Appeared before the City Council for a hearing on his application.

3. The City Council shall approve or disapprove the issuance of the License, and shall cause the applicant to be notified of their decision and the reasons for disapproval (if applicable).
4. A Taxicab Operator's License shall expire on April 30th of each year

5. Upon revocation or refusal to issue a License, the applicant may request a new hearing before the City Council.

Section 5-65. Junkyard and Salvage Yard Regulations.

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

2. No junkyard or salvage yard shall be located nearer than fifty (50) from the right-of-way line of any road or highway.

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

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

Section 5-66. Auctions on streets and Sidewalks.

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

Section 5-67. Public Dances.

REPEALED
(Repealed by Ordinance 2017-04, 2-13-2017)

Section 5-68. Bingo operations and Licensing

1. Bingo Defined: Bingo shall mean a game in which each participant receives one or more cards each of which is marked off into twenty-five squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by number, letter or combination of numbers and letters, and the center square designated with the word "free", with no two cards being identical, with the players covering squares as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares, with the winner of each game being the player or players first properly covering a predetermined and announced pattern of squares upon the card being used by him or them.

2. Permits. The City Clerk shall issue a permit to allow Bingo games to be conducted within the corporate limits of the City of Tuttle to any entity that produces a valid license issued by the District Court of Grady County, Oklahoma, and pays to the City of Tuttle a permit fee of $5,000.00.

3. No Permit Fee for Limited Bingo Activity. Any organization which conducts Bingo activities three times or fewer per year shall be exempt from the payment of any permit fee provided in this Section upon the presentation to the City Clerk of a certified copy of the verified application filed in the Grady County District Court setting forth that said organization shall conduct Bingo activities

three times or fewer per year and the dates and times and location wherein such activities shall occur.

4. Compliance with State Law. All Bingo operations conducted within the municipal limits of the City of Tuttle shall be conducted in strict conformity with all applicable State law.

5. No Additional Permit Requirements. This Section shall not be construed to require any organization to subject itself to any additional requirements beyond those requirements set forth in State law except as provided in paragraph 2 hereof and this Section shall not be construed to require any organization exempt from licensing under State law to obtain a permit from the City of Tuttle.
(Updated Ord. 1991-1)

Section 5-69. Licensing of Wrecker Services.

1. It shall be unlawful to operate a wrecker vehicle or to operate a wrecker service within the corporate limits of the City of Tuttle, Oklahoma, unless the owner or operator of said wrecker or wrecker service first obtains a Wrecker Service license from the Office of the City Clerk-Treasurer.

2. Each wrecker or wrecker service operating within the City of Tuttle, Oklahoma, shall possess a current license from the State of Oklahoma and shall in addition thereto pay an annual License fee of twenty-four dollars ($24.00). Said fee shall be due on January 1st on each year; any Licenses issued for a portion of a year shall have the fee pro-rated on the basis of the number of months remaining in the application year at the time the application for a License is made (at the rate of two dollars ($2.00) per month.

3. The Office of the City Clerk-Treasurer shall issue or renew each License only if the applicant has not been refused for State Licensing. The suspension of revocation of a licensee's state license shall automatically act as a suspension or revocation of the license issued by the City of Tuttle.
(Added Ord. 2003-17, 9/8/2003)

Sections 5-70 through 5-99. Reserved for future use.

Article 5. Penalty

Section 5-100. Penalty.

Any person who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances, and is subject to revocation of any License. Each day upon which a violation continues shall constitute a separate offense.

Article 6. Alarm Registration and Regulations

Section 5-101. Definitions.

The following terms, phrases, words and their derivations shall have the meaning given herein. Words using the present tense shall include the future, words in the plural include the singular and masculine pronouns include the feminine. The word shall is always mandatory and not merely directory'.

1. Alarm Agent. The term "alarm agent" means a person who is responsible for or designated or assigned to respond to an alarmed premises as an authorized party or in behalf of tile party due to the activation of the alarm system;

2. Alarm Business, The term "alarm business" means the business of any individual, partnership, corporation, or other entity of selling, leasing, maintaining servicing, repairing, altering, replacing, moving, installing or responding to any alarm system or causing to be leased, maintained, serviced, repaired, altered, replaced, moved, installed, or responded to any alarm system in or on any building, structure, facility or vehicle,

3. Alarm System. The term "alarm system" means any mechanical or electrical device or combination of devices that automatically or manually emits, transmits, or relays a signal intended to summon or that would be reasonably expected to summon police services of the city. This device may transmit a signal, either visually or audibly, to a remote location or generate a visual or audible signal on the premises where the alarm system is installed and functioning;

4. Alarm User, The term "alarm user" means any person, firm, partnership, association, corporation, company, or organization of any kind, in control of any premises, who or which purchases, leases, contracts for, or otherwise obtains an alarm system, or for the servicing or maintenance of an alarm system, from an alarm business;

5. Answering Service, The term "answering service" means a telephone answering service which receives over telephone lines emergency signals from an alarm system indicating the alarm system has detected a burglary, robbery, or other crime and thereafter the answering service relays the emergency message by live voice to the police department;

6. Automatic Telephone Taped Dialing Alarm System. The term "automatic telephone taped dialing alarm system" means the automatic dialing device or an automatic telephone alarm system and shall include any system which, upon activation, automatically transmits via telephone or telephone lines to the police department, a recorded or programmed message or code signal indicating a need for emergency response

7. Central Station. The term "central station" means any place having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected, and where operators supervise an alarm panel to which the circuitry is monitored on a continuous basis and upon receipt of emergency signals indicating burglaries, robberies, or other crimes, thereafter relaying a message by live voice to the police department as well as notifying an alarm agent for the purpose of responding to the alarmed premises;

8. Local/Audible Alarm, The term "local/audible alarm" means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of premises;

9. Premises. The term "premises" means any building, structure, enclosure, real property or vehicle;

10. Prompt Dispatch (of an alarm agent), The term "prompt dispatch (of an alarm agent) means the arrival of the person at the location of the alarm is expected within thirty (30) minutes under ordinary circumstances; and

11. Emergency. The term "emergency" means the commission or attempted commission of a robbery, burglary, or other criminal action.
(Added Ord. 1995-08)

Section 5-102. False Alarm Definition.

1. A false alarm is:

a. Error mistake any action by any person, firm, or corporation, or other entity owning or operating any dwelling, building, or place, or any action by any agent or employee of the person, firm, or corporation, or other entity which results in the activation of an alarm system when no emergency exists;

b. Malfunction any unintentional activation of any alarm system caused by a flaw in the design, installation, maintenance of the system, or by a change in the environment or premises upon or within which the alarm system is operated; or

c, Intentional misuse any intentional activation of an alarm system when no burglary, robbery, vandalism, or other emergency is in progress.

2. An alarm will not be considered false if it is determined that the alarm was caused by

a. Natural or manmade catastrophe, an act of God, an unusual extraordinary, sudden and unexpected manifestation of the forces of nature which cannot be prevented by reasonable human care, skill, or foresight. Such manifestations include tornadoes, floods, earthquakes, or other similarly violent conditions,

b. Vandalism causing physical damage to the premises,

c. Telephone line outage;

d. Attempted entry of a premises causing physical damage to the premises; or

e. Severe weather causing physical damage to the premises.
(Added Ord. 1995-08)

Section 5-103. Alarm Business and Monitoring Service Registration.

It is unlawful for any person, persons, or other entity to own, manage, conduct, or carry on an alarm business within the city, or to own, manage, conduct, or carry on the business of monitoring or relaying calls for alarm systems installed within the city unless the alarm business or monitoring service is registered with the city. Within thirty (30) days after September 1, 1995, all existing alarm businesses and monitoring services shall be registered.
(Added Ord. 1995-08)

Section 5-104. Corrective Action and Fees.

1. For a police response to any false alarm, the city, by its chief of police, may require the following corrective action and may charge and collect the following fees from the person or persons using or operating an alarm system on a premises owned or occupied by such persons. For every police response by the city police department to a premises at which a false alarm has been determined to have occurred, a false alarm notice shall be left at the premises on which the false alarm occurred and upon which the alarm system is located. A copy of this notice shall be retained at the city police department records division.

a. For a response to a premise at which no other false alarm has occurred within a one-month period, herein referred to as a first response, no corrective action shall be required or fee shall be charged. For a second and third police response to a premise within the same one-month period, no corrective action shall be required or fees shall be charged;

b. For a fourth police response to the same premises in the same one month period, a mandatory alarm inspection shall be required of the alarm system which has been targeted as, and will herein be referred to as, a chronic false alarm system. The alarm system inspection shall be performed by an alarm business or others who have registered with the city;

c. For more than four (4) police responses to false alarms at the same premises within a six (6) month period or for more than six (6) police responses to false alarms at the same premises in a one year period, the chronic false alarm system shall be submitted to mandatory inspection which shall be performed only by an alarm business or others who have registered with the city;

d. Any failure to return the completed alarm inspection form to the police department within ten (10) working days of its receipt, excluding holidays, shall result in a Twenty-five Dollar ($25.00) service fee being assessed by the police department for police response to the most recent false alarm at the premises in question;

e. This service fee will be declared to be a debt due to the city and shall accrue interest at the rate of twelve percent (12%) per annum from the date the same became due to the city, and such amount of service fee shall constitute a hen against the premises to the same extent and character as a lien for special assessments, and with the same penalties and same rights of collection, foreclosure, sale, and forfeiture, as obtained for special assessment liens and may be handled in the same manner by the city; and

f. If a person, firm, corporation, or other entity fails to make payment within fifteen (15) working days, excluding holidays, of any service fee levied under this section, this may result, by the Chief of Police, in a disruption of police response to alarms that may occur at the premises in question until such a time as the past due service fee plus any accrued interest is paid the city. This disrupting shall occur five (5) days after notification by registered letter to such person, firm, corporation, or other entity.

2. In addition, the Chief of Police, or his designee, may assess the fees stated in this section to a registered alarm business or others who are responsible for a chronic false problem and are unwilling to comply with the mandatory corrective action as stated in this section required to alleviate the incidence of future false alarms.

3. The fees in Subsection B herein may be in addition to those provided for in Subsection A of this Section.
(Added Ord. 1995-08)

Section 5-105. Alarm Business Verification Requirement.

1. A central station, answering service, or other entity which monitors alarm systems which are installed within the city limits shall be responsible for verifying through the police department, in advance, the legitimacy of all alarm businesses who make requests for such monitoring services. The verification of alarm businesses or others shall be accomplished through contact from the central station, answering service, or other entity to the police department who will promptly investigate the information provided by the central station, answering service, or other entity about the alarm business and who will then recontact the monitoring location.

2. The police department will only verify the information provided by the central station, answering service, or other entity about the alarm business as to the validity of that information, and shall not be a party to or have any liability for any business agreement between the central station, answering service, or other entity and an alarm business.

3. All alarm businesses having alarm systems in the city monitored through a central station, answering service, or other entity prior to September 1 1995 shall be excused from this verification requirement.
(Added Ord. 1995-08)

Section 5-106. Alarm Monitoring Minimum Requirements.

All central stations, answering services, or other remote monitoring locations which monitor alarm systems installed within the city shall meet the following minimum requirements:

1. Be equipped with at least one fire extinguisher which is installed and maintained in accordance with the instructions marked on the extinguisher,

2. Having operating rooms that are accessible only to authorized employees and to others only under the direct supervision of authorized employees;

3. Provide two (2) sources of power for operation of the signaling equipment under all conditions;

4. Have a main power and a secondary power supply to provide energy to the system at all times. These power supply counterparts shall be under the direct supervision and care of the authorized employees and shall be secure from all unauthorized personnel or outside tampering,

5. Have at least one operator equipped and trained in the performance of their duties, constantly on duty to assure the immediate attention to all signals and property service to the protected premises and shall also have at least one serviceman on duty or on call to respond to facility maintenance and service needs,

6. Keep accurate records of the service provided to each alarm user. These records shall include, but not be limited to, the time of receipt of alarms, the time dispatched, the person dispatched to the alarm location, the nature of the alarm, the current emergency list of personnel to contact in case of alarm calls. These records shall be accessible to the city police department upon official written or telephonic request to the central station, answering service, or other remote monitoring location at any time. In the event an official city police department request for a written copy of alarm record information is made, the central station, answering service, or other remote monitoring location shall comply with the request within seven (7) working days of receipt, excluding holidays.

7. Provided the city police department and dispatchers with at least one tollfree telephone number that can be used to contact the central station, answering service, or other remote monitoring location for information twenty-four (24) hours a day;

8. All central stations, answering services, or other remote monitoring locations shall be required to submit written verification that the remote monitoring location is meeting the requirements as stated in this section to the city police department within ninety (90) days after September 1, 1995.
(Added Ord. 1995-08)

Section 5-107. Automatic Telephone Taped Dialing Systems regulated for Alarm Calls Unlawful.

1. Users of automatic telephone taped dialing alarm systems shall be required to obtain a permit from the Tuttle Police Department prior to the installation and use of the system. Each permit application shall bear the signature of the applicant and the Chief of Police. Permits are not required to be renewed each year unless suspended for an excessive number of false alarms.

2. The system must be programmed or coded to dial a non-emergency telephone number designated by the Tuttle Police Chief. Under no circumstances will the system be programmed to dial the emergency 9-1-1 telephone number. The system shall be designed to initiate the call, complete the message, and disconnect in no more than sixty (60) seconds.

3. The message transmitted by the system must contain certain information including the address and telephone number where the emergency situation exists, the permit number issued, and the type of emergency the system is designed to detect. The message must be no longer than twenty-five (25) seconds, and shall not be repeated more than twice. If repeated, the message shall have at least a ten (10) second pause between the repeated message.

4. If more than five (5) false alarms are recorded from a specific location by the Tuttle Police Department within any twelve (12) month period, the alarm user will deemed guilty of a misdemeanor and shall be punished as provided in Section 11-50 of this Code. The alarm user will also be notified that for the remainder of the calendar year responses to false alarms as defined will result in the alarm user being assessed a twenty-five dollar ($25.00) fee per response. If the amount billed the alarm user for emergency responses to false alarms is not paid within

thirty (30) day of the statement date, the Chief of Police may revoke the alarm user's permit.

If the alarm user's permit has been revoked, the alarm user will be required to make application for a new permit. No Permit will be issued to a location that owes fees to the City resulting from false alarm assessments. It is a violation of this Chapter to operate an alarm system when the permit for that system has been revoked by the Chief of Police, or to operate a system without a permit as required by this Chapter.
(Added Ord. 1995-08; Updated Ord. 2000-04, 3/13/2000)

Section 5-108. Alarm System Minimum Requirements and Intentional Activation of Alarms.

1. All alarm systems installed within the city limits shall have a backup power supply that will become effective in the event of a power failure or outage in the source of electricity from the utility company and which will sustain the operation of the alarm system for a minimum of four (4) hours. Within ninety days after September 1, 1995, all existing alarm systems shall be modified to comply with the specifications of this section.

2. All local/audible alarms, except local/audible alarms approved by the Underwriters Laboratory, installed within the city limits shall be adjusted in a manner that will allow the alarm to sound for no longer than fifteen (15) minutes before resetting and silencing itself Underwriters Laboratory approved local/audible alarms shall be allowed to sound for no longer than thirty (30) minutes. Within ninety (90) days of September 1, 1995, all existing local/audible alarms shall be modified to comply with the specifications of this section.

3. It shall be unlawful to test a local/audible alarm system which is installed within the city limits for longer than a sixty (60) second duration for each test.

4. It is unlawful for anyone to Intentionally activate any burglary, robbery, or other alarm for the purpose of summoning the police except in the event of an actual or attempted burglary, robbery, or other actual emergency necessitating police response. Anyone convicted of a violation of this section shall be deemed guilty of a misdemeanor and shall be punished as provided in Section 11-50 of this code.

Section 5-109. Police Inspection of Alarm Systems and Alarm Monitoring Services.

1. The Chief of Police, or his designee, shall reserve the right to inspect any alarm system on a premises to which a police or fire response has been made and may cause an inspection of such system to be made at any reasonable time thereafter, to determine whether the alarm system is being used or is operating in conformity with the terms of this Article.

2. The Chief of Police, or his designee, also reserves the same right of inspection of central stations, answering services, or other remote monitoring locations to determine whether the monitoring service is in conformity with the terms of this Article.

Section 5-110. Prompt Dispatch of Alarm Agents.

A central station, answering service, or other remote monitoring location shall be required to promptly dispatch an alarm agent to the location of each alarm reported to the police or fire department for emergency response.

Section 5-111. Operational Defects Remedied.

1. All alarm users shall be responsible for seeing that alarm systems are operating in good working order and that defects that could cause false alarms are promptly repaired.

2. All alarm businesses shall also thoroughly instruct their alarm users as to the operation of their alarm systems, including the setting, activation and resetting of the alarm equipment.

Section 5-112. Alarms Monitored by City Police Department.

1. All alarms presently terminating at the city police department and fire department being monitored by the police department shall be allowed to remain. However, a written waiver of liability shall be furnished to the city by all alarm users and alarm businesses. The waiver of liability shall hold harmless the city, its employees and officials, including the Chief of Police, Fire Chief and all officers and employees of the police department or fire department from any liability caused by the operation, installation, lack of operation, lack of response or failure to respond to any alarm for any reason. The waiver shall note that the response to any alarm on the part of the city shall be made on availability of any power and equipment. The city makes no promise nor implies any intent as to responding to any alarm or as to any time limit either maximum or minimum regarding response to any alarm.

2. No alarm equipment, other than those now terminating at the police and fire department, shall be allowed to terminate at either the police or fire department. This shall not prevent the city from terminating alarms owned, leased, rented or used in any manner in/on city owned or controlled building and property from terminating at either the police or fire department.

3. All alarms presently terminating at the police department or fire department shall conform to a type and standard of alarm equipment designated by the Chief of Police or the Fire Chief in each respective department, by September 1, 1995. Any expense of modification, repairing, moving, improving or altering the alarms presently terminating at either the police department or the fire department, shall be the responsibility of the alarm owner and their respective alarm company, and must be done within thirty (30) days of notification by the city.

4. Owners of alarms which terminate at the police department or the fire department must furnish the respective department with a public service number of three (3) persons or companies that can deactivate or reset the alarm twentyfour (24) hours a day, seven days a week.

Section 5-113. Violations and Penalties.

1. Any person, organization, or other entity failing to comply with the provisions of this article shall be deemed in violation thereof and shall be subject to the penalty provided herein.

2. Every day that a violation exists shall constitute a separate violation and shall be subject to the full penalty contained herein.

3. Any person, organization, or other entity violating any provision of this article shall, upon conviction thereof, be subject to punishment as provided in Section 11-50 of this code, unless otherwise specified in a section of this chapter.

Sections 5-114 to 5-119. Reserved for future use.

Article 7. Business Licensing

Section 5-120. Business Occupancy License.

1. It shall be unlawful for any person, firm or corporation to maintain a business within the corporate limits of the City of Tuttle without first having obtained a license therefore and maintaining thereafter. The license fee for business occupancy shall be set by the City Council by resolution.

2. All annual licenses shall expire on June 30 of each year.

3. All permits shall expire upon termination of the act or activity for which the permit was issued, or at the time noted on the permit, whichever first occurs.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-121. Application For License.

1. Applicants for a License under this Article shall file with the City Clerk, in duplicate, a sworn application in writing, on a form to be furnished by the City Clerk.

2. The application shall give the following information:

a. Name under which business is to be maintained;

b. Full name, birth date, social security number, address of applicant (If corporation, give name and address of local agent; if partnership give the name and addresses of all partners);

c. Address of business to be maintained;

d. Nature of business

e. Number of employees

f. Oklahoma Tax Permit Number; and

g. Oklahoma and Federal Tax Identification Numbers.

3. The City Clerk or the Community Development Department may request additional information, including site plans and building layouts, to assist with determining compliance with this code.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-122. Definitions.

The following terms, phrases, words and their derivations shall have the meaning given herein. Words using the present tense shall include the future, words in the plural include the singular and masculine pronouns include the feminine. The word shall is always mandatory and not merely directory'.

"Maintaining a business" shall be defined as operating within the corporate limits of the City of Tuttle an office, distribution house, sales house, warehouse, or other physical place of business used primarily for the purpose of economic gain, benefit, or advantage, whether direct or indirect.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-123. Renewal of License.

Unless specific requirements are set forth in a particular article, licenses issued may be renewed annually upon filing of a renewal application and payment of license fee without the preliminary investigation and statements of compliance required by this article, provided that the applicant, the specific occupation, trade, profession or activity and the location where it is carried on are the same as originally licensed. Otherwise, the application for renewal shall be subject to all the requirements pertaining to original licenses.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-124. Transfer.

No license or permit issued shall be transferable from person to person except as may be specifically authorized by ordinance or State law.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-125. Display of License.

Every person having a license shall place and exhibit at all times while in force, the license in some conspicuous part of his place of business, or vehicle, or on his person.

The license shall be produced or exhibited when applying for a renewal or when requested by any police or other officer of the City.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-126. Suspension or Revocation of Licenses or Permits; Refusal to Issue Licenses or Permits; Notice and Hearing.

1. The council or other authorized official may refuse to issue or renew a license or permit, or the licenses or permits issued pursuant to this code, unless otherwise provided, may be suspended or revoked by the council or such other authorized official, department, board or agency where applicable, after notice and hearing for any of the following causes:

a. Any fraud, misrepresentations or false statements contained in the application for permit or license;

b. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, merchandise and services;

c. Conviction of the applicant, licensee or permittee of any crime of misdemeanor involving moral turpitude or a violation of any act of the state, or any law of the United States having a reasonable relationship to the purpose and scope of the permit or license; or

d. Conducting the activity under this code or any ordinance of the city in an unlawful manner or in such a manner as to constitute a breach of the peace or to

constitute a menace to the health, safety, morals or general welfare of the public.

2. Notice of hearing for the suspension or revocation of a license or permit shall be in writing given by the clerk, setting forth specifically the grounds of the complaint and the time and place of the hearing. Service of such notice shall be made by either personal service or by certified mail, return receipt requested, to the applicant, licensee or permittee at the last-known address, at least five (5) days prior to the date set for the hearing.

3. In case of refusal to issue a permit or license or the suspension or revocation of a license or permit as herein provided, no portion of the application, license or permit fee shall be returned to the applicant, licensee or permittee unless otherwise provided in this code or any ordinance of the city.

4. Any suspension or revocation hereunder may be either in addition to or instead of any penalty or fine as prescribed in this code or any ordinance of the city.

5. The order of the council or such other authorized official, department, board or agency where applicable shall be the final municipal action for the purpose of judicial review unless otherwise specifically provided.

6. This section is in addition to any other procedures in this code for license suspension or revocation.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-127. Enforcement: Authority of Officials.

1. The Clerk, the officers of the Fire Department, Health Department, Police Department, and the Community Development Department are authorized to conduct inspections and investigations reasonably necessary for the enforcement of this article.

2. All such authorized persons shall have the authority to enter, with or without search warrants, at all reasonable time the premises of those:

a. For which a license is required,

b. For which a license was issued and which at the time of inspection is operating under such license,

c. For which the license has been revoked or suspended.
3 All such authorized persons inspecting licensees, their businesses, or premises shall report all violations of this chapter or of other provisions of this Code to the Clerk and the City Attorney, and shall submit such other reports as the Clerk shall order.

4. Except where otherwise provided in this Code, when an inspector has reported the violation of this chapter or of any provisions of the Code, the Clerk shall issue to the affected person a provisional order to comply within five (5) days or within a reasonable time, whichever is longer.

5. Any such provisional order shall be in writing, personally served or mailed by registered mail to the licensee or his agent, and shall appraise the person affected of this specific violation.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-128. Nonendorsement.

No payment or receipt of payment of any license or permit shall be construed or used in any manner by any person as an official endorsement by the City of that person, his activity, or the thing licensed or permitted.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-129. Penalties.

1. Any person, firm, or corporation convicted of violating any provision of this article, or of failing to act or comply with the provisions of this article, shall be punished by a fine of not more than two-hundred fifty ($250.00).

2. Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any complaint or information filed.
(Updated Ord. 2010-12, 5/10/2010)

Section 5-130. Moratorium on Licenses, Permits and Zoning for Medical Marijuana Business.

1. Moratorium Established. That Notwithstanding any other provision of the Code of Ordinances of the City of Tuttle or any other provision of the Zoning Code of the City of Tuttle, The Mayor and Council of the City of Tuttle, does hereby, pursuant to the authority granted to Municipalities in Title 63, Oklahoma Statutes, Section 425, Paragraph F, as adopted by the 57th Oklahoma Legislature in Section 3 of Senate Bill 1030, signed by the Governor of the State of Oklahoma on May 29, 2019, with a legislative effective date of August 29, 2019, does hereby establish a moratorium on granting and approval of Municipal Licenses and Permits and Zoning Clearances for the placement or location of Marijuana-Licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are cultivated, grown, processed, stored or manufactured, pending a review and possible amendment of the Code of Ordinances and the Zoning Code of the City of Tuttle to determine if certain zones or districts would be appropriate for locating marijuana-licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are cultivated, grown, processed, stored or manufactured.

2. Moratorium Does Not Apply to Retail Marijuana Establishments. “Retail Marijuana Establishments”, defined in Title 63, Oklahoma Statutes, Section 425, Paragraph F(3) as an entity licensed by the State Department of Health as a medical marijuana dispensary, are expressly exempted from the Moratorium established in Section 1 of this Ordinance.

3. The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions thereof.
(Added Ord. 2019-15, 9/19/2019)

Sections 5-131 through 5-140. Reserved for future use.

Article 8. Residential Sales

Section 5-141. Definitions.

For the purpose of this chapter, "residential sale" means any sale or what is held out to be or is commonly known as a garage, porch, room, backyard, front yard or patio sale or any other type of general sale conducted from or on any premises not located in a zoning district which permits such sales, where goods or articles of any type are held out for sale to the public. This definition shall not include a situation where specific items are held out for sale and all advertisement of such sale specifically names the items to be sold.
(Added Ord. 2010-21, 9/1/2010)

Section 5-142. One License Required Per Location, Eligibility.

1. It is unlawful for any person to hold, conduct, engage in or participate in any manner in a residential sale without first having obtained a license as provided for in this chapter.

2. The issuance of a license under the provisions of this chapter shall not exempt such persons from the terms and provisions of other ordinances or laws.

3. A separate license shall be required for each location at which a residential sale is to be held.

4. In the event of rain or other seriously inclement weather conditions, the applicant may return the garage sale license to the city for a rain check. A rain check shall be used within the twenty-one-day period and following the dates initially scheduled for the garage sale.
(Added Ord. 2010-21, 9/1/2010)

Section 5-143. Application.

An applicant for a license shall furnish the city clerk with the following information:

1. Full name and address of applicant or applicants;

2. The location at which the proposed residential sale is to be held; and

3. The date or dates upon which the sale is to be held.
(Added Ord. 2010-21, 9/1/2010)

Section 5-144. Issuance, Term, Investigation.

1. The city clerk is hereby authorized to grant a license for a residential sale for a period not to exceed three (3) consecutive days to any person applying who otherwise complies with the requirements of this article and ordinances of the city.

2. Before issuing a residential sale license, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this article or city ordinances.
(Added Ord. 2010-21)

Section 5-145. Fee.

For the purpose of helping to defray the cost of inspection and enforcement of this article, there is hereby levied a fee for residential sale licenses in the amount as set by the council by motion or resolution.
(Added Ord. 2010-21, 9/1/2010)

Section 5-146. Revocation or Refusal.

Any license issued under this article may be revoked or any application for issuance of a license may be refused by the city clerk if the application submitted by the applicant or license holder contains any false, fraudulent or misleading statement.
(Added Ord. 2010-21, 9/1/2010)

Section 5-147. Interval Between Sales.

No person shall hold, conduct or engage in or participate in any manner or allow a residential sale to be held or conducted on premises under his control or ownership more than once per month, subject, however to the exceptions allowed in this article.
(Added Ord. 2010-21, 9/1/2010)

Section 5-148. Persons Exempt From Article.

The provisions of this article shall not apply to or affect the following persons:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction;

2. Persons acting in accordance with their powers and duties as public officials;

3. Duly licensed auctioneers selling at auction; or

4. Charitable organizations or persons, when all gross sales from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis, except that sales are limited to once per month.
(Added Ord. 2010-21, 9/1/2010)

Section 5-149. Signs.

1. Only signs issued by the City shall be permitted (including those garage sales located outside of the City of Tuttle). These signs may be installed 48 hours prior to sale date. Signs shall be removed within 48 hours after expiration of permit.

2. The location of garage sale signs shall be regulated by the City's Signage Regulations, as adopted and amended by the City Council.

3. A fine of $10 per sign shall be assessed for each day a sign does not conform to these regulations.

4. Real estate-type signs of a professional nature meeting all sign criteria pursuant to local sign ordinances indicating the location of a garage sale are allowed with specific approval by the City. In addition to a garage sale permit each real estate-type sign will require a permit sticker be issued for a fee set by the council, by motion or resolution.
(Added Ord. 2010-21, 9/1/2010; Ord. 2011-03, 1/10/2011)

Section 5-150. Display Of Goods.

The sale area of any residential sale shall be confined to the premises for which the license has been issued.
(Added Ord. 2010-21, 9/1/2010)

Article 9. Medical Marijuana Businesses

Section 5-901. Definitions.

When used in this Code, words and phrases shall have the meaning as defined pursuant to the rules adopted by the Oklahoma State Department of Health, Oklahoma Administrative Code section 310:681-1-1, et seq., and as they may be amended from time to time.
(Added Ord. 2020-08, 9/14/2020)

Section 5-902. Restrictions on Marijuana.

1. The growing, possession, processing, transporting, sale, or use of marijuana within the city is limited to that authorized by this article, and by state law, 63 O.S. § 420A, et seq. Any growing, possession, processing, transporting, sale, or use of marijuana within the city that is not authorized in, or without having obtained the applicable permit provided in this article, shall constitute an offense and, upon conviction, shall be punished as authorized in Section 11-50 of this Code.

2. It is the intent of the city that nothing in the medical marijuana businesses ordinances be construed to:

a. Allow persons to engage in conduct that endangers or causes a public nuisance;

b. Allow the use of marijuana for non-medical purposes;

c. Allow any activity that is otherwise illegal and not permitted by state law.

3. It is the policy of the City of Tuttle that the growing, processing, transport, and non-retail storage of all forms medical marijuana are industrial uses and not agricultural activities.
(Added Ord. 2020-08, 9/14/2020)

Section 5-903. Restrictions Applicable to All Permits.

All permits issued pursuant to this article shall be displayed in a conspicuous place at all times on the permitted premises. No permit holder may consent to or allow the use or display of the permit by a person other than the person to whom the permit was issued. No person may use a permit or exercise any privileges granted by the permit except at the place, address, premises or location for which the permit is issued. Permits issued cover only the person or entity named in the permit and shall not be refundable or transferable.
(Added Ord. 2020-08, 9/14/2020)

Section 5-904. Permit Inspections and Other Requirements.

1. All permits outlined in this article will be subject to inspection of the facilities by an authorized municipal inspector prior to issuance.

2. The inspection prior to a permit decision will occur at a time scheduled and approved by both the applicant and the municipal inspector.

3. The applicant will be required to be present during the inspection.

4. The smell or noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.

5. A copy of the commercial license issued from the Oklahoma Medical Marijuana Authority must be given to the Community Development Department within one month after issuance from the Oklahoma Medical Marijuana Authority.

6. All annual permits shall expire on June 30 of each year, when the business ceases operation at the permitted location, upon failure to remit a copy of the commercial license from the Oklahoma Medical Marijuana Authority, or the expiration and non-renewal of the commercial license from the Oklahoma Medical Marijuana Authority, whichever first occurs.

7. Those medical marijuana businesses with a business license issued by the City of Tuttle prior to January 1, 2020 will be required to upgrade their facilities to meet the requirements of this article by July 1, 2021. Nonconformity with the Tuttle Zoning Code will be addressed identical to all other nonconformity issues within the City of Tuttle as outlined within the Tuttle Zoning Code.

8. Buildings where medical marijuana is grown, processed, stored or dispensed must be equipped with:

a. Ventilation/air filtration systems so that no odors are detectable off premises.

b. Operable security cameras covering, at a minimum, all doors, windows, garage doors/loading docks, and general parking areas. All camera systems must retain a recording of each camera for a period of not less than one week.

c. An operable alarm system.

9. The growing, processing, storage, or otherwise keeping of marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

10. All facilities must meet the design and operational requirements established by the Oklahoma Medical Marijuana Authority, the Oklahoma Bureau of Narcotics, and other agencies with applicable regulatory authority.
(Added Ord. 2020-08, 9/14/2020)

Section 5-905. Prohibited Acts.

1. No commercial or industrial marijuana establishment shall allow the consumption of alcohol, medical marijuana, or medical marijuana products on the premises.

2. No commercial or industrial marijuana establishment shall employ any person under the age of 18.
(Added Ord. 2020-08, 9/14/2020)

Section 5-906. Medical Marijuana Retail Dispensaries.

1. Business license and permit requirements.

a. All dispensaries of medical marijuana are required to obtain a medical marijuana retail dispensary permit from the Community Development Department and a business license from the City Clerk.

b. The annual medical marijuana retail dispensary permit fee shall be as set forth in the Manual of Fees adopted by the Tuttle City Council. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of retail marijuana establishments. The permit fee shall not be prorated.

c. A medical marijuana retail dispensary permit will not be granted to any applicant where the proposed location is located outside an approved zoning district or within a restricted area as set forth in the Tuttle Zoning Code.

2. Conditions of operation.

a. The dispensary establishment must collect and remit the applicable sales tax on all sales.

b. Any violations of this section will result in the revocation of the medical marijuana retailer permit.
(Added Ord. 2020-08, 9/14/2020)

Section 5-907. Medical Marijuana Commercial/Industrial Growers.

1. Business license and permit requirements.

a. All commercial and industrial growers of marijuana are required to obtain a medical marijuana commercial/industrial grower permit from the Community Development Department and a business license from the City Clerk.

b. The annual medical marijuana commercial/industrial grower permit fee shall be as set forth in the Manual of Fees adopted by the Tuttle City Council. The fee shall be used to offset municipal expenses covering cots related to licensing, inspection, administration and enforcement of commercial marijuana growing establishments. The permit fee shall not be prorated.

c. A medical marijuana commercial/industrial grower permit will not be granted to any applicant where the proposed location is located outside an approved zoning district or within a restricted area as set forth in the Tuttle Zoning Code.

2. Conditions of operation.

a. Growing of marijuana pursuant to a medical marijuana commercial/industrial grower permit shall be within a substantial, enclosed and secure structure unless otherwise specified in this section and allowed in the specific zoning district. Greenhouses constructed of plastic sheeting or other unsubstantial materials are not considered to be a substantial, enclosed structure.

b. Greenhouses and other outdoor growing areas shall have a security fence at least eight feet in height and with limited access. The gates to the secure area must be locked at all times.

c. The growing of marijuana plants must not be seen by the public from a public right-of-way.

d. The growing area, including any lighting, plumbing or electrical components used shall comply with city building, fire and other applicable codes.
(Added Ord. 2020-08, 9/14/2020)

Section 5-908. Medical Marijuana Commercial/Industrial Permits.

1. Business license and permit requirements.

a. All medical marijuana commercial and industrial processors are required to obtain a medical marijuana commercial processor permit from the Community Development Department and a business license from the City Clerk.

b. The annual medical marijuana commercial/industrial processor fee shall be as set forth in the Manual of Fees adopted by the Tuttle City Council. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of medical marijuana commercial processor facilities. The permit fee shall not be prorated.

c. A medical marijuana commercial/industrial processor permit will not be granted to any applicant where the proposed location is located outside an approved zoning district or within a restricted area as set forth in the Tuttle Zoning Code.

2. Conditions of operation.

a. The medical marijuana commercial/industrial processor facility must collect and remit the applicable sales tax on all sales.

b. Any violations of this section will result in the revocation of the medical marijuana commercial processor permit.

c. Processing facilities must remain locked at all times when not in operation.
(Added Ord. 2020-08, 9/14/2020)

CHAPTER 6 – EMERGENCY MANAGEMENT

Article 1. Department of Emergency Management

Section 6-1. Department of Emergency Management Created.

(See Chapter 1, Section 1-51.5)
(Added Ord. 2013-17, 6/10/2013)

Section 6-2. Emergency Management Director.

(See Chapter 1, Section 1-44)
(Added Ord. 2013-17, 6/10/2013)

Section 6-3. Intent and Purpose.

The purpose of this Chapter is to create a Department of Emergency Management for the City of Tuttle to aid in mitigation, and preparedness, before a disaster and to alleviate injury or damage through a coordinated response and recovery from damages resulting from disaster, nuclear or conventional weapons attack, sabotage or other hostile action, or by other disaster or major emergency as defined herein, and to protect the lives and health of the Citizens of Tuttle, their property and property rights, whether public or private, in any major emergency or disaster event endangering the lives and property of the people of the City.
(Added Ord. 2013-17, 6/10/2013)

Section 6-4. Organization and Appointments.

1. The City Manager is hereby authorized and directed to create an organization for Emergency Management utilizing to the fullest extent the existing agencies within this City. The City Manager, as executive head of the municipal government, shall be the supervisor of the Emergency Management forces of this City and shall be responsible for their organization, administration and operations. The organization shall consist of the following:

a. Emergency Management Department is under the Executive Branch of the Municipal government and under the supervision of the City Manager. There shall be a head of the Emergency Management Department who shall be known as the Emergency Management Director, and such assistants and other employees as are deemed necessary for the proper functioning of the organization.

b. The employees, equipment and facilities of all City departments, boards, institutions and commissions, will participate in Emergency Management/Civil Defense activity as needed. Duties assigned to a City department shall be the same or similar to the normal duties of the department.

c. Volunteer persons and agencies offering service to, and accepted by the City.

d. The Emergency Management Advisory Committee, composed of:

1. The Mayor, who acts as Chairman;

2. The Emergency Management Director, who acts as Secretary;

3. The City Manager;

4. The Police Chief;

5. The Fire Chief;

6. The Public Works Director;

7. A representative of Tuttle Public Schools who does not vote; and

8. A representative of Grady County Emergency Management who votes only in the case of a tie.

e. The City Attorney is not be a member of the Committee, but can advise the Committee on legal matters at the request of the City Manager or the Mayor.

2. The City Manager shall appoint an Emergency Management Director who shall be a person trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.

3. In the event the City Manager is unable to assume emergency duties for any reason, the normal succession as designated in the disaster plan by the City Manager shall take effect. In the event those individuals are unable to assume the City Manager duties, the Mayor and City Council shall designate an acting City Manager in accordance with Section III-1 of the City Charter and this Code of Ordinances.
(Added Ord. 2013-17, 6/10/2013)

Section 6-5. Duties and Emergency Powers of the City Manager.

1. The City Manager may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in Article III of the City Charter. When in the judgment of the City Manager it is necessary to invoke the emergency powers provided herein, he shall immediately seek the concurrence of the Mayor, who shall make the decision whether or not to declare an emergency. If the Mayor is not available, the decision shall be made by the Vice-Mayor; if he is not available, the decision shall be made by the Senior Councilperson available. In the event the Mayor and City Council are not available to act, then the City Manager shall be the sole criteria necessary to invoke the powers provided herein. In the absence of the City Manager as the final judge of an Emergency Declaration, the Emergency Management Director shall make the determination. Whether the Mayor, the Vice-Mayor, a Councilperson, the City Manager or the Emergency Management Director declares an emergency, such action shall not be construed as abridging or curtailing the powers or restrictions of the Mayor and City Council as defined in the Charter of the City of Tuttle. Thereafter the Mayor and City Council may convene to perform their legislative and administrative powers, and shall receive reports relative to Emergency Management activities.

2. During any period when disaster threatens or when the City of Tuttle has been struck by disaster or major emergency, within the definition of this Ordinance, the City Manager may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency forces, or to facilitate the mass movement of persons from critical areas within or without the City.

b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

c. Regulations restricting the movement of persons upon the streets at particular times of days and in particular areas.

d. Such other regulations necessary to preserve public peace, health and safety.

e. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper, television and radio. These regulations will have the force of Ordinance when duly filed with the City Clerk and violations will be subject to the penalties provided in this Chapter.

3. The City Manager shall order Emergency forces to the aid of other communities when required in accordance with the statutes of the State, and he may request the State, as a political subdivision of the State, to send aid to the City of Tuttle in case of disaster when conditions in the City of Tuttle are beyond the control of the local emergency forces.

4. The City Manager may obtain vital supplies, and equipment needed for the protection of health, life, and property of the people.

5. The City Manager may require emergency services of any City officer or employees. If regular City forces are determined inadequate, the City Manager may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by State law, the City Charter and Ordinances for regular City employees and other registered and identified emergency management and disaster workers and, upon demand, may receive appropriate compensation for their emergency employment.

6. The City Manager will cause to be prepared by the Emergency Management Director a Civil Defense and Disaster Basic Plan herein referred to and to exercise his ordinary powers as City Manager, all of the special powers conferred upon him by the City Charter and the Ordinances of the City of Tuttle, all powers conferred upon him by any statute, or any other lawful authority.

7. The City Manager shall be empowered to accept any gifts, grants and loans from the Federal Government, from the State of Oklahoma, from other County, municipality, or political subdivision of the state, or from any person, group, firm or corporation, as set out in the Oklahoma Civil Defense and Emergency Resources Management Act of 1967, as it may be amended from time to time.
(Added Ord. 2013-17, 6/10/2013)

Section 6-6. Duties and Emergency Powers of the Emergency Management Director.

The Emergency Management Director shall be the executive head of the Emergency Management Department and shall be responsible to the City Manager in regard to all phases of Emergency Management or disaster activity. Under the supervision of the City Manager, he/she shall be responsible for the planning, coordination and operation of emergency management/civil defense activity (disaster services) in the City. Under the supervision of the City Manager, he/she shall maintain liaison with the State and Federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operations of the Civil Defense and Disaster Basic Plan. His/her duties shall include, but not be limited to, the following:

1. Coordinate the recruitment of Emergency Management Volunteer personnel and agencies to augment the personnel and facilities of the City for disaster purposes.

2. Form committees to perfect the Emergency Management Department and appoint the chairmen of such committees.

3. Development and coordination of plans for the immediate use of all of the facilities, equipment, manpower and other resources of the City for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for public health, safety and welfare.

4. Negotiating agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency purposes and designating suitable buildings as public shelters, subject to conclusion as set forth by this Code of Ordinances.

5. Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.

6. Conducting public practice exercises to insure the efficient operation of emergency and disaster forces and to familiarize disaster workers and residents with disaster regulations, procedures and operations.

7. Coordinating the activity of all other public and private agencies engaged in any disaster activity, real or implied.

8. Assuming such authority and conducting such activity as the City Manager may direct to promote and execute the Civil Defense and Disaster Basic Plan.

9. The Emergency Management Director, when empowered by the City Manager, may designate some person as deputy director or assistant director and shall prescribe the duties of the deputy or assistant from time to time as necessary for the carrying out of the emergency management and civil defense program of the City.

10. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Emergency

Management Director, after due authorization from the mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management and civil defense and, if necessary, to take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with other governmental agencies, emergency management services and civil defense organizations.
(Added Ord. 2013-17, 6/10/2013)

Section 6-7. Duties and Emergency Powers of the Emergency Management Advisory Committee.

1. The Emergency Management Advisory Committee will assume the responsibility for the preparation of the Civil Defense and Disaster Basic Plan, subject to the direction of the Emergency Management Director and the City Manager. The Emergency Management Advisory Committee is responsible for assuring that comprehensive planning is undertaken, that all available resources are considered, that there is a public understanding of the plan, and that the plan is continually reviewed and amendments are recommended to the City Manager.

2. The Committee shall serve as a policy advisory board to the Emergency Management Director and the City Manager; and it shall provide continuing liaison with official and nonofficial departments and agencies in the community which have the capability useful in meeting needs caused by disaster.
(Added Ord. 2013-17, 6/10/2013)

Section 6-8. Civil Defense and Disaster Basic Plan.

1. A comprehensive Civil Defense and Disaster Basic Plan shall be adopted and maintained by resolution of the City Council upon the recommendations of the City Manager. In the preparation of this Plan as it pertains to City organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the Plan and to maintain their portion of the Plan in a current state of readiness at all times. The Civil Defense and Disaster Basic Plan shall be considered supplementary as to this Chapter and have the effect of law whenever a disaster, as defined in this Chapter, has been proclaimed.

2. The Emergency Manager shall prescribe in the Basic Plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Emergency Manager a current list of three persons as successors to their position. The list will be in order of succession and will as nearly as possible designate persons capable of carrying out all assigned duties and functions.

3. Each service chief and department head assigned responsibility in the Basic Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned City employees and volunteers. Each service chief and department head shall formulate the standard operations plan (SOP) for his service which, when approved, shall be an annex to and a part of the Basic Plan.
(Added Ord. 2013-17, 6/10/2013)

Section 6-9. Assistance from Persons Outside City Government.

When a required competency or skill for a disaster function is not available within the City government, the appropriate Department Head in consultation with the City Manager is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during and after the occurrence of a disaster until revoked by the City Manager. Such services from persons outside of government may be accepted by the City on a volunteer basis or through charges agreeable to the City of Tuttle and contractor. Volunteers obtained to fill said needs shall be enrolled as emergency management volunteers in cooperation with the heads of City Departments affected.
(Added Ord. 2013-17, 6/10/2013)

Sections 6-10 through 6-19. Reserved for future use.

Article 2. Miscellaneous Provisions

Section 6-20. Definitions.

The following definitions shall apply in the interpretation of this article:

1. “Emergency Management" shall mean the preparation for and the carrying out of all emergency functions of the Emergency Management Department and other City departments through a coordinated use of existing organized governmental functions and to provide other necessary governmental and non-governmental functions, as listed herein, to mitigate, prepare, respond and otherwise aid the Citizens of Tuttle to recover from injury and damages caused by the effects of unusual natural or man-made disaster(s) caused by fire, flood, tornado, earthquake or other "Acts of God"; the effects of a technological accident, developing to such an extent as to cause an extreme emergency situation to arise which by declaration of the Mayor jeopardizes the welfare of the Citizens of Tuttle. These functions include without limitation, firefighting services, police services, medical and health services, rescue, engineering, communications, evacuations of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, integration of industry emergency plans into civil defense plans, assistance to private and public utility companies in the temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out the foregoing functions.

2. "Civil Defense" shall mean the preparation for and the carrying out of all emergency functions pertaining to enemy attack or sabotage, other than functions for which the military services are primarily responsible. Those functions included without limitation: air raid warning service, radiological, chemical and other special weapons of defense, evacuations of persons from stricken areas, emergency welfare services.

3. "Enemy Attack" shall mean a direct or indirect assault against the City of Tuttle, its government, its

environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, radiological, chemical or biological warfare, sabotage or terrorism.

4. "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, severe storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property of the Citizens of Tuttle.

5. "Emergency Management Forces" shall mean the employees, equipment and facilities of all City institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from volunteer persons or agencies.

6. "Volunteer" shall mean the contribution of a service, equipment or facilities to the Emergency Management system and assigned for use in a disaster/exercise activity.

7. "Emergency Management Volunteer" shall mean any person duly registered, trained, identified and appointed by the Director of the Emergency Management Department and assigned by the Director to participate in the operations of the Department including disaster activities.

8. "Director" shall mean the Director of the Tuttle Emergency Management Department, appointed as prescribed in this ordinance.

9. "Emergency Committee" shall mean the Emergency Management Advisory Committee appointed as prescribed in this ordinance.

10. "Basic Plan" shall mean the Civil Defense and Disaster Basic Plan developed as prescribed in this ordinance.

11. "Regulations" shall include plans, programs and other emergency procedures deemed essential to Emergency Management.
(Added Ord. 2013-17, 6/10/2013)

Section 6-21. No Municipal or Private Liability.

1. This Ordinance is an exercise by the City through its governmental functions for the protection of the public peace, health, and safety and neither the City nor agents and representatives of said City, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.

2. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the City the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or disaster shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.
(Added Ord. 2013-17, 6/10/2013)

Sections 6-22 through 6-29. (Reserved for future use.)

Article 3. Violation and Penalty

Section 6-30. Violation of Regulations.

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management organization as herein defined in the enforcement of the provisions of this Chapter or any regulation or plan issued thereunder.
(Added Ord. 2013-17, 6/10/2013)

Section 6-31. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense.
(Added Ord. 2013-17, 6/10/2013)

Section 6-32. Severability.

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of the this Ordinances.
(Added Ord. 2013-17, 6/10/2013)

Section 6-33. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.
(Added Ord. 2013-17, 6/10/2013)

Sections 6-34 through 6-39. Reserved for future use.

CHAPTER 7 – FIRE PREVENTION

Article 1. Fire Prevention

Section 7-1 Fire Department.

1. There is hereby established for the city a Combination Fire Department in accordance with 11 O.S. §29-301 et seq.

2. The Fire Department shall consist of salaried firefighters and volunteer firefighters, the number of which shall be determined by the City Manager.

3. Duties and other responsibilities of the Fire Chief, Assistant Fire Chief, and other officers shall be as defined in Sections 1-38 FIRE CHIEF and 1-39 ASSISTANT FIRE CHIEF; OTHER OFFICERS of this Code.

4. For the purposes of this section, a volunteer firefighter is considered as one who is enrolled as a member of the Fire Department, and who serves in that capacity without receiving a regular salary.

5. All new members (volunteer and full-time) of the Fire Department shall be on probation for a period of one year after their appointment to the Fire Department. At the conclusion of the one-year probationary period, full-time and volunteer firefighters shall be subject to an evaluation to determine compliance with departmental requirements. Volunteer firefighters after such time, if the needs of the city require it, may be selected by the City Manager as a full-time firefighter employee of the Fire Department.

6. The Fire Department shall adopt rules and regulations governing the conduct and performance criteria for voluntary firefighters, which shall include but not be limited to the following:

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

b. All firefighters are required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters unless his or her absence therefrom is approved in advance in writing by the Fire Chief prior to the meeting or school;

c. There shall be at least one regular business meeting per month;

d. Any volunteer firefighter having two unexcused absences in a period of three months will be dropped from the Department rolls;

e. Volunteer firefighters leaving the city for an extended period of time shall notify the Fire Chief or Assistant Fire Chief in advance;

f. Any volunteer firefighter refusing to attend training classes provided for him or her will be dropped from the Department rolls.

7. The following violations shall constitute grounds for dismissal as a voluntary firefighter, to wit:

a. Conduct unbecoming a firefighter;

b. Insubordination;

c. Neglect of duty;

d. Willful violation of rules and regulations of the Department and the City, including the City of Tuttle Employee Handbook; or

e. Conviction of a felony;

8. The Fire Department shall establish minimum physical requirements for firefighters within the Fire Department. The minimum requirements shall include, but not be limited to the following:

a. Adequate health history information; and

b. Physical strength and endurance testing.

9. Volunteer firefighters shall not direct, control or give instructions to full-time firefighters or to emergency medical personnel at the scene of a fire or other emergency. When no full-time firefighter is on the scene, higher ranking volunteer firefighters shall give directions to lower ranking volunteer firefighters.
(Updated Ord. 2010-25, 9/13/2010)

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

1. The Fire Prevention Code adopted by the City Council shall be enforced by the Tuttle, Oklahoma Volunteer Fire Department under the supervision of the Fire Chief; members of said Department may be detailed as inspectors by the Fire Chief, if he deems it necessary. (See also Chapter 4, this Code of Ordinances.)

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

Section 7-3. Fire Department Fees.

1. The City Council shall have the power to establish and adjust fire department fees, by Resolution, for use of the fire department.

2. All monies derived by fees charged for fire department services are hereby earmarked and segregated for the operation and maintenance of a fire department by the city.

3. A discount of up to $1,000.00 is to be subtracted from the final bill for residents for fire fees charges for responding to accidents and fires. The discount shall only be used to reduce a resident's personal liability for any remaining portion after a third payer has paid all amounts that is due from the third party payer and shall insure to the benefit of the resident only and not the benefit of a third party payer. The discount shall not be used to create a negative balance.
(Updated Ord. 2011-11, 4/11/2011)

Section 7-4. Fire Lanes.

A. Fire Prevention Code. All fire lanes shall be installed in accordance with the Fire Prevention Code as adopted in Section 4-321 et. Seq. of this code.

B. Obstruction prohibited. The obstruction of a fire lane by a standing or parked vehicle or any other object is prohibited and shall constitute a traffic and fire hazard and be an immediate hazard to life and property.

C. Impoundment. Any vehicle or object obstructing a fire lane is hereby declared a traffic and fire hazard and may be immediately impounded without prior notification to its owner. The owner shall be responsible for all impound fees.

D. Enforcement.

1. The police department shall have the following powers and duties:

a. To enforce parking and obstruction regulations in those areas properly designated and marked as a fire lane.

b. To issue citations to any person who parks a vehicle in, allows the parking of a vehicle in, obstructs or allows the obstruction of a fire lane, or who violates any provision of this section.

c. The police department shall have authority at any time to enter property to enforce the provisions of this section.
(Added Ord. 2018-16, 10/8/2018)

Sections 7-4 through 7-19. Reserved for future use.

Article 2. Rural Fire Protection

Section 7-20. Authorization for Rural Fire Services.

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

2. Any contract entered into by the City of Tuttle, Oklahoma, with an individual owner, firm, private corporation or private or nonprofit association, for outside aid or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, private or nonprofit association, or political subdivision to the City of Tuttle, Oklahoma, for such fire apparatus and personnel at the rate of no less than one hundred dollars ($100.00) per hour. All monies received from said calls shall go into the Fund designated by motion of the City Council.

3. The Fire Department of the City of Tuttle, Oklahoma, is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station, unless, in the opinion of the Fire Chief, it is inexpedient to do so on account of another fire in the City, broken apparatus, impassable or dangerous highways, or other physical conditions.

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

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

6. All motorized equipment of the Fire Department of the City of Tuttle, Oklahoma, shall have the right-of-way over all other commercial and pleasure vehicles.

Section 7 21. Charges for Fire Calls.

1. The City Council shall have the power to establish and adjust fire department fees, by Resolution, for fire calls and other fire department responses outside the corporate boundaries of the City of Tuttle, Oklahoma. Fire call and response fees shall not be in lieu of other authorized fees for ambulance and Emergency Medical Services (EMS) responses provided by the City of Tuttle.

2. The City of Tuttle, Oklahoma, shall also have the capacity to prepare supplemental billing costs for use of special equipment or materials.

3. All monies derived by fees charged for fire department services are hereby earmarked and segregated for the operation and maintenance of a fire department by the city.

4. At no time will any fire response be denied due to inability to pay.
(Updated Ord. 2011-11, 4/11/2011)

Section 7-22. Fire Service Subscription.

1. Generally. Persons residing outside the corporate limits of the City of Tuttle, Oklahoma and within the Tuttle Rural Fire Protection District, may subscribe for fire service provided by the Tuttle fire department, subject to the following conditions and limitations:

a. The City Council shall establish and set, by Resolution, fire service subscription fees.

b. Fees are due annually, July 1, and shall not be prorated or refunded.

c. One subscription shall afford fire service to one individual residence and 20 contiguous acres, and shall be nontransferable to any other residence, structure or territory. Additional acres contiguous to a covered residence may be subscribed for each additional 20 acres. Each additional outbuilding must be specifically scheduled based on its gross floor area.

d. Agricultural lands, not including buildings, may be subscribed, not to exceed 40 acres per subscription. Additional acres may be subscribed for each additional 20 acres.

e. Non-residential buildings and outbuildings may be subscribed. Each building must be specifically scheduled based on its gross floor area.

f. Tank batteries must be scheduled and shall be considered individual structures.

g. Subscription shall allow the property one fire call annually per program year subsequent to subscription at no charge. An additional subscription may be purchased to continue coverage for the remainder of the program year after a qualifying fire call is made.

h. Subscription shall not cover any ambulance or EMS-related services or response provided by the City of Tuttle or any other ambulance provider.

2. Program Year. The program year period shall be July 1 through June 30.

3. Response. At no time will any fire response be denied due to inability to pay or due to a lack of a fire subscription response.
(Updated Ord. 2011-11, 4/11/2011)

Sections 7-23 through 7-39. Reserved for future use.

Article 3. Miscellaneous Provisions

Section 7-40. Fireworks Regulations.

Repealed

Section 7-41. Explosives.

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

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

Section 7-42. InterGovernmental Cooperation Authorized.

1. The City of Tuttle, Oklahoma, in an effort to improve the quality of fire protection within said community, and to protect the health, welfare and safety of its citizens, does hereby determine that any or all members of the Fire Department of the City of Tuttle, Oklahoma, are authorized to assist the Fire Departments of Newcastle, Minco, Amber or any Grady, Canadian or McClain County Rural Fire Departments in protecting said areas, upon receipt of a valid request for assistance. For purposes of this Section, "request for. assistance" shall mean a request for help, in an emergency situation by the Mayor, City Manager, Police Chief, Fire Chief, Dispatcher or County representative of the above entities. Upon receipt of this request for aid, any member of the Tuttle Fire Department shall respond to said request for assistance.

2. In an attempt to increase the effectiveness of fire protection within the corporate limits of the City of Tuttle, Oklahoma, and to provide for the health, welfare and safety of the citizens of said community, the City of Tuttle, Oklahoma, does hereby authorize any or all Fire Department personnel of Newcastle. Minco, Amber or of Grady, Canadian or McClain County, to respond to a request for assistance by the City of Tuttle, Oklahoma, within said community. Notification shall be given by the Mayor. City Manager, Chief of Police, Fire Chief or the Dispatcher of the City of Tuttle, Oklahoma, and the Fire Department officers extending said aid shall have full powers to act within the corporate limits of the City of Tuttle, Oklahoma, while under a request for assistance.

Sections 7-43 through 7-49. (Reserved for future use.)

Article 4. Penalty

Section 7-50. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, including the provisions of any Code adopted by the City of Tuttle, Oklahoma, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

Article 6. Open Burning

Section 7-60. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions contained in the Oklahoma Administrative Code (OAC 252:100-13-1), under which this article is promulgated, shall also apply.

BONFIRE means a large outdoor fire that is lighted as a signal or in celebration (e.g. homecoming celebration)

CAMPFIRE means an outdoor fire where the fuel being burned is not contained in an incinerator, outdoor fireplace, screened metal fire pit, barbeque grill or barbeque pit and has a total fuel area of three feet or less in diameter and two feet or less in height, and is used for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

COMBUSTIBLE MATERIALS means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.

FIRE TRAINING means a fire purposely set as part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment, which is part of a recognized training program.

LAND CLEARING OPERATION means the uprooting, cutting, or clearing of vegetation in preparation for the construction of buildings, the development of residential, commercial, agricultural, or industrial properties, and for the construction and maintenance of rights-of-way. It does

not include the clearing of vegetation such as trimmings, fallen limbs, branches, or leaves, or other wastes from routine property maintenance activities.

OPEN BURNING means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

OPEN PIT INCINERATOR means a device consisting of a pit (into which the material to be combusted is placed) and nozzles, pipes, and other appurtenances designed and arranged in a manner to deliver additional air and/or auxiliary fuel to, or near, the zone of combustion so that theoretically complete combustion is accomplished or approached.

PRODUCTS OF COMBUSTION means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible materials.

REFUSE means garbage, rubbish, domestic refuse and all other wastes generated by a trade, business, industry, building operation, or household.

YARD BRUSH means cut or broken branches, leaves, limbs, shrubbery, or tree trimmings. It does not include refuse, grass clippings, in-ground tree stumps, or any non-vegetative material.
State law references: Definitions, 27A O.S. § 2-5-104.
(Added Ord. 2011-10, 4/11/2011)

Section 7-61. Open burning prohibited.

No person shall cause, suffer, allow or permit open burning of refuse and other combustible material, except as may be allowed in compliance with section 7-63.
(Added Ord. 2011-10, 4/11/2011)

Section 7-62. Salvage operations utilizing open burning.

No person shall cause, suffer, allow or permit open burning of combustible material in connection with the salvage of motor vehicles, tires, oil and similar substances, containers, coated or painted wire and metals, and other material.
(Added Ord. 2011-10, 4/11/2011)

Section 7-63. Permissible open burning.

When not prohibited by law or ordinance, the following types of burning are allowed, provided the conditions and requirements in section 7-64 and section 7-65 have been met:

1. Fire training. Open burning of human-made structures for the purpose of fire training is allowed as provided for in Oklahoma Clean Air Act, 27A O.S., § 2-5-106.1. Industrial and commercial facilities and fire training schools conducting on-site live burn fire training are not subject to this provision.

2. Elimination of hazards. Provided prior authorization is obtained from the fire chief, open burning is allowed for the elimination of:

a. A fire hazard that cannot be abated by any other means.

b. A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal if authorization is also received from the Oklahoma Department of Environmental Quality prior to such burning.

3. Recreational and ceremonial fires. Open burning is allowed for camp fires, bonfires, and other fires used solely for recreational purposes, ceremonial occasions, or noncommercial preparation of food.

4. Land management and land clearing operations.

Open burning is allowed for the following land management and land clearing operations:

a. Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma State Department of Agriculture, and the United States Forest Service.

b. Fires purposely set for land clearing operations if conducted at least 500 feet upwind of any occupied residence other than those located on the property on which the burning is conducted.

5. Hydrocarbon burning. Open burning of hydrocarbons is allowed for:

a. The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining or processing operations which cannot be feasibly recovered or otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning.

b. The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.

6. Open-pit incinerator. Except for hazardous material, any combustible material or refuse that is allowed to be burned under this section may be burned in an open-pit incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of the open-pit incinerator shall not accept any material owned by other persons and shall not transport any material to the property where the open-pit incinerator is located in order to burn the material.

7. Yard brush. Yard brush may be burned on the property where the waste is generated.
(Added Ord. 2011-10, 4/11/2011)

Section 7-64. General conditions and requirements for allowed open burning.

Open burning may be conducted only if the following conditions and requirements are met:

1. No public nuisance is or will be created.

2. The burning is controlled so that a visibility hazard is not created on any roadway, rail track or air field as a result of the air contaminants being emitted.
3. The burning is conducted so that the contaminants do not adversely affect the ambient air quality of a city or town.

4. The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits. This requirement does not apply to the open burning allowed under subsections 7-63(2), (3), (4)a. and (5)b.
(Added Ord. 2011-10, 4/11/2011)

Section 7-65. Prior approval recommended for certain outdoor burning operations.

1. Permit not required. Open burning operations do not require a permit issued by the fire department before ignition of any material. Anyone wanting to do a controlled burn is encouraged to notify the Fire Chief or his designee subject to the following conditions:

a. Open fires shall be located not less than 50 feet from any structure or combustible fencing.

b. Burning shall occur during daylight hours only. Campfires and bonfires are exempt from this requirement.

c. Persons and equipment capable of extinguishing the fire shall be on the burn site and in attendance at all times.

d. No household waste, garbage, plastic, fabric, furniture, flammable or combustible liquid, or any waste material shall be burned.

e. The Fire Chief reserves the right to deny permission or to order the extinguishing of any open burning fires when any weather condition may create increased fire danger, such as wind, low humidity, drought, etc., as determined by the fire department.

f. Notification of burning should be reported each day burning occurs.

g. A fire or police official may order the extinguishing of an outdoor burning operation for the protection of life or property, or to prevent or abate the nuisances caused by such burning, or at any other time when deemed necessary.

Notification is not necessary for fires contained in an incinerator; outdoor fireplace, screened metal fire pit, barbeque grill or barbeque pit, and that are used solely for recreational purposes, ceremonial occasions, or preparation of food.
(Added Ord. 2011-10, 4/11/2011)

Section 7-66. Responsibility for consequences of open burning.

The authority to conduct open burning under the provisions of this section does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct, nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with these regulations.
(Added Ord. 2011-10, 4/11/2011)

Sections 7-67 through 7-80. (Reserved for future use.)

Article 7. Fireworks

Section 7-81. Manufacture, Sale and Use Generally.

1. Except as otherwise provided in this article, it shall be unlawful for any person to manufacture, purchase, offer for sale, sell at retail, or use or discharge or explode any consumer fireworks, display fireworks or other fireworks and related items within the corporate limits of the city. The term "consumer fireworks," "display fireworks" and "fireworks" shall have the meanings set forth in 68 O.S. § 1622.

2. Revocation of Permits. The City of Tuttle, by action of the City Manager upon recommendation of the Fire Chief or the Police Chief may revoke any permit issued for any alleged violation of this article.

3. Regulations of Other Entities. All statutes, rules, and regulations established in 68 OS (2011) 1621 et. seq., the Oklahoma State Fire Marshall, Oklahoma Tax Commission, the Oklahoma Uniform Building Commission, and other applicable state boards, commissions, and agencies, that are more stringent than the rules and regulations of the City of Tuttle shall apply. Proof of permits and/or licenses required by other agencies shall be submitted with an application for fireworks stands and fireworks displays.

4. Appeals. Should a question arise concerning the eligibility of an organization to qualify for a license under this article or if the plot plan is not approved by the police chief or his designee or the fire chief or his designee or the application is denied for any other reason, the matter may be timely submitted to the city council for a final decision at the request of the applicant.

Section 7-82. Consumer Fireworks Stands.

1. Permitted sales.

a. Any nonprofit civic, charitable, fraternal, educational or religious organization located and domiciled within the corporate limits of the city, or any educational organization associated with the Tuttle Public Schools or the Bridge Creek Public Schools, may be licensed by the city clerk to sell consumer fireworks and related items from June 15 through July 4, daily, from 9:00 a.m. until 10:00 p.m.

b. The sales of fireworks shall not be permitted except in commercially zoned or used areas, on the property of worship facilities, and on empty lots fronting SH-37 or SH-4 not used for agricultural purposes. In determining whether or not a proposed site or location should be approved for the operation of fireworks stand, the Fire, Police, and Community Development Departments shall consider the density of population in the area, the condition of the premises, the surrounding structures and area, the existence of entrances and exits, the proposed parking area, the potentiality of hazardous traffic conditions, the plot plan submitted by the owner, the availability of fire fighting facilities, and any other safety factors deemed important.

c. No license may be issued for any stand that is located less than one hundred (100') from any structure or property under a different ownership unless written permission has been given.

2. License for sale.

a. Annual licenses for the sale of fireworks within the corporate limits of the city shall be obtained by filing a written application for each location with the city clerk and paying the annual license fee in the sum set forth in the Tuttle Fee Schedule, as adopted by the City Council, for each location no later than June 1 of each year. If the organization meets the requirements of this article, it shall be issued a license by the City Clerk pending approval by the Fire Chief, Police Chief, Community Development Director, and City Manager of the following requirements:

1. A minimum liability insurance policy of $250,000.00 (or in the amount as required by any state agency if higher) for bodily injury and property damage, from an insurance company currently licensed to do business by the state.

2. A plot plan submitted to the city clerk for review by the Police Department, Fire Department, and Community Development Department. The plot plan will show the location, the size of the stand, parking areas, traffic circulation patterns, the proposed methods of storing fireworks, surrounding buildings and structures, and other information deemed necessary by the respective departments.

3. Any and all licenses required by state law.

b. The approval of the plan shall be at the discretion of the chief of police or his designee and the fire chief or his designee, and their approval will be evidenced by their signature upon the plan.

c. Final approval of the application will be evidenced by the fire chief by his signature or that of his designee on the application.

3. Sales to children. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of 12 years, unless accompanied by an adult.

4. Operation of stands.

a. All licensed fireworks stands and structures selling fireworks and related items must be staffed and operated by members of the licensed organization. A responsible adult member (21 years or older) of the licensed organization must be present at all times during the operation of the stand.

b. Smoking shall be prohibited within fifty (50) feet of any stand and permit holder shall display "NO SMOKING" signs in prominent places on or about the stand.

c. Refuse containers of adequate size and number must be provided on the premises. All trash, rubbish and debris shall be collected from time to time so as not to become unsightly or blow upon the premises of others.

d. No fireworks may be stored closer than one hundred (100) feet to an inhabited building, passenger railway, or public highway.

e. No fireworks may be sold at retail within the City Limits of the City of Tuttle, Oklahoma, unless purchased for resale from a wholesale fireworks dealer qualified to sell such fireworks in the State of Oklahoma.

f. The Fire Chief may require the stand to post information regarding burn bans, fire danger, and firework safety, at the site.

g. Signage will be posted in accordance with the Tuttle Code of Ordinances, the Tuttle Zoning Code, and other applicable federal, state, and local regulations.

5. Removal of stands. All fireworks stands and structures for the sale of fireworks and related items must be taken down and/or removed from their location within 15 days after July 4 of each year. In addition, the area wherein the stand or structure was located shall be returned to its prior condition by picking up all refuse pertaining to the operation of the fireworks stand or structure.

6. Storage and handling.

a. All fireworks and sales areas shall be conspicuously posted with signs reading "FIREWORKS—NO SMOKING."

b. Fireworks offered for retail sale must be protected from direct contact and handling by the public at all times. Self-service or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited. Fireworks offered for retail sale must be sold according to the most current version of National Fire Protection Association (NFPA) 1124 Chapter 7. Mail-order, internet or other indirect sales to consumers are prohibited through any medium of either interstate or intrastate commerce.

c. Fireworks shall not be sold or displayed to the public within any building or portion thereof, or any vehicle, which allows entry by any persons other than employees within such building or vehicle, unless the fireworks are kept where they cannot be reached or handled by those persons.

d. An enclosed building used for sale of fireworks to the public shall have adequate exits as determined by the fire chief. The use of tents or other non-rigid shelters for the sale or storage of fireworks where the public may move about, under or within the confines of a shelter is prohibited.

Section 7-83. Discharge of Consumer Fireworks Restricted.

1. The discharge of consumer fireworks shall be allowed only between the hours of 2:00 p.m. and 10:00 p.m. for the period of June 27 through July 4, with the exception of July 4 (any day of the week), when the hours shall be 9:00 a.m. through 11:00 p.m, and July 5 (when on a Friday or Saturday), when the hours shall be 9:00 a.m. through 10:00 p.m. Discharge of fireworks is totally prohibited during all hours from July 5 (unless July 5 is a Friday or Saturday) through the following June 26. Discharge of display fireworks or other fireworks shall be prohibited at any time, except as provided under Section 7-84.
2. It shall be unlawful to explode or ignite fireworks within 500 feet of any church, hospital, asylum, unharvested flammable agricultural crop, public school, or place where fireworks are stored, sold or offered for sale.

3. No person shall ignite or discharge any article of fireworks within or throw any article of fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any group of people.

4. A responsible adult must be present at all times to supervise any child who is handling, discharging, or otherwise is in possession of fireworks.

5. The discharging of fireworks shall be prohibited during burn bans declared by the Governor or the Grady County Board of Commissioners. The Fire Chief may also prohibit the discharge of fireworks during periods of high fire danger.

Section 7-84. Public Fireworks Displays.

1. Display permit.

a. It is unlawful to discharge any display fireworks, except as otherwise provided by this article, at any public display, including but not limited to any public display at any public park. The fire chief or his designee shall permit the use of display fireworks for public or private displays only when the following requirements are met:

1. Applications for such permits must be filed with the city clerk and must give the location of the proposed display and complete description of the nature and size of the fireworks to be used. A fee in the sum set forth in the Tuttle Fee Schedule, as adopted by the City Council, shall be paid to the city clerk upon the filing of the application.

2. A copy of federal form ATF F5400.4, Bureau of Alcohol, Tobacco and Firearms, must be submitted with the application.

3. All the provisions of NFPA 1123 must be met. NFPA 1123 refers to the most current version of National Fire Protection Association's Standard for Public Display of Fireworks. This subsection does not apply to the use of consumer fireworks by the general public.

4. Every display requiring a permit shall be handled by a properly trained operator and approved by the fire chief or his designee. Such fireworks shall be discharged or fired so as not to be hazardous to property or endanger any person.

5. The use of display fireworks is limited to those persons licensed as a display operator by the Oklahoma State Fire Marshal.

b. Any permit issued by the fire chief or his designee shall be at his discretion and may impose such other restrictions upon the public display as the fire chief or his designee finds necessary.

2. Qualifications of operators of public displays. The operator of any public display of fireworks must be bonded by sureties licensed to do business in the state in a sum sufficient to satisfy the city council and must possess any and all licenses required by state law.

CHAPTER 8 – GENERAL AND MISCELLANEOUS PROVISIONS

Article 1. Rules of Construction

Section 8-1. Rules of Construction; Definitions.

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

1. Chief of Police or Police Chief. Reference to the "Chief of Police" or the "Police Chief" shall mean the Chief of Police or the police officer in charge of the Police Force of the City of Tuttle, Oklahoma.

2. City, Town or Municipality. The words the "City," the "Town" or the "Municipality" shall mean the City of Tuttle, in Grady County, Oklahoma.

3. City Attorney or Municipal Attorney. Reference to the "City Attorney" or the "Municipal Attorney" shall mean the City Attorney of the City of Tuttle, Oklahoma.

4. City Clerk or Clerk of the Municipality. Reference to the "City Clerk" or the "Clerk of the Municipality" shall mean the City Clerk of the City of Tuttle, Oklahoma.

5. City Council or Council. The words "City Council" or "Council" shall mean the Governing Body of the City of Tuttle, Oklahoma.

6. City Manager. The term "City Manager" shall mean the Chief Executive and Administrative officer of the City of Tuttle, Oklahoma.

7. City Treasurer or Treasurer. Whenever reference is made to the "City Treasurer" or the "Treasurer," it shall mean the City Treasurer of the City of Tuttle, Oklahoma.

8. Code. Reference to "this Code" or "the Code" shall mean the Code of Ordinances of the City of Tuttle, Oklahoma.

9. 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.

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

11. Court or Municipal Court . The words "Court" or "Municipal Court" shall mean the Municipal Court of the City of Tuttle, Oklahoma.

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

13. Health Officer or Health Department. Wherever reference is made to the "Health officer" or the "Health Department," it shall be construed as meaning the County Sanitarian or County Health Department, unless specific reference is made to the appointed Health Officer of the City of Tuttle, Oklahoma.

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

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

16. Judge. The word "Judge" shall mean the Judge of the Municipal Court of the City of Tuttle, Oklahoma, including the Acting Judge and/or Alternate Judge thereof, as provided by Oklahoma Statutes and this Code of ordinances.

17. Judicial District. The term "Judicial District" shall mean the District Court Judicial District of the State of Oklahoma, wherein the situs of government of the City of Tuttle, Oklahoma, is situated.

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

19. Mayor. Whenever reference is made to the "Mayor," it shall mean that member of the Tuttle, Oklahoma, City Council, elected to preside over the meetings of said Council.

20. Month. The word “month” shall mean a calendar month.

21. 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.

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

23. 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 City of Tuttle, Oklahoma."

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

25. Owner. The word "owner, 11 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.

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

27. Policeman. Reference to a "policeman" shall mean the Chief of Police or any police officer of the City of Tuttle, Oklahoma.

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

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

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

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

32. State. The words "State," "the State" or "this State" shall be construed to mean the State of Oklahoma.

33. 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 or 1991 Statutes also means the comparable provision when included in future codifications or supplementations of said Statutes.

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

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

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

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

Sections 8-2 through 8-9. Reserved for future use.

Article 2. Miscellaneous Provisions

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

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

1. Ordinances promising, obligating or guaranteeing the payment of money for or to the City of Tuttle, Oklahoma, 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 City of Tuttle, Oklahoma;

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

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

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

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

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 8-11. Enumeration of Provisions.

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

2. Provisions of State Law which prescribe specific actions or laws for the City of Tuttle, Oklahoma, and its citizens, may be included in this Code of Ordinances for purposes of clarity.

3. Provisions of State Law in matters of wider public concern which are not enumerated herein, but which affect the City of Tuttle, Oklahoma, and its citizens in a general way, may not be enumerated herein, but may nevertheless be made a part of this Code of ordinances through adoption by reference.

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

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

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

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

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

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

3. The operation of motor vehicles and other traffic upon roads, streets and highways that form the boundary line of the City of Tuttle, in Grady County, Oklahoma, shall be subject to all Municipal traffic ordinances and other ordinances of said. City of Tuttle, Oklahoma.

Section 8-14. Designation and Citation of Code.

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

Section 8-15. Catchlines of Sections.

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

Section 8-16. Separability of Parts of Code.

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

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

Sections 8-17 through 8-49. (Reserved for future use.)

Article 3. Penalty; Judicial Relief

Section 8-50. General Penalty for Violations.

Whenever, in this Code of Ordinances or any Ordinance of the City of Tuttle, Oklahoma, an act is prohibited, is made or declared to be unlawful, an offense or misdemeanor, or wherever in said Code of ordinances, the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code of ordinances or of any such Ordinance shall be punishable by a fine in any amount not exceeding the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day on which any violation of this Code or of any Ordinance shall continue shall constitute a separate offense and shall be punishable as such.

Section 8-51. Judicial Relief.

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

CHAPTER 9 – HEALTH AND SAFETY

Article 1. Contagious Diseases

Section 9-1. Introducing Diseases.

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

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

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

Section 9-2. Report of Contagious Diseases.

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

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

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

Section 9-3. Quarantine.

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

2. It shall be unlawful for any person whom the Local or County Health official shall have ordered to be detained in quarantine, to neglect or refuse to be so detained, or to willfully violate any quarantine regulation thereof.

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

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

Sections 9-4 through 9-19. Reserved for future use.

Article 2. Sanitary Facilities

Section 9-20. Definitions.

1. Human Excrement. The term "human excrement" is used herein to mean the bowel and kidney discharge of human beings.

2. Sanitary Pit Privy. The term "sanitary pit privy" is used herein to mean a privy which is rebuilt or constructed to conform to the specifications approved by the Oklahoma State Department of Health.

3. Sanitary Water Closet. The term "sanitary water closet" is used herein to mean the flushtype toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times.

Section 9-21. Owner to Provide Proper Toilet Facilities.

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

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

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

Section 9-22. Proper Disposal of Human Excrement Required.

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

Section 9-23. Unauthorized Facilities Declared Public Nuisances.

All facilities for the disposal of human excrement in a, manner different from that required by this Code of Ordinances, and all privies a and closets so constructed situated or maintained as to endanger the public health, are hereby declared to be public nuisances and may be dealt with, and abated, as such. (See Chapter 12, this Code of Ordinances.)

Sections 924 through 929 Reserved for future use.

Article 2A. Tobacco Free Areas (The Tuttle Tobacco Free Ordinance)

Section 9-30. Purpose.

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

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

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

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

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

5. Smoking is a potential cause of fires;

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

7. Likewise, the chewing of tobacco in any form results in unsanitary and unhealthy spit and saliva residue containing body fluids that place the health of any person coming into contact with such body fluids at risk.
(Added Ord. 2012-09, 10/8/2012)

Section. 9-31. Definitions.

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

2. “Municipal property ” means any property, real or personal, owned, leased or under the control of the City of Tuttle, Oklahoma or the Tuttle Public Works Authority or any other Public Trust which has the City of Tuttle as its Beneficiary, including but not limited to vehicles and equipment owned by said municipal entities.

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

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

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

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

7. "Public place" means any enclosed indoor area where individuals other than employees are invited or permitted;

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

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

10. “Vapor Product” means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

11. “Unenclosed municipal real property”, includes, but is not limited to, outdoor arenas, stadiums, amphitheaters, public parks and recreation areas that are owned, leased or under the control of The City of Tuttle, Oklahoma or the Tuttle Public Works Authority or any other Public Trust which has the City of Tuttle as its beneficiary.

(Added Ord. 2012-09, 10/8/2012, Amended by Ord. 2018-13, 6/11/2018)

Section 9-32. Prohibition Of Tobacco Use and Vapor Product Use on Municipal Real Property.

No person shall engage in any form of tobacco use or vapor product use on any municipal property or in any municipally owned or leased equipment or vehicles.

(Added Ord. 2012-09, 10/8/2012, Amended by Ord. 2018-13, 6/11/2018)

Section 9-33. Prohibition Of Tobacco Use and Vapor Product Use On Unenclosed Municipal Real Property.

No person shall engage in the use of tobacco in any form or vapor products on any unenclosed municipal real property including:

a. Outdoor arenas, stadiums and amphitheaters and on municipal real property upon which said facilities are located.

b. Municipal owned parks and recreation areas.

c. Public sidewalks within twenty-five (25) feet of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
(Added Ord. 2012-09, 10/8/2012, Updated Ord. 2013-18, 6/8/2013, Amended by Ord. 2018-13, 6/11/2018)

Section 9-34. Penalty.

1. Enforcement of this chapter shall be the responsibility of The City of Tuttle. In addition, any peace officer or code enforcement official may enforce this chapter.

2. 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 nuisances as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances. Every day upon which a violation continues shall be deemed a separate offense.

3. The possession of a lighted Tobacco Product in violation of this article is a nuisance.
(Added Ord. 2012-09, 10/8/2012, Amended by Ord. 2018-13, 6/11/2018)

Section 9-35. Responsibility of Signage.

1. The person or entity that has legal or de facto control of an area in which the use of Tobacco Products or Vapor Products is prohibited by this article shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.

2. For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least four (4) inches by two (2) inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least fifteen (15) by fifteen (15) inches in size, with lettering or at least one (1) inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

3. For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.

4. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this article.
(Added Ord. 2018-13; 6/11/2018)

Section 9-36. Enforcement.

A. The person who owns or operates a Public Place or the entity that owns or operates Municipal Property, shall, at a minimum, do the following in order to prevent the use of Tobacco Products or Vapor Products in Public Places or on Municipal Property:

1. Post signs at entrances to places where smoking is prohibited that state that the use of Tobacco Products or Vapor Products is prohibited or that the indoor environment is free of tobacco smoke and Vapor Products; and

2. Ask smokers to refrain from using Tobacco Products or Vapor Products upon observation of anyone violating the provisions of this Act.
(Added Ord. 2018-13; 6/11/2018)

Sections 9-37 through 9-39 Reserved for future use.

Article 3. Miscellaneous Provisions

Section 9-40. Abandoned Ice Boxes, Refrigerators and Containers.

It shall be unlawful for any person, firm or corporation to leave, in a place accessible to children, any abandoned or discarded ice box, refrigerator or other container which has an airtight door with a lock or other fastening device which cannot be easily released for opening from the inside of the ice box, refrigerator or container, without first removing the door, lock or fastener.

Section 9-41. "Food Service Sanitation Code" Adopted

1. 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.

2. From the date on which this Chapter shall take effect, the provisions of said Code, as herein modified, shall be controlling in the regulation of food service establishments within the corporate limits of the City of Tuttle, Oklahoma.

3. Three (3) copies of said Code are on file in the Office of the City Clerk.

4. No fee shall be required for a Municipal permit to operate a food service establishment.

Section 9-42. " Milk Ordinance"

1. The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the City of Tuttle, Oklahoma; 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."

2. From the date on which this Chapter shall take effect, the provisions of said Ordinance, as herein modified, shall regulate milk and milk products within the corporate limits of the City of Tuttle, Oklahoma.

3. Three (3) copies of said Ordinance are on file in the office of the City Clerk.

Article 4. Youth Access to Tobacco

Section 9-43. Definitions.

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

1. Nicotine product: means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation;

2. Person: means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

3. Proof of age: means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

4. Sample: means a tobacco product, nicotine product or vapor product distributed to members of the public at no cost for the purpose of promoting the product;

5. Sampling: means the distribution of samples to members of the public in a public place;

6. Tobacco product: means any product that contains tobacco and is intended for human consumption;

7. Transaction scan: means the process by which a seller checks, by means of a transaction scan device, the validity of a driver license or other government-issued photo identification;

8. Transaction scan device: means any commercial device or combination of devices used at a point of sale or entry that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver license or other government-issued photo identification; and

9. Vapor product: means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

Section 9-44. Unlawful to Sell or Furnish Tobacco, Nicotine or Vapor Product to Persons Under Twenty-One Years of Age.

It is unlawful for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for an employee under twenty-one (21) years of age to handle tobacco products, nicotine products or vapor products when required in performance of the employee's duties.

A person engaged in the sale or distribution of tobacco products, nicotine products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be less than twenty-one (21) years of age.

If an individual engaged in the sale or distribution of tobacco products, nicotine products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under twenty-one (21) years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.

1. Any violation of subsection A or B of this article is an offense against the City of Tuttle; upon conviction of any such offense, the violator shall be punished as follows:

Not more than One Hundred Dollars ($100.00) for the first offense;

Not more than Two Hundred Dollars ($200.00) for the second offense within a two-year period following the first offense;

Not more than Three Hundred Dollars ($300.00) for the third offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or nicotine products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding thirty (30) days, or

Not more than Three Hundred Dollars ($300.00) for a fourth or subsequent offense within a two-year period following the first offense. In addition to any other penalty, the store's license to sell tobacco products or nicotine products or the store's sales tax permit for a store that is predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental may be suspended for a period not exceeding sixty (60) days.

2. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of the violation if such person proves that:

The individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was twenty-one (21) years of age or older, or

The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if the person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

Section 9-45. Distribution of Tobacco Product and Vapor Product Samples.

A. It shall be unlawful for any person or retailer to distribute, tobacco products, nicotine products, vapor products or product samples to any person under twenty-one (21) years of age.

B. No person shall distribute tobacco products, nicotine products, vapor products or product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.

C. When a person is convicted or enters a plea and receives a continued sentence for a violation of subsections A or B of this section, the total of any fines, fees, or costs shall not exceed the following:

1. Not more than One Hundred Dollars ($100.00) for the first offense;

2. Not more than Two Hundred Dollars ($200.00) for the second offense; and

3. Not more than Three Hundred Dollars ($300.00) for a third or subsequent offense.

Section 9-46. Public Access to Displayed Tobacco, Nicotine or Vapor Products.

A. It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products, or vapor products in any manner that allows public access to the tobacco products, nicotine products or vapor products without assistance from the person displaying the tobacco products, nicotine products or vapor products or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under twenty-one (21) years of age.

B. When a person is convicted or enters a plea and receives a continued sentence for a violation of this section, the total of any fines, fees, or costs shall not exceed Two Hundred Dollars ($200.00) for each offense.

Section 9-47. Enforcement.

A. Any conviction for a violation of this Article and any compliance checks by a municipal police officer pursuant to subsection C of this section shall be reported in writing to the Alcoholic Beverage Laws Enforcement (ABLE) Commission within thirty (30) days of such conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE Commission. Convictions shall be reported by the Court Clerk or his designee and compliance checks shall be reported by the Chief of Police or his designee.

B. For the purpose of determining second or subsequent violations, both the offenses penalized by the ABLE Commission as administrative fines and the offenses penalized by the municipality and reported to the ABLE Commission, shall be considered together in such determination.

C. Persons under twenty-one (21) years of age may be enlisted by the Police Department to assist in compliance checks and enforcement of this Article pursuant to the rules of the ABLE Commission.

Sections 9-48 through 9-69. Reserved for Future Use.

Article 5. Penalty

Section 9-70. Penalty.

Any person who violates any provision of this Chapter or of any Ordinance, Code or standard adopted by reference by this Chapter, or maintains or permits to continue, any public nuisance as defined by this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Every day upon which a violation continues shall be deemed a separate offense.

CHAPTER 10 – MANUFACTURED, MOBILE AND MODULAR HOUSING

Article 1. General Provisions

Section 10-1. Purpose.

1. The purpose of this Chapter is to provide regulations for areas within the corporate boundaries of the City of Tuttle, Oklahoma, wherein the location and development of manufactured housing, mobile homes, mobile home parks, trailer parks, manufactured and mobile home subdivisions and modular housing units or additions may be safely continued and encouraged.

2. The regulations set forth in this Chapter are designed to promote stable neighborhoods, prevent health and safety hazards and encourage the economical and orderly development and operation of manufactured housing and mobile home parks and subdivisions, trailer parks and modular housing units and additions.

Section 10-2. Definitions.

For the purpose of this Chapter, the following terms, words and phrases shall have the meanings indicated hereinbelow:

1. Health official. The term "Health official" shall mean the legally designated health authority of the City of Tuttle, Oklahoma (or his authorized representative), or the authorized representative of the Grady County Health Department or the State Department of Health.

2. Manufactured Housing. The term "manufactured housing" shall have the same meaning as the term Manufactured Home set forth in Article 1, Section 16, Paragraph 71 of the Subdivision regulations of the City of Tuttle.

Manufactured Housing shall:

a. Have more than one thousand (1,000) square feet of occupied space in a typically double section or larger multisection unit, with a minimum width of twenty–four (24) feet;

b. Be placed onto a permanent foundation, and be anchored to the ground, in accordance with the City's Foundation Code or other adopted foundation requirements, and the manufacturer's specifications;

c. Utilize a permanent masonry (block, stone, or brick, etc.) perimeter enclosure or metal skirting that is an identical color and pattern to the siding of the structure and installed in accordance with municipally approved installation standards;

d. Have wheels, axles and hitch mechanisms removed;

e. Have all utilities connected, in accordance with the appropriate Municipal Codes and the manufacturer's specifications;

f. Have siding material of a type customarily used on site built residences in the community and neighborhood;

g. Have roofing material of a type customarily used on site built residences in the community and neighborhood;

h. All driveway approaches shall be constructed in accordance with Section 17-51 of this Code of Ordinances;

i. Have legitimate front and rear doors; and a front and rear deck, porch or step area with a minimum size of sixty-four (64) square feet;

j. Have a minimum eave projection of ten (10) inches with a roof constructed with a minimum vertical rise of three (3) inches for every twelve (12) inches of horizontal run;

k. Possess the architectural integrity of other homes within the general geographic area that the Manufactured Housing will be located; and

l. All requirements set forth in this section shall be completed prior to the home being occupied.

3. Mobile Home. Manufactured Housing as defined in Article 1, Section 16, Paragraph 71 of the Subdivision Regulations of the City of Tuttle, Oklahoma and designed for human occupancy on a permanent basis.

4. Mobile Home, Dependent. The term "dependent mobile home" shall mean any mobile home which does not have a flush toilet and a bath or shower. For purposes of regulation under this Chapter, a dependent mobile home shall be considered to be the same as a travel trailer, unless otherwise specified.

5. Mobile Home, Freestanding. The term "freestanding mobile home or travel trailer" shall mean any mobile home or travel trailer not located in a mobile home park or travel trailer park respectively, licensed by the City of Tuttle, Oklahoma, or in an approved mobile home subdivision.

6. Mobile Home Park. Land or property which is developed in compliance with the regulations of the City of Tuttle and is designed to provide a permanently established residential environment wherein the individual lots are rented for the location of a tenant’s mobile home or rented by owner of a mobile home park together with a mobile home located thereon and owned by the owner of the mobile home park.

7. Mobile Home Space. The term "mobile home space" shall mean any plot of ground within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.

8. Mobile Home Subdivision. The term "mobile home subdivision" shall mean any subdivision designed and intended for residential use, where residence is in mobile homes or manufactured housing exclusively, and lots are sold for occupancy.

9. Modular Home. The term "modular home" shall mean any factory fabricated, transportable building unit, not built upon a permanent chassis, designed to be used by itself or to be incorporated with similar units on a permanent foundation; the term is intended to apply to major assemblies and does not include prefabricated sub elements incorporated into a structure at the site, nor does it include any type of "manufactured housing," as defined

herein; any "modular home" must meet U.S. Government "modular home" certification standards (See Article 4, this Chapter).

10. Municipal Building Inspector. The term "Municipal Building Inspector" shall mean the Municipal Building Inspector of the City of Tuttle, Oklahoma, or his authorized agent.

11. Nonresidential Mobile Trailer. The term "nonresidential mobile trailer" shall mean any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale (as indicated by a clearly displayed sign on or near the trailer).

12. Park. The term "park" shall mean a mobile home and/or travel trailer park.

13. Public Water or Sewer System. The term "public water system" or "public sewer system" shall mean any such system built and owned by, or dedicated to and accepted by, the City of Tuttle, Oklahoma; all other such systems shall be deemed private systems.

14. Service Building. The term "service building" shall mean any building housing toilet and bathing facilities for men and/or women, and may also include buildings containing laundry facilities and other facilities.

15. Subdivision. The word "subdivision" shall mean a manufactured housing or mobile home subdivision, unless otherwise indicated.

16. Travel Trailer. The term "travel trailer" shall mean 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 regulation under this Chapter, a "dependent mobile home" shall be considered to be the same as a travel trailer, unless otherwise specified.

17. Travel Trailer Park. The term "travel trailer park" shall mean any plot of ground upon which two (5) or more travel trailers, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

18. Travel Trailer Space. The term "travel trailer space" shall mean a plot of ground within a travel trailer park designed for accommodation of one (1) travel trailer.
(Updated Ord. 1999-04, 3/8/1999; Ord. 2004-20)

Section 10-3. Freestanding Mobile Homes, Manufactured Homes, Modular Homes and Travel Trailers.

1. No freestanding mobile home, manufactured home, modular home or travel trailer shall be permitted within the corporate limits of the City of Tuttle, Oklahoma, unless it is being offered for sale or parked for storage, for no longer than 30 days, or located within an appropriate Zoning District which permits such freestanding location. No free standing Mobile Home, Manufactured Home, Modular Home or Travel Trailer shall be permitted on a tract of land less than ten (10) acres unless it is located within a mobile home park or mobile home subdivision that complies with the Code of Ordinances of the City of Tuttle, Oklahoma.

2. Except for mobile homes, manufactured homes, modular homes or travel trailers within regular commercial mobile home or travel trailer sales lots, each such freestanding mobile home or travel trailer or modular home offered for sale, must be clearly marked as such, and shall not be occupied for either living or sleeping purposes.

3. Freestanding mobile homes, manufactured homes, modular homes or travel trailers located within regular commercial sales lots need not be individually marked for sale or removed within one hundred and twenty (120) days, if not sold.

4. 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.
(Updated Ord. 2004-24)

Section 10-4. Nonresidential Mobile Homes, Manufactured Homes, Modular Homes or Trailers.

1. Nonresidential Mobile Homes, Manufactured Homes, Modular Homes or Travel Trailers shall not be permitted in the City of Tuttle, Oklahoma, unless a Temporary Permit for operation is issued by the Municipal Building Inspector; such Permit shall specify the permitted use of the nonresidential Mobile Homes, Manufactured Homes, Modular Homes or Travel Trailers, the location of such operation and the termination date of the Permit, and shall only be issued under terms of this Code of Ordinances and the adopted Zoning ordinance of the City of Tuttle, Oklahoma.

2. No Permit shall be issued for a use which would violate any local, State or Federal ordinance, Law or regulation.

3. An annual fee of twenty dollars ($20.00) shall be charged for each nonresidential Mobile Homes, Manufactured Homes, Modular Homes or Travel Trailers Permit; provided, that, no governmental or nonprofit agency shall be charged for such a fee.

4. Operation of nonresidential Mobile Homes, Manufactured Homes, Modular Homes or Travel Trailers by contractors or construction projects for which Building Permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project.

5. This Section shall not be construed as permitting or authorizing the permanent location of any nonresidential Mobile Homes, Manufactured Homes, Modular Homes or Travel Trailers within the corporate limits of the City of Tuttle, Oklahoma, in conflict with any adopted Zoning Ordinance of said City.
(Updated Ord. 2004-24)

Section 10-5. Minimum Housing Regulations for Mobile Homes, Manufactured Homes and Modular Homes.

1. Every Mobile Home, Manufactured Home or Modular Home located in either a mobile home park, a subdivision or as a freestanding home, shall meet the provisions of the adopted Housing Code of the Town of Tuttle, Oklahoma, except as otherwise provided in this

Section, or as may be otherwise provided in other provisions of this Code of Ordinances.

2. Every Mobile Homes, Manufactured Homes or Modular Homes shall contain the following minimum gross floor area of habitable space:

a. Four hundred (400) square feet for one (1) or two (2) occupants;

b. One hundred (100) additional square feet for the 3rd occupant; and

c. Seventy-five (75) square feet additional for each additional occupant thereafter.

3. Habitable space in a mobile home or manufactured home or modular home shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area; the floor area where the ceiling height is less than five (5) feet' shall not be considered in computing minimum gross floor area.

4. A mobile home, manufactured home or modular home shall have a safe and unobstructed primary exit and an emergency exit located remote from the primary exit.

5. Rooms occupied for sleeping purposes must contain at least sixty (60) square feet of floor space, if used by more than one (1) person, and at least forty (40) square feet if used by one (1) person.

6. Mobile Homes, Manufactured Homes and Modular Homes shall be required to have running water, a flush toilet, and either a bathtub or shower.
(Updated Ord. 2004-24)

Sections 10-6 through 10-19. Reserved for future use.

Article 2. Mobile Home, Manufactured Housing and Trailer Parks

Section 10-20. Permits; Requirements; Procedures; Fees.

1. It shall be unlawful for any person to construct, maintain or operate any mobile home, manufactured housing or travel trailer park within the limits of the City of Tuttle, Oklahoma, unless he holds a valid Permit issued annually by the municipal Building Inspector and the Health official of the City of Tuttle, Oklahoma, in the name of such person for the specific park, except that the maintenance or operation of an existing park on the effective date of this Chapter or the original ordinance 0198510, October 7, 1985), may be continued under a Temporary Permit for such period of time and under such conditions as are hereinafter described.

2. Application shall be made to the Municipal Building Inspector acting jointly with the Health official, in writing within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of, any such park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.

3. Application for original Permits shall be in writing, signed by the applicant, and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:

a. Name and address of the applicant;

b. The interest of the applicant in, and the location and legal description of, the park;

C, A complete plan of the park, showing compliance with all applicable provisions of this Chapter and regulations promulgated there under; and

d. Such further information as may be requested by the Health official and/or Municipal Building Inspector.

4. Applications for renewals of Permits shall be made, in writing, by the holder of the License and shall contain the following:

a. Any change in the information submitted since the time the original License was issued, or the latest renewal granted; and

b. Other information requested by the Health Official and/or Municipal Building Inspector,

5. A complete plan, for the purpose of obtaining a Permit, to be issued, shall show:

a. The area and dimensions of the tract of land;

b. The number, locations and size of all mobile home, manufactured home or travel trailer spaces;

c. The location and width of roadways, walkways, buffer strips and recreational areas;

d The location of service buildings and other proposed structures;

e. The location and size of utility lines and treatment facilities; and

f. Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the park.

6. Whenever the Health Official and/or Municipal Building Inspector finds conditions existing in violation of this Chapter, or of any regulation adopted pursuant thereto, he shall give notice, in writing, to the person to whom the Permit was issued, that, unless such conditions or practices be corrected within a reasonable period of time (specified in the notice) , the Permit will be suspended. At the end of such period, not to exceed ninety (90) days, the Health official and/or Municipal Building Inspector shall reinspect such park, and, if such conditions or practices have not been corrected, he shall suspend the Permit and give notice, in writing, of such suspension to the person to whom the Permit was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as may be provided hereinafter.

7. Any person whose Permit has been denied or suspended, or who has received notice from the Health Official and/or municipal Building Inspector that his Permit will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the City Council; provided, that, when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such Permit shall be deemed to

have been automatically revoked at the expiration of such ten (10) day period.

8. Mobile home and travel trailer parks in existence upon the effective date of this Chapter, which have concrete pads indicating the location of mobile home, manufactured home or travel trailer spaces, need not comply with those Sections of this Chapter which would require the moving of concrete pads. They must, however, comply with all other requirements and any park expansion shall be in full compliance with provisions of this Chapter.

9. The City Clerk shall charge and collect an annual fee for each mobile home, manufactured home and/or travel trailer park, a Permit Fee of $250.00 dollars or $25.00 dollars per space, whichever is higher. The Permit shall expire on the 31st day of December of the calendar year in which it was issued.
(Updated Ord. 2004-20)

Section 10-21. Inspection of Parks.

1. The Health Official and the municipal Building Inspector are hereby authorized and directed to make inspections to determine the condition of mobile home, manufactured home and travel trailer parks within the City of Tuttle, Oklahoma, in order to perform their duty of safeguarding the health and safety of occupants of such parks and of the general public.

2. The Health official and municipal Building Inspector shall have the power to inspect the outside premises of private or public property for the purposes of inspecting and investigating conditions relating to the enforcement of this Chapter or of regulations promulgated thereunder.

3. 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.

4. It shall be the duty of every occupant of a park to give the owner thereof, or his agent or employee, access to any part of such mobile home, manufactured home or travel trailer park, or their premises, at reasonable times for the purpose of making, ordering or inspecting such repairs or alterations as are necessary to effect compliance with this Chapter, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provisions of this Chapter.

Section 10-22. Notices, Hearings and Orders.

1. Whenever the Health official or Municipal Building Inspector determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violation. Such notice shall:

a. Be in writing;

b. Include a statement of the reasons for its issuance;

c. Contain an outline of remedial action, which, if taken, will affect compliance with provisions of this Chapter and other pertinent regulations;

d . Allow a reasonable time, not to exceed ninety (90) days for the performance of any act it requires; and

e. Be served upon the owner or his agent as the case may require; provided, that, such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

2. 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 City Council, 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 day notice was served. The filing of such request shall stay the notice of suspension of Permits, except in cases of orders issued under Subsection 5, below. The hearing shall be held at the next Town Board 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.

3. After such hearing, the Health official or Municipal Building Inspector shall compile the findings of the City Council as to compliance with this Chapter and pursuant regulations, and shall issue an order, in writing, sustaining, modifying or withdrawing the prior notice which shall be served as provided in Subsection 4 (below) . Upon failure to comply with such order, the Permit of the park shall be revoked.

4. Any person aggrieved by the decision of the City Council may seek relief in District Court.

5. Whenever the Health Official or municipal Building Inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the Permit. Notwithstanding any other provisions of this 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 City Council, shall be afforded a hearing at the next regular meeting, even if the agenda has been completed. The provisions of Subsections 3 and 4 (above) shall be applicable to such hearing and the order issued thereafter.

Section 10-23. Supervision; Posting of Temporary Permit.

1. The permittee or a duly authorized attendant or caretaker, shall be charged at all times with keeping the park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the permittee, for the violation of any provision of this Chapter to which the licensee or permittee is subject.

2. The Permit shall be conspicuously posted in the office of, or on the premises of, the park at all times.

Section 10-24. Location and Design Considerations for Parks.

1. Parks shall be of three (3) types: (a) mobile and manufactured home parks, (b) travel trailer parks and (c) mixed mobile/manufactured home and travel trailer parks.

No travel trailer shall be located in a mobile or manufactured home park. No mobile or manufactured home shall be located in a travel trailer park. In a mixed park, separate areas shall be reserved for each type of home and for travel trailers; no mobile or manufactured home shall be permitted in the travel trailer sector; no travel trailer shall be permitted in the mobile or manufactured home sectors.

2. All parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply.

3. The minimum area of any park shall be five (5) acres. Parks in existence on the effective date of this Chapter can continue to operate with less than five (5) acres area; however, if the park is to be expanded, it must at that time have a minimum area of five (5) acres. Each park must contain five (5) or more lots or defined spaces.

4. Intensity of development shall be limited to no more than (7.25) homes per acre and no more than fifteen (15) travel trailers per gross acre, for a travel trailer park. Mobile Home spaces shall be at least forty (40) feet wide where pads are closest to driveways. Travel trailer spaces shall be at least twenty-five (25) feet wide where travel trailers are located closest to the driveway. (Paragraph (4) updated by Ordinance #2004-30)

5. Every space shall be clearly defined. All homes and travel trailers shall be parked in such spaces and be at least line and at least forty (40) feet from any other home or travel trailer. (Paragraph (5) updated by Ordinance #2004-20)

6. It shall be unlawful to locate any home or travel trailer less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such home or travel trailer will obstruct any roadway or walkway of such park.

7. 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.

8. All mobile and manufactured home spaces shall abut upon a sealed surface driveway of not less than twenty-four (24) feet in width, if on street parking is prohibited, and thirty-two (32) feet in width, if on street parallel parking is permitted on one (1) side of the street or forty (40) feet in width if on-street parallel parking is permitted on both sides of the street.. Driveways must have unobstructed access to a public street or highway. (Paragraph (8) updated by Ordinance #2004-20)

9. In all parks existing on the effective date of this Chapter, parking on or adjacent to the street within the park is permissible as long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the Planning Commission, with final appeal to the City Council. If, upon final appeal before said City Council, it is determined that a safety hazard does in fact exist, the park concerned will be required to comply with the following provisions:

a. In new mobile or manufactured home parks, at least two (2) clearly defined parking spaces will, be provided for each space either on or adjacent to the space.

b. In new travel trailer parks, at least one (1) parking space shall be provided for each space either on, or adjacent to, the space.

10. All roadways within a park which are to be dedicated to the City shall be constructed in a manner consistent with the standards of the City of Tuttle, Oklahoma, as set out in the Subdivision Regulations of the City of Tuttle. All parking spaces within parks shall be paved and shall consist of no less than a 2” base overlaid with no less than 1” of asphalt.

11. In developed areas of the City, new parks must abut, and have their major means of ingress and egress on, at least a secondary thoroughfare; wherever possible, major access should be along a primary thoroughfare.

12. All parks shall have and maintain a buffer planting strip, not less than three (3) feet in width, along all park boundaries not bordering a street. Such strip shall consist of not less than one (1) row of shrubs spaced not more than eight (8) feet apart, which will eventually grow to a height of not less than twelve (12) feet; such strip may also consist of an earthen berm or a fence, at least six (6) feet in height, or any combination of berm, landscaping or fence.

Section 10-25. Service Buildings for Travel Trailer Parks.

1. Each travel trailer park shall be provided with at least one (1) service building adequately equipped with flush type toilet fixtures and other sanitary facilities.

2. Service buildings shall:

a. Be located twenty-five (25) feet or more from any travel trailer space;

b. Be of permanent construction and be adequately lighted;

c. Be of moisture resistant material, to permit frequent washing and cleansing;

d. Have adequate heating facilities to maintain a 'temperature of seventy degrees (70°) Fahrenheit during cold weather, and to supply adequate hot water during time of peak demands, and

e. Have all rooms well ventilated, with all openings effectively screened.

3. All service buildings and the grounds of the park shall be maintained in a clean condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a menace.

Section 10-26. Sewage Disposal for Mobile and manufactured Home Parks.

1. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, laundries and other buildings within the park, shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and. lagoon system, of such construction and in such manner

as approved by the Oklahoma State Health Department and in accordance with all applicable Ordinances, Codes and regulations of the City of Tuttle, Oklahoma.

2. Each home space shall be provided with at least a three (3) inch sewer connection at least four (4) inches above the surface of the ground. The sewer connection should be protected by a concrete collar at least four (4) inches thick and have a minimum outside diameter of twenty-four (24) inches. Connection between the home drain and the sewer must be watertight and self-draining. Homes with fixtures from which back siphonage may occur shall not be connected to the park's water system until the defect has been corrected.

3. In the event that a public sewer system is, or becomes available, within three hundred (300) feet of a park, connection must be made to the public system within one hundred and eighty (180) days.

4. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. Effluents from sewage treatment facilities shall not be discharged into the watershed of any municipal Lake, or any other waters of the State. The disposal facilities shall be located where they will not create a nuisance or health hazard to the park or to the owner or occupants of any adjacent property. The Oklahoma State Health Department must approve the type of treatment proposed and the design of any disposal facilities and sewer systems, prior to construction.

5. Every mobile or manufactured home occupying a park space shall tie onto the park sewerage system and shall dump any accumulated wastes into the system. Every travel trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma State Health Department. Any other dumping of accumulated waste within the City of Tuttle, Oklahoma, is prohibited.

6. The monthly sewerage charge shall be based on the maximum home or travel trailer capacity of the park. The park operator shall, by the 10th of each month, notify the City Clerk of the maximum number of spaces in use at any one (1) time during the previous month. The City Clerk shall then adjust the sewerage fee to the actual use of the park. Should the park operator fail to notify the City Clerk of the prior month's actual usage of trailer or home spaces, the sewerage fee shall be levied on the maximum capacity of the park.

7. Sewer connections shall be watertight. Park permittees shall maintain trailer and home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on park premises.

8. No sewer connections shall be made to travel trailer spaces.

Section 10-27. Water Supply For Parks.

1. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred and fifty (250) gallons per day, per space and capable of supplying an adequate system of fire hydrants within the park. Where a public supply of water of such quality is available, within three hundred (300) feet, or becomes available within three hundred (300) feet, connection shall be made thereto within one hundred and twenty (120) days, and its supply shall be used exclusively. In all circumstances, the City of Tuttle as well as the Oklahoma Department of Environmental Quality shall approve the location, construction and development of the water source, system and connections. The system as designed and installed shall include a number of fire hydrants consistent with the subdivision regulations of the City of Tuttle, Oklahoma applicable to all subdivisions.

2. 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 (4) inches above the ground. An adequate supply of hot water shall be provided at all times, in the service buildings.

3. All water piping shall be constructed and maintained in accordance with State and local Law. The water piping system shall not be connected with nonpotable or questionable water supplies, and shall be protected against the hazards of backflow or back siphonage. All water connections shall be weathertight

4. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the Health Official.

5. Individual water service connections which are provided for direct use by homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all home or travel trailer connections.

6. Provisions shall be made within one hundred and fifty 150) feet of each travel trailer space to supply water for travel trailer reservoirs,

7. No wellcasing, pumps, pumping machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface. All floors shall be watertight and sloped from the pump pedestal to the drain, and floors shall extend at least two (2) feet from the well in all directions. The pedestal shall not be less than twelve (12) inches above the floor. This shall not be construed as prohibiting submersible pumps.

8. All water storage reservoirs shall be watertight, and of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

9. Underground stop and wastecocks shall not be installed on any connection.

10. No private water well shall be permitted within the City of Tuttle, Oklahoma, for its use, except as may be otherwise permitted by ordinances of the City of Tuttle, Oklahoma; provided, that, private wells may be used if the City does not provide a Municipal Water System.

11. No water connections shall be made to travel trailer spaces.

Section 10-28. Refuse Disposal for Parks; Insect and Rodent Control.

1. 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.

2. All refuse shall be' stored in flytight watertight, and rodentproof containers, which shall be located within one hundred and fifty (150) feet of any home or travel trailer space. Containers shall be provided in sufficient numbers and capacity to properly store all refuse.

3. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Lids for containers shall be permanently connected to racks or holders with chains or other flexible materials.

4. All refuse shall be collected at least once weekly, or as otherwise required by the Health official. Where municipal garbage collection is not available, the park operator shall either employ a private agency or provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

5. Where municipal or other private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site, as directed by the Health official. Refuse shall be buried only at locations and by methods approved by the Health Official, and in accordance with the Ordinances of the City of Tuttle, Oklahoma.

6. When municipal refuse disposal service is available, it must be used.

7. Insect and rodent control measures to safeguard public health, as required by the Health Official, shall be applied in the park.

8. Effective larvicidal solutions may be required by the Health official for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.

9. The Health Official may require the park operator to take suitable measures to control other insects and obnoxious weeds.

10. Accumulations of debris which may provide harborage for rodents shall not be permitted in the park.

11. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the Health official, to exterminate them.

Section 10-29. Electricity; Exterior Lighting; Fuels; Power Sources.

1. An electrical outlet supplying at least two hundred twenty (220) 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. No power supply line shall be permitted to lie on the ground, and no main powerline shall be suspended sell than eighteen (18) feet above the ground, unless approved by the Municipal Building Inspector.

2. Streets and driveways within all parks shall be lighted with street lights meeting the current standards of the Illuminating Engineering Society or one-half candlepower, whichever is higher.

3. All piping from outside fuel storage tanks or cylinders to mobile or manufactured, homes shall. be of acceptable material, as determined by the Municipal Building Inspector, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the home or less than five (5) feet from any home exit. All such installations shall meet the requirements of applicable, adopted Codes.

4. All power used for residential or nonresidential purposes within the park shall be derived from electricity, natural gas or solar energy sources.
(Amended Ord. 2004-20)

Section 10-30. Fire Protection.

1. Park areas shall be kept free of litter, rubbish and other flammable materials.

2. Where the water supply system does not provide at least six (6) inch water mains, there shall be provided a two (2) inch, frost protected water riser within three hundred (300) feet of each home or building.

3. Fires shall be made only in stoves and other cooking and/or heating equipment intended for such purposes.

Section 10-31. Alterations and Additions.

1. All plumbing and electrical alterations or repairs in the park shall be made in accordance with applicable local regulations.

2. Skirting of mobile homes is permissible, but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.

3. A Building Permit issued by the City Clerk shall be required before any construction on a mobile or manufactured home space or any structural addition or alteration to the exterior of a home takes place. No construction, addition or alteration to the exterior of a home located in a park shall be permitted unless of the same type of construction or materials as the home affected. All construction, additions or alterations shall be in compliance with applicable local and State Laws. No Permit shall be required for the addition of steps, canopies, awnings or antennas; provided, that, the cost of construction shall not exceed five hundred dollars ($500.00), as provided in Chapter 4 of this Code of ordinances.

Section 10-32. Tiedowns.

1. Every home in a park or subdivision covered by the provisions of this Chapter shall be anchored and tied

down for safety purposes in a manner equivalent to the following:

a. Homes up to thirty (30) feet in length shall require two (2) frame ties per side;

b. Homes thirty (30) to fifty (50) feet in length shall require three (3) frame ties per side;

c. Homes fifty (50) to seventy (70) feet in length shall require four (4) frame ties per side;

d. Homes over seventy (70) feet in length shall, require five (5). frame ties

e. Over-the-home ties shall also be installed as close to each end as possible with straps at stud and rafter locations.

2. All ties attached to concrete pads or ribbons must be located in footings or foundation piers. If "dead man" ties are used, ties must be installed in soil to a depth of at least six (6) feet.

3. Additional tiedown requirements for homes in flood prone areas shall also be met (see Chapter 4, this Code of ordinances).

Sections 10-33 through 10-59. Reserved for future use.

Article 3. Subdivisions

Section 10-60. Subdivisions.

1. Manufactured housing and mobile home subdivisions shall comply with the adopted Subdivision Regulations and Zoning ordinance of the City of Tuttle, Oklahoma, except as otherwise provided herein.

2. The minimum size of such a subdivision shall be five (5) acres.

3. No residences except mobile and/or manufactured homes shall be permitted in such a subdivision.

4. Minimum effective lot widths in said subdivision shall be fifty (50) feet, measured at the front building line, and minimum lot areas shall be five thousand (5,000) square feet, consistent with the adopted Zoning ordinance; provided, that, at least a five (5) foot side yard shall be provided on each lot beyond any home and additions thereto, and further provided, that, in areas not serviced by a public sewer, the minimum additional lot area shall be determined by the Health Official on the basis of safe and sanitary sewer service. The effective lot width of a mobile or manufactured home lot shall be determined, for interior lots, by measuring at right angles across the lot from one (1) diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line, or an extension thereof.

5. Side lines of lots in said subdivisions need not be at right angles to straight street lines or radial to curved street lines.

6. Regardless of the effective lot width, said subdivision lots must abut a public street for at least twenty-five (25) feet.

7. All such subdivisions, except those developed under low density residential Zoning District Standards, shall have a green belt planting strip of not less than twenty (20) feet in width along all subdivision boundaries. Such greenbelt shall be composed of (a) one (1) row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart (b) not less than three (3) rows of spaced not more than forth (40) feet apart, and (c) not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart, which shrubs will eventually grow to a height of not less than twelve (12) feet.

Sections 10-61 through 10-74. (Reserved for future use.)

Article 4. Modular Housing

Section 10-75. Treatment of Modular Housing.

1. Manufactured or mobile housing shall be considered as Permanent Site or Modular Housing only when it meets the following (Federal) certification criteria:

a. The manufacturer must certify that the structure is designed only for erection or installation on a site built permanent foundation. A "site built permanent foundation" is a system of supports, including piers, either partially or entirely below grade, which is:

1. Capable of transferring all loads imposed upon the structure into soil or bedrock without failure;

2. Placed at an adequate depth below grade to prevent frost damage; and

3. Constructed of concrete, steel, treated lumber or grouted masonry.

b. The manufacturer must certify that the structure is not designed to be moved once erected or installed on a site built permanent foundation.

c.. The manufacturer must certify that the structure is designed and manufactured to comply with the City's adopted Building Code, or equivalent.

d. The manufacturer must certify that, to the manufacturer's knowledge, this structure is not intended to be used other than on a site built permanent foundation.

2. Such certification shall be proof of the housing unit's status as a "modular" unit; without such certification, any manufactured housing unit shall be considered a "mobile home," and treated as such for purposes of regulation.

Sections 10-76 through 10-84. Reserved for future use.

Article 5. Miscellaneous Provisions

Sections 10-85 through 10-99. Reserved for future use.

Article 6. Penalty

Section 10-100. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which such violation continues shall be deemed a separate offense.

CHAPTER 11 – MUNICIPAL COURT

Article 1. Application of Chapter; Jurisdiction of Court

Section 11-1. Application of Chapter.

1. This Chapter shall govern the organization and operation of the municipal Court of the City of Tuttle, Oklahoma, as put into operation and continued by Resolution, duly passed and filed in accordance with State Law, on and after the 3rd day of February, 1969.

2. To the extent of conflict between any provisions of this Chapter and the provisions of any other Ordinance of the City of Tuttle, Oklahoma, the provisions of this Chapter shall control.

Section 11-2. 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 of ordinances or of any other Ordinance of the City of Tuttle, Oklahoma, is charged, including any such prosecutions transferred to said Court, in accordance with applicable laws.

Sections 11-3 through 11-9. (Reserved for future use.)

Article 2. Organization and Procedure

Section 11-10. Judge; Alternate Judge; Acting Judge.

(See Chapter 1, section 136, this Code of Ordinances; and Section IV-5 of the Charter.)
(Updated Ord. 2011-13, 4/11/2011)

Section 11-11. Compensation of Judges.

(See Chapter 1, Section 1-36, this Code of Ordinances; and section IV-5(b)(2) of the Charter.)
(Updated Ord. 2011-13, 4/11/2011)

Section 11-12. No Change of Venue; Disqualification of Judge.

1. In prosecutions before the Municipal Court, no change of venue shall be allowed, but the Municipal Judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting, under the terms, conditions and procedures provided by Law for Courts of Record.

2. If the Municipal Judge is disqualified, the matter shall be heard by an Alternate or Acting Judge appointed as provided in Chapter 1, Section 1-36 of this Code of Ordinances.
(Updated Ord. 2011-13, 4/11/2011)

Section 11-13. Chief of Police.

All writs or process of the Municipal Court shall be directed to the Chief of Police of the City of Tuttle, Oklahoma, who shall be the principal officer of the Court.
(Updated Ord. 2011-13)

Section 11-14. City Attorney.

The City Attorney, or his duly designated assistant, shall be the prosecuting officer of the Municipal Court. He shall be authorized to prosecute all alleged violations of the ordinances of the City of Tuttle, Oklahoma, and to prosecute and resist appeals and proceedings in error and review from the Court to any other courts of the State. The City Attorney shall also be authorized to represent the City of Tuttle, Oklahoma, in all proceedings arising out of matters of the Court.
(See also Chapter 1, Section 137, this Code of ordinances.)
(Updated Ord. 2011-13, 4/11/2011)

Section 11-15. Clerk of Court.

1. The City Clerk, or a deputy designated by the City Manager, shall be the Clerk of the Court. Duties of the Court Clerk shall include the following:

a. He shall assist the Municipal Judge in recording the proceedings of the Court and in preparing writs, process and other papers;

b. He shall administer oaths required in proceedings before the Court;

c. He shall enter all pleadings, process and proceedings in the dockets of the Court;

d. He shall perform such other clerical duties relating to the proceedings of the Court, as the Municipal Judge shall direct;

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

f. He shall be responsible for placing, or having placed, all money so received by him (except such special deposits or fees as shall be received to be disbursed by him for special purposes) , in the General Fund of the Municipality, or in such other fund and in such manner as the City Council may direct, by motion or Resolution.

2. The Clerk of the Court shall give bond in the form provided by 11 OS §27.111, a sum as specified in Section 1-190 of this Code of Ordinances.
(Updated Ord. 2011-13, 4/11/2011)

Section 11-16. Traffic Violations Bureau.

1. Traffic Violations Bureau is hereby established as a division of the Office of the Clerk of the Court, to be administered by said Clerk, or by subordinates designated by the Clerk of the Court for that purpose.

2. Persons who are cited for violation of any of the traffic Ordinances of the City of Tuttle, Oklahoma, other than:

a. Driving while intoxicated or driving while impaired;

b. Leaving the scene of an accident;

c. Reckless driving;

d. Violation of financial responsibility requirements;

e. Driver's license offenses (e.g., suspended, revoked, etc.); or

f. Failure to obey citation,

may elect to pay a fine in the Traffic Violations Bureau in lieu of an appearance before the municipal court, according to the schedule of fines specified in this Chapter.:

3. The Court may adopt further rules to implement this Section. Payment of a fine under this Section shall constitute final determination of the case against the defendant. If a defendant who has elected to pay a fine under this Section fails to do so, prosecution shall proceed under other provisions of this Chapter.
(Updated Ord. 2011-13, 4/11/2011)

Section 11-17. Traffic Violations.

1. If a police officer observes facts which he believes constitute a violation of the Traffic ordinances of the City of Tuttle, Oklahoma, committed by any person, whether a resident of this State or a nonresident, who is arrested by a law enforcement officer solely for a violation of a Municipal Traffic ordinance, such person shall be released by the arresting officer upon personal recognizance if:

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

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

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

d. The violation does not constitute:

1. A felony;

2. Negligent homicide;

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

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

5. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

6. An arrest based upon an outstanding warrant;

7. A traffic violation coupled with any offense stated in Subsection (1) through (6) of this Section;

8. An overweight violation, or the violation of a special Permit exceeding the authorized Permit weight; or

9. A violation relating to the transportation of hazardous materials,

2. If the arrested person is eligible for release on personal recognizance as provided for in Subsection 1 of this Section, then the arresting officer shall, in writing, in a form prescribed by the City Council, or a duly designated delegate:

a. Designate the traffic charge;

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

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

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

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

3. The Court, or the Court Clerk, as directed by the Court, may continue or reschedule the date and time of arraignment upon request of the arrested person or his attorney. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one (1) time; provided, however, that, the Court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in Subsection 4 of this Section.

4. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment, by indicating such plea on the copy of the citation furnished to him, or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate Court Clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the Court in an amount prescribed as bail for the offense; provided, however, that, the defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere, as provided for in this Subsection, such plea shall be accepted by the Court and the amount of the fine and costs shall be as prescribed in Section 1129 of this Article as bail for the violation.

5. If, pursuant to the provisions of Subsection 4 of this Section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this Article; the Municipal Court Clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the

arresting officer, shall notify the Department of Public Safety that:

a. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;

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

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

d. The citation has not been satisfied, as provided by Law.

6. Additionally, the Court Clerk shall request the Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this State, or notify the defendant's home State and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such' notice and request shall be on a form approved or furnished by the Department of Public Safety.

7. The Court Clerk shall not process the notification and request provided for in this Subsection if, with respect to such charges:

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

b. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this Section, or if released, was not permitted to remain on such personal recognizance for arraignment; or

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

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

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

9. If a resident of the City of Tuttle, Oklahoma, is arrested by a law enforcement officer for the violation of any traffic Ordinance for which Subsections 1 through 8 hereof do not apply, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it; provided, however, that, the arresting officer need not release said person if it reasonably appears to the officer that the person may cause injury to himself or others, or damage to property if released, that the person will not appear in response to the citation, or the person is arrested for an offense against a person or property. If said person fails to appear in response to the citation, a complaint shall be filed and the case shall be prosecuted as otherwise provided in this Article.

10. If the arrested resident is not released by being permitted to sign a citation as provided for in Subsection 9, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. A fine for up to the maximum amount authorized by Courts Not of Record may be assessed for failure of a person to have a valid driver's license, when charged with a traffic violation.

11. If a nonresident of the City of Tuttle, Oklahoma, is arrested by a law enforcement officer for a violation of any Ordinance for which Subsections 1 through 8 hereof do not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.

12. The amount and conditions of bail granted pursuant to the provisions of Subsections 9, 10 and 11 of this Section shall be determined by the Judge who shall prescribe rules for the receipt of bail and for the release on personal recognizance. In the event of arrests at night, emergencies, or when the Judge is not available, a Court official, the chief of Police or his designated representative may be authorized by the Judge, subject to such conditions as shall be prescribed by the Judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused. The cash bond shall not exceed the maximum fine provided for by Ordinance for each offense charged. The Court official, Chief of Police or his designated representative is authorized, subject to such conditions as shall be prescribed by the Judge, to release a resident of the Municipality on personal recognizance.

13. If the defendant is not eligible for release upon personal recognizance as provided for in Subsections 1 through 9 of this Section, or is eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate Magistrate for arraignment and the Magistrate shall proceed as otherwise provided for by Law. If no Magistrate is available, the defendant shall be placed in the custody of the appropriate municipal Jailer or Custodian, to be held until a Magistrate is available, or bail is posted as provided for by Ordinance before or after arraignment.

14. If a resident or nonresident is arrested for any overweight violation, a violation of a special Permit exceeding authorized Permit weight, or a violation relating to the transportation of hazardous material, the arresting officer may release the defendant if the defendant deposits with the arresting officer appropriate bail or payment of the

fine and costs in an amount and in the form as provided for in Section 1129 of this Article, except currency.

15. In the event the defendant is additionally arrested for any violation for which personal recognizance is authorized pursuant to Subsections 1 through 8 hereof, the arresting officer, for such additional violation, may either release the defendant upon such recognizance, or require bail as provided for in this Subsection.

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

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

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

b. Place any other traffic offender into custody:

1. Who is injured, disabled or otherwise incapacitated; or

2. Whose custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo or items requiring special maintenance or care; or
3. Where, if extraordinary circumstances exist in the judgement of the arresting officer, custodial arrest should not be made.

c. In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the Court may issue a warrant for the person's arrest.

d. The provisions of this Subsection shall not be construed to:

1. Create any duty on the part of the officer to release a person from custody;

2. Create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this Subsection; or

3. Create any liability upon any officer, the State or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this Subsection.

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

Section 11-18. Style of Prosecutions.

All prosecutions for violation of this Code of ordinances or other Ordinances of the Municipality, shall be styled "The City of Tuttle, Oklahoma, Plaintiff, vs. (naming defendant or defendants)." Except as otherwise provided with respect to traffic violations, prosecutions shall be initiated by the filing of a written complaint, subscribed and verified by the person making the complaint and setting forth concisely the offense charged.

Section 11-19. Summons.

1. Upon the filing of a complaint charging a violation of this Code of ordinances or other Ordinance(s) of the City of Tuttle, Oklahoma, the municipal Judge, unless he determines to issue a warrant of arrest, unless the defendant previously has been issued a citation, or unless he has been arrested and given bond for his appearance, shall issue a summons, naming the person charged, specifying his address or place of residence (if known) , stating the offense with which he is charged and giving him notice to answer the charge in the Municipal Court on a day certain, five (5) days hence (Sundays and holidays excepted) , or the next Municipal Court date after the summons is served upon him, containing a provision for the official return of the summons and including such other pertinent information as may be necessary.

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

Section 11-20. Complaints Against a Corporation.

1. Upon complaint against a corporation being filed with the municipal Judge of the City of Tuttle, Oklahoma, said Judge shall issue a summons in a form as outlined in this Chapter, signed by him with his title of office, requiring the corporation to appear before him at a specific time and place to answer the complaint.

2. 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.

3. At the time appointed in the summons, the municipal Judge shall try the complaint in the same manner as in the case of any other person brought before him.

4. When a fine is imposed upon conviction, it may be collected by the municipal Judge making a transcript of his proceedings thereof, together with the judgment of the Court duly certified and filed with the Clerk of the District Court, and execution shall be issued thereon and served by the Sheriff of the County as in cases of execution generally.

Section 11-21. Warrant of Arrest.

1. Except as may otherwise be provided in this code of ordinances, upon the filing of a complaint, approved by the endorsement of the Municipal Attorney or by the Municipal Judge, there shall be issued a warrant of arrest in substantially the following form:

The City of Tuttle, Oklahoma, to the Chief of Police of the Municipal Court of Tuttle, 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 abovenamed (Defendant or Defendants) and bring (Him, her, them) before me at my office at the Tuttle, Oklahoma, Municipal Court Room.

Witness my hand this _____ day of _____, 20___.

_____
Judge of the Municipal Court of the City of Tuttle, Oklahoma.

2. It shall be the duty of the Chief of Police to execute such warrant as promptly as possible, either (a) personally, (b) through a duly constituted member of the police force of the City of Tuttle, Oklahoma, or (c) through any other person lawfully authorized to act.

Section 11-22. Bail; Temporary Bonds.

1. Whenever a resident of the City of Tuttle, Oklahoma, is arrested for a violation of any ordinance by a police officer of said City, the officer shall immediately release such person if he acknowledges receipt of a citation by signing it, unless it reasonably appears to the officer that the person may cause injury to himself or others, or damage to property, if released, or if it reasonably appears that the person will not appear in response to the citation. (If such person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance in Court shall be compelled.)

2. Whenever a resident of the City of Tuttle, Oklahoma, is arrested by a police officer of said City for the violation of any ordinance, and is not released by being permitted to sign a citation as provided hereinabove (Subsection 1), said resident shall be admitted to bail either before or after arraignment, or released on his own recognizance.

3. Whenever a nonresident of the City of Tuttle, Oklahoma, is arrested by a police officer of said City for a violation other than a traffic violation, the defendant shall be eligible to be admitted to bail either before or after arraignment.

4. The City of Tuttle, Oklahoma, may require any person who is arrested by a police officer of said City for a Municipal traffic violation to comply with Statutory procedures for State traffic violations, with respect to the release of the arrested person. The following methods of posting bail shall apply:

a. Posting cash bail, in exchange for a receipt therefore, issued by the arresting officer;

b. Depositing with the arresting officer a "guaranteed arrest bond certificate"; or

c. Depositing with the arresting officer a valid motor vehicle operator's license, in exchange for a receipt therefor, issued by the arresting officer, which shall be recognized as an operator's license and shall authorize the person's operation of a motor vehicle to the date of his hearing; provided, that, said date shall not exceed twenty (20) days from the date of arrest.

5. 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 his designated representative) shall be authorized by the Municipal Judge, under such conditions as shall be prescribed by said Judge, to accept a temporary cash bond in a sufficient amount to secure the appearance of the accused, but in no event shall the cash bond be more than the allowable maximum fine for each offense charged. The Chief of Police (or his designated representative) is authorized, subject to such conditions as shall be prescribed by the Municipal Judge, to, release a resident of the City of Tuttle, Oklahoma, on his own recognizance.

Section 11-23. Arraignment.

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

Section 11-24. Postponement of Trial.

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

Section 11-25. Trial Procedure.

In all trials in the Municipal Court as to matters not covered (a) in this Chapter, (b) by the Statutes relating to Municipal Criminal Courts or (c) by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the District Courts shall apply, to the extent that they can be made effective.

Section 11-26. Contempt.

1. Obedience to the orders, rules and judgments made by the Municipal Judge or by the Municipal Court, may be enforced by said Judge, who may fine or imprison for contempt committed as to him while holding Court, or committed against process issued by him, in the same manner and to the same extent, as the District Courts of this State.

2. It shall be an offense to be in contempt, directly or indirectly, of the Municipal Court of the City of Tuttle, Oklahoma, and of its orders.

Section 11-27. Defendant to be Present at Trial; Failure to Appear.

1. The defendant must be present in person at the trial of his case in the municipal Court.

2. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of his bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in Court or before the magistrate may be lawfully required, the Municipal Judge may direct that fact to be entered upon the Court minutes, thereby declaring the bond to be forfeited. Without advancing Court costs, said Judge shall then cause the forfeiture to be certified to the District Court of the county wherein the situs of government is situated, where it shall be entered upon the judgment docket and shall have the full force and effect of a District Court Judgment. At such time as the forfeiture is entered upon the District Court Judgment Docket, the District Court Clerk shall proceed in accordance with the applicable provisions of State Statutes.

3. Any person who has been duly served with a summons or traffic citation and who has signed a written promise to appear in court as directed in the summons or the citation or as subsequently directed by the Court, and who fails to appear pursuant to his written promise or as directed by the Court shall be deemed guilty of an offense, which shall be punishable as provided in this chapter.
(Updated Ord. 2003-5, 03/10/2003)

Section 11-28. Judgment.

1. At the close of a trial in the Municipal Court, judgment must be rendered by the Municipal Judge, who shall cause it to be entered in his docket.

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

3. If the defendant pleads guilty or is convicted after trial, the Municipal Court must render judgment thereon, fixing the penalty within the limits prescribed by this Code of ordinances or other applicable ordinance, and imposing sentence accordingly.

Section 11-29. Costs Upon Judgment of Conviction; Court Costs; Training Fund.

1. If a judgment of conviction is entered, or if a judge of the court withholds a judgment of conviction as a part of an authorized probation, the clerk of the court shall tax court costs to the defendant, plus the fees and mileage of jurors and witnesses, all of which the defendant shall pay in addition to any fine that may be imposed. Court costs are as follows:

a. Court costs (11 OS 27-126): $30.00 (or the maximum as set by statute) to be assessed upon a plea of guilty, no contest or upon conviction.

b. Appeal bond (11 OS 27-129): Not less than $100.00 nor more than twice the maximum amount of the fine as set by the judge.

c. Administrative fee for any deferred sentence: See Section 11-37 of this code.

d. Statutorily mandated fees and assessments: Amount to be assessed as required by appropriate statute, including but not limited to

1. Assessments for the Council on Law Enforcement Education and Training fund of the State of Oklahoma (20 OS § 1313.2(B)),

2. Assessments for the Automated Fingerprint Information System fund of the State of Oklahoma (20 OS § 1313.3).
3. Laboratory Analysis Fee if forensic science or laboratory services are rendered (20 OS § 1313.2(C)).

4. Assessment for misdemeanor possession of marijuana or drug paraphernalia (20 OS §1313.2(E)).

5. Forensic Science Improvement Assessment (20 OS §1313.4).

2. The City Council may establish other fees, by Resolution, for the efficient operation of the Municipal Court.
(Updated Ord. 2011-13, 4/11/2011)

Section 11-30. Enforcement by Imprisonment; Persons Unable to Pay.

1. 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 $25.00 per day.

2. If the defendant is without means to pay the fine or costs, the municipal Judge of the City of Tuttle, Oklahoma, may direct the total amount due to be entered upon the Court minutes and to be certified to the District Court of the county wherein the situs of government is situated, where it shall be entered upon the District Court Judgment Docket and shall have the full force and effect of a District Court Judgment. Thereupon, the same remedies shall be available for the enforcement of said judgment as are available to any other judgment creditor.
(Updated Ord. 2011-13, 4/11/2011)

Section 11-31. Suspension of Sentence.

After conviction and sentence of a defendant in the municipal Court of the City of Tuttle, Oklahoma, the Municipal Judge may suspend sentence in accordance with the provisions of, and subject to the conditions and procedures imposed by, applicable provisions of Title 11, Oklahoma Statutes, 1981, as amended.

Section 11-32. Witness Fees.

1. 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 City of Tuttle, Oklahoma. No witness shall receive fees or mileage in more than one (1) case for the same period of time or the same travel.

2. A defendant seeking to subpoena witnesses must deposit, with the Clerk of the Court, a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness to be summoned; such deposit shall not be required from an indigent defendant who files an affidavit setting out:

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

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

c. That the testimony of such witnesses is material; and
d. That their attendance at the trial is necessary for his proper defense

3. The fees of witnesses in such cases (Subsection 2 above) shall be paid by the City of Tuttle, Oklahoma.

Section 11-33. Administrative Charge for Citizens Complaints Filed in Municipal Court.

1. To file a citizen's complaint with the Tuttle Police Department the following procedure shall be complied with:

a. The citizen must complete and sign an official complaint form provided by the Tuttle Police Department.

b. If after review by a Tuttle Police officer, the complaint is deemed valid, the victim or complainant will be advised by said Police officer that said complainant has a maximum of ten (10) working days to pay a fifteen dollar ($15.00) administrative cost to the Court Clerk at Tuttle City Hall.

2. If the victim or complainant fails to pay the fifteen dollar ($15.00) administrative cost within the ten (10) day limit, the complaint will be deemed null and void.

3. On payment of said administrative fee, the Tuttle Police Department will serve the violator with a copy of the complaint and advise all concerned parties of the initial court date.

Sections 11-34 and 11-35. Reserved for future use.

Section 11-36. Require municipal prisoners to pay for the cost of their incarceration.

Notwithstanding the costs allowed pursuant to 11 O.S. 27-126, the Municipal Court at its discretion may require that a person confined in the County Jail, both before or after conviction, upon conviction, or receiving a deferred sentence, pay the contract amount owed by the Municipality to the County Sheriff's office for the cost of incarceration of the individual.

a. The Municipal Court, in its discretion, in addition to the contract amount paid to the Grady County Sheriff's Department for the cost of incarceration of the individual convicted may also assess additional cost associated with medical care, dental care, psychiatric services or other costs expended for the health services provided to the municipal prisoner.

b. The Municipal Court shall not assess the cost hereinabove described, , in the discretion of the Court, such costs would impose a manifest hardship on the person, or in the discretion of the Court, the property of the person is needed for the maintenance and support of the prisoner's immediate family.

c. The cost of incarceration shall be paid by the inmate to the municipality and shall be collected by the clerk of the municipal court. The clerk of the Municipal Court shall then pay the monies collected to the City Treasurer for payments as required pursuant to 22 O.S. 979a.
(Added Ord. 2005-33, 12/12/2005)

Sections 11-37 through 11-49. Reserved for future use.

Article 3. Penalty

Section 11-50. Penalty.

1. In this section, the term "violation of this Code" means any of the following:

a. Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

b. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

c. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

2. In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

3. Except as otherwise provided or required by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine not to exceed $200.00 plus costs for traffic-related offenses relating to speeding or parking and not to exceed $500.00 plus costs for all other violations. No penalty, including fine and costs, shall be greater than that established by statute for the same offense.

4. The maximum fine for alcohol-related or drug-related offenses shall not exceed $500.00. The court shall remit $50.00 of each alcohol fine or deferral fee to a fund of the municipality that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances.

5. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes as separate offense.

6. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

7. Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.
(Updated Ord. 2011-13, 4/11/2011)

Section 11-51. Schedule of fines.

1. Traffic and Parking Offenses

Speeding

1. 1-10 MPH over limit $75.00

2. 11-15 MPH over limit $100.00

3. 16-20 MPH over limit $125.00

4. 21 MPH or more over limit $200.00 $200.00

Speeding in a School Zone or a Work Zone

1. 1-10 MPH over limit $100.00

2. 11-15 MPH over limit $125.00

3. 16-20 MPH over limit $150.00

4. 21 MPH or more over limit $200.00

Excessive Speed $100.00

Allowing Unlicensed Driver to Operate a Motor Vehicle $300.00

Driver of a Motor Vehicle Approaching a Stationary Emergency Vehicle $100.00

Driving Left of Center $100.00

Driving Under Suspension $500.00

DUI/DWI/APC $500.00

Excessive Noise from a Motor Vehicle 1st Offense $100.00

Excessive Noise from a Motor Vehicle 2nd Offense $150.00

Excessive Noise from a Motor Vehicle 3rd Offense $200.00

Expired License Plate $100.00

Failure to Carry Insurance Verification Form $100.00 (Dismissed Upon Proof within 48 Hours)

Failure to Comply with Compulsory Liability Insurance Law $250.00

Failure to Dim Headlights $75.00

Failure to Have Driver's License in Possession $50.00

Failure to Obey a Traffic Signal $100.00

Failure to Remain at the Scene of an Accident $500.00

Failure to Stop at a Stop Sign $100.00

Failure to Wear a properly adjusted Seat Belt System $20.00

Failure to Yield to Emergency Vehicle $200.00

Failure to Yield to traffic with Right of Way $100.00

Following Too Closely $100.00

Handicap Parking Violations $200.00

Improper Backing $100.00

Improper Passing $100.00

Interfering with Traffic Flow $50.00

Manually Composing, Sending or Reading Electronic Text Messages $100.00

No State Driver's License $300.00

Obstructing View of Driver $100.00

Operating a Motor Vehicle in a Manner Not Reasonable and Proper $200.00

Operating a Motor Vehicle without a Valid License $300.00

Parking Violations $50.00

Passing Stopped School Bus $200.00

Reckless Driving $200.00

Stopping Violations $100.00

TOC/TOB $500.00

Transporting a Loaded Firearm (21 OS §1289.13A) $70.00

Turning Violations $100.00

Violation of Child Restraint Law $50.00
(Upon Proof of Child Restraint System No Fine, only $15 Court Cost)

Violation of Restriction on Driver's License $100.00

All Other Traffic Violations $100.00

Fire Lane Violations $50.00

2. Other Offenses

Attempting to Elude a Police Officer $500.00

Failure to Appear $250.00

Littering $500.00

Consumption or Inhaling of Intoxicants in Public Places (37 OS §8) $100.00

Other Alcohol-Related Violations $500.00

Public Intoxication $500.00

Resisting Arrest $500.00

All Other Municipal Code Violations Not Otherwise Established in this Section or Code of Ordinances $500.00

3. Animal Offenses

Animal at Large $20.00

Second and Subsequent Offense(s) $50.00

Failure to Confine $50.00

Second and Subsequent Offense(s) $100.00

Animal Disturbance $50.00

Keeping Swine $50.00

Keeping Wild Animals $100.00

Keeping Poisonous Snakes $100.00

Cruelty to Animals $200.00

Turning Confined Animal at Large $50.00

Pasturing in Public $50.00

Failure to Vaccinate for Rabies $50.00

Failure to Confine Female Dog/Cat in Heat $50.00

Keeping Vicious Animal $50.00

Failure to License Dog $20.00

Transfer Dog License Tag $50.00

Counterfeit Dog License Tag $100.00

Failure to License Wild Circus Animal(s) $100.00

Failure to License Kennel $100.00

Failure to License Pest Shop $100.00

Obstruction of Animal Welfare Officer Duties $500.00

4. Penalties for Offenses dealing with Fresh Water within the City of Tuttle:

Water Restriction Violations, 1st Offense (per calendar year) $25.00

Water Restriction Violations, 2nd Offense (per calendar year) $50.00

Water Restriction Violations, Additional Offenses (per calendar year) $100.00

Waste of Water, 1st Offense (per calendar year) $25.00

Waste of Water, 2nd Offense (per calendar year) $50.00

Waste of Water, Additional Offense (per calendar year) $100.00

6. Nuisance Offenses (Chapter 12 of this Code)

1st Offense (per calendar year) $50.00

Additional Offenses (per calendar year) $100.00

7. Fireworks Offenses

1st Offense (per calendar year) $100.00

Additional Offenses (per calendar year) $250.00

8. Drug and Drug Related Offenses

1st Offense (per calendar year) $250.00

Additional Offenses (per calendar year) $500.00

(Added Ord. 2011-13, 4/11/2011; Ord. 2011-15, Ord. 2011-17, 8/3/2011, Ord. 2012-07, 6/11/2012; 2015-01, 4/13/2015; Ord. 2015-21, 10/26/2015; Ord. 2017-16, 8-14-2017, Amended Ord. 2018-16, 10/8/2018)

Section 11-52. Deferral of Sentence.

1. Upon a verdict or plea of guilty to any charge of violation of any ordinance of the City of Tuttle, but before a judgment of guilt, the Court may, with the consent of the defendant, defer further proceedings and place the defendant on probation for a period not to exceed three (3) months. Upon successful completion of the probation term, the defendant shall be discharged without a Court judgment of guilt, and said charge shall be dismissed with prejudice.

2. Any person given a suspended or deferred sentence shall be required to report at such times and to such persons as the Judge may direct.

3. Should any person given a suspended or deferred sentence be subsequently convicted of violating any law or should such person violate any condition of probation or suspension, the Judge shall have the power to bring that person before him upon issuance of a warrant, and require that person to show cause why the sentence, if suspended, should not be revoked, or if the sentence was deferred, why said sentence should not be imposed.

4. Persons having been convicted of violating any traffic statutes in the past three (3) years shall not be eligible for a deferred or suspended sentence.

5. If a deferred sentence is imposed for traffic-related offenses, an administrative fee not to exceed $200.00 may be imposed as costs in the case in addition to any deferral fee otherwise authorized by law as authorized by 11 O.S. § 27-122.1., however, the total shall not exceed $200.00 or the maximum allowed by law.

6. If a deferred sentence is imposed for alcohol-related or drug-related offenses, an administrative fee not to exceed $500.00 may be imposed as costs in the case in addition to any deferral fee otherwise authorized by law as authorized by 11 O.S. § 27-122.1., however, the total shall not exceed $500.00 or the maximum allowed by law.

7. If a deferred sentence is imposed for any other offense, an administrative fee not to exceed $500.00 may be imposed as costs in the case in addition to any deferral fee otherwise authorized by law as authorized by 11 O.S. § 27-122.1., however, the total shall not exceed $500.00 or the maximum allowed by law.

8. The administrative fee for deferred sentences shall be the established fine for the offense plus $50.00, not to exceed the maximum amounts established in this section.

(Added Ord. 2011-13, 4/11/2011)

Section 11-53. Fines recoverable by civil action; failure to pay separate offense.

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

2. The failure to pay a fine levied pursuant to this Code shall constitute a separate offense against the city. A person convicted of failure to pay a fine shall be punished by a fine not to exceed $200 plus costs.

3. The City of Tuttle will assess a collection fee in an amount not to exceed thirty-five percent (35%), and will submit files for collection after ninety (90) days, as authorized by state law.
(Added Ord. 2011-13, 4/11/2011; Ord. 2015-20, 10/12/2015)

CHAPTER 12 – NUISANCES

Section 12-1. Nuisances generally.

1. Intent, creation and maintenance of public nuisance prohibited; provisions of chapter not applicable to private nuisances.

a. The intent of this chapter is to safeguard public health, safety and welfare by addressing and removing unsanitary, unsafe and unhealthy conditions, as defined in this Code and the International Property Maintenance Code, as adopted in Section 4-08 of this Code.

b. It shall be unlawful for any person or firm to create or maintain a public nuisance within the city, or to permit a public nuisance to remain on premises under the person or firm's control within the city. Public nuisances are expressly declared to be conditions detrimental to the health, safety, and/or welfare of the public.

c. The public is defined as any number of the inhabitants of the city or any neighborhood generally.

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

e. While the city supports an ongoing commitment to aesthetic values, situations which violate aesthetic standards but which do not create any actual or potential detriment to the health, safety, and/or welfare of the public are not "public nuisances" as the term is used in this chapter. Situations involving private nuisances, including subdivision private covenants, shall not use the provisions of this chapter to interfere with the normal resolution of these problems through civil process or private action.

2. General definition of nuisance. In addition to other public nuisances declared by other sections of this Code, the city hereby declares the following to be public nuisances:

a. The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made.

b. The sale, offering for sale, or furnishing of intoxicating liquor in violation of the state statutes or city ordinances; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state statutes or city ordinances.

c. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects, or the keeping of a place where such are exposed, displayed, sold or distributed.

d. The keeping of a place where persons gamble, whether by cards, slot machines, punch boards or otherwise.

e. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced.

f. The keeping of a place where repetitive activities in violation of state statutes or city ordinances are practiced or occur.

g. The repeated use of any real property or structure to commit a felony violation of the Oklahoma Uniform Controlled Dangerous Substances Act.

h. The public exposure of a person having a contagious disease.

i. The continued making of loud or unusual noises that annoy persons of ordinary sensibilities; or the keeping of an animal, which makes such noises.

j. The operation or use of any electrical apparatus or machine that materially or unduly interferes with radio or television reception by others.

k. Any use of a street or sidewalk, or a place adjacent thereto, which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance.

l. Permitting solid or liquid waste or other solid or liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk.

m. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, maintained, conditioned or situated as to endanger public safety.

n. Rank or noxious weeds or grass, carcasses, accumulations of manure, refuse or similar hazards, which are or are likely to be breeding places for flies, mosquitoes, rodents, vermin or disease germs; and the premises on which such exist.

o. Any building, wall, fence or other structure that has been damaged by fire, decay or otherwise, and that is so situated as to endanger the safety of the public, or which are otherwise built, erected or maintained in violation of any ordinance or code.

p. Any pit, hole, trench or similar hazard that is so constructed, formed, maintained, conditioned or situated as to endanger the public safety.

q. Any fire or explosion hazard that endangers or is likely to endanger public peace, health, safety or welfare.

r. Any occupation or activity that endangers, or is likely to endanger public peace, health, safety or welfare.

s. Any vehicle, whether in operating condition or not, or any trailer without a current vehicle plate as required by the state statutes for vehicles used on the public highways, when stored or kept in a residentially zoned district at an unfenced location and in front of the building line on the lot in question.

t. Any inoperable or dismantled vehicle, as defined in section 12-6.

u. The outside storage, disposal, or abandonment of any unused freezer, refrigerator or similar device or appliances.

v. The operation or use of any electric fence controller, which:

1. Has not been approved by Underwriters Laboratories; or

2. Has nonfunctioning safety features within the electric fence controller; or

3. Is operated or used on property that has not been posted so as to notify those persons entering the controlled area in which the electric fence charger is used and present.

w. The construction of or maintenance of any fence, wall, or barrier which alone or by trapping debris reduces the carrying capacity of any floodplain or drainage course; provided this chapter shall not prevent the erection of dams by landowners which form ponds, detention areas or retention areas where the water is impounded or retained solely within the landowner's property unless such detention or retention overflows upon and negatively impacts adjacent or abutting property.

x. The accumulation of trash, garbage, rubbish or other debris in such quantities and at such locations as to reduce the carrying capacity of any floodplain, drainage course or easement to such an extent as to create a threat of flooding to the persons or property of another at a location off the tract where the accumulation of trash, garbage, rubbish or other debris is located.

y. Trees or tree limbs damaged or dead to the extent that a tree, limb or tree part could fall.

z. Weeds including, but not limited to, poison ivy, poison oak or poison sumac, and all vegetation at any state of maturity which exceeds a height of 12 inches, except healthy trees, shrubs or produce for human consumption when grown in a tended and cultivated garden, unless such trees, shrubbery or produce by their density or location constitute a detriment to the health, safety or welfare of the public, or creates a fire or traffic hazard, or harbors, conceals or invites deposits or accumulations of trash, or harbors or invites rodents or vermin, or is dead or diseased.

aa. The existence of graffiti or the act of placing graffiti on any real or personal property, of altering or defacing any real or personal property of another without their consent through the use of paint, spray paint, markers, objects or other substances capable of destroying property, which is offensive to a reasonably sensitive person.

bb. Trash including, but not limited to, refuse, litter, ashes, leaves, tree limbs or brush, debris, paper, combustible materials, rubbish, offal, or waste, or matter of any kind or form that is uncared for, discarded, or abandoned.

cc. Weeds and debris of any type on undeveloped or partially developed property which is within 150 feet from any property zoned for any other use.

dd. All trees, hedges, signs or other obstructions, or any portion of the same, located within a site-distance triangle (as defined in this Code, the Subdivision Regulations, and the Zoning Code) which prevents persons driving vehicles approaching an intersection of streets from having a clear view of traffic approaching such intersection.

ee. Failure to properly display 911 address, as required in Section 4-139 of this Code.

Any of the above shall constitute a public nuisance and shall be abated as set out in Section 12-2 of this Code unless otherwise stated in this chapter.

3. Definitions. For the purpose of this Chapter, the words below shall have the following definitions, whether or not capitalized unless the context clearly requires another meaning, ascribed to them and the requirements and regulations set forth for each shall apply in the City of Tuttle.

a. Boarding and securing or boarded and secured means the closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.

b. Unsecured building shall mean any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one (1) or more unsecured openings, such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similarly unsecured openings which would facilitate an unauthorized entry into the structure.

c. Weed includes, but is not limited to, poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:

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

2. Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;

3. Harbors rodents or vermin;

4. Gives off unpleasant or noxious odors;

5. Constitutes a fire or traffic hazard; or

6. Is dead or diseased.

The term "weed" shall not include tended crops.

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

e. Owner means the owner of record as shown by the most current tax rolls of the county treasurer's office.

f. Cleaning means the removal of trash from property.

g. Advertising means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public.

h. Graffiti means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a tenant of the property, or by an authorized agent for such owner or tenant.

i. Removal, remove, or removed, when used in relation to the eradication of graffiti, means the act of taking graffiti off of, or masking the presence of graffiti on a rock, tree, wall, bridge, fence, gate, building or other structure.

j. Dilapidated building means:

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

2. A structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public.

3. A structure which is determined by the city to be an unsecured building, as defined by 11 O.S. Section 22-112.1, more than three times within any 12-month period.

4. A structure which has been boarded and secured, as defined by 11 O.S. Section 22-112.1, for more than 18 consecutive months.

5. Unfit for human occupancy means a structure that due to lack of necessary repairs is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.

6. The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

k. Mortgage holder means mortgage holder of record as shown by the most current tax rolls of the county treasurer's office.

l. Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

m. Vehicle shall mean any motor vehicle, automobile, truck, trailer, motorcycle, recreational vehicle, tractor, buggy, wagon, or self-propelled farm or construction equipment. Vehicle in the singular shall be interpreted as meaning the plural when multiple inoperable vehicles exist on a property.

n. Public property shall mean any property owned or controlled by the City of Tuttle, Grady County Commissioners, the State of Oklahoma or United States Government.

o. Private property shall mean any real property, which is not public property.

p. Dismantled, junked, abandoned or inoperable vehicles shall be deemed to include the major parts thereof, including bodies, engines, transmissions, frames and rear ends.

4. Authority of Officers to carry out duties of nuisance abatement; appeal of administrative orders.

a. Unless otherwise specified in this Chapter, the city hereby designates the city manager as the nuisance hearing officer. The city manager is hereby authorized to designate two alternative hearing officers to preside over the nuisance public hearings in his absence.

b. The city hereby designates the employees of the community development department as the administrative officers and city health officers (hereafter referred to as code enforcement officers) to carry out the duties of nuisance abatement. Provided that this designation does not diminish the authority granted to state or county health officers, peace or police officers or fire marshals, but instead shall be interpreted as granting concurrent jurisdiction and authority.

c. The code enforcement officer acting at his discretion or upon order of the city manager, or designee, shall cause public nuisances within the city to be abated in accordance with Oklahoma Statutes and this Code.

d. Upon a finding that the condition of the property constitutes an immediate detriment or hazard to the public, and that the property would be benefited by the removal of such conditions, the code enforcement officer and agents of the city may proceed to abate the nuisance immediately without prior notice.

e. In cases where it is deemed impractical to summarily abate a nuisance, the city may bring suit In the district court of the county in which the property Is located.

f. The property owner, or aggrieved person, shall have a right of appeal to the hearing officer where It Is alleged there Is an error In any notice, order or decision of the code enforcement officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the notice or order Is rendered, specifying the name and mailing address of the appellant and the grounds thereof.

g. An order or decision of the hearing officer may also be appealed to the city council by the person against whom the order was directed, or a successor in interest, where it is alleged there is an error in any order or decision of the hearing officer; such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the notice or order is rendered, specifying the name and mailing address of the appellant and the grounds thereof.

h. Stay of proceedings: An appeal stays ail proceedings in furtherance of the action appealed from, with the exception of emergency abatements.
(Updated Ord. 2011-02, 1/10/2011, Ord. 2012-02, 2/13/2012; Ord. 2014-05, 2/10/2014; Ord. 2015-01, 04/13/2015)

Section 12-2. Abatement generally.

1. Abatement. Unless noted elsewhere, the city shall abate the public nuisances in this Code, pursuant to 11 O.S. Section 22-111 et seq., and in compliance with the following:

a. At least ten days' notice shall be given to the owner of the property by mall at the address shown by the current year's tax rolls in the county treasurer's office before the city takes action. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property (or to abate the property as appropriate) and the notice shall further state that unless such work is performed within ten days of the date on the notice the work shall be done by the city and a notice of lien shall be filed with the county clerk against the property for the costs due/owing.

b. After mailing the notice to abate a nuisance, the city will post a copy of the notice upon the property in violation and photographs will be obtained clearly showing violations on the premises. If the property owner cannot be located within ten (10) days from the date of mailing by the city, notice may be given by posting a copy of the notice on the property or by publication, as defined in Section 1-102 of Title 11, Oklahoma statutes, one time not less than ten (10) days prior to any hearing or action by the city.

c. At the time of mailing the notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mail recipient.

d. Ten days after the notice to abate has been mailed and posted, the code enforcement officer shall revisit the property for the purpose of confirming owner compliance or continued violation of the property. If violations remain on the property, the code enforcement officer will document existing violations and forward a work order request for abatement to the city.

e. The abatement crew will obtain photographs documenting existing violations at the start of abatement and compliance of the property at the end of abatement. These photographs shall be forwarded to the code enforcement officer, who will add the photographs to the case file.

f. Upon a finding by the city that the condition of the property constitutes a detriment or hazard and that the property would be benefited by the removal of such conditions, the agents of the city are granted the right of entry onto the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the city.

g. After abatement is completed, the city shall determine the actual cost of abatement and any other expenses as may be necessary in connection therewith, including, but not limited to, the cost of notice and mailing and a notice of lien shall be filed with the county clerk, by the city, describing the property and the work performed by the city, and stating that the city claims a lien on the property for the costs of cleaning and mowing. The city clerk shall mail a statement of such costs and a demand for payment of labor and materials to the owner.

h. If payment Is not made within thirty (30) days from the date of the mailing of the statement, then within the next sixty (60) days, the municipal clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property Is located and the same shall be levied on the property and collected by the county treasurer as other taxes authorized by law. Once certified by the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner from and after the date the cost is certified to the county treasurer. In addition the cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid. At the time of collection the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer, and the municipality agree that the county treasurer is unable to collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon by an action in person against the property owner and an action in rem to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section.

i. Upon receiving payment for abatement, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

2. Summary abatement.

a. Pursuant to 11 O.S. Section 22-111, if it is anticipated that summary abatement of a nuisance for excessive weed or grass growth, or accumulations of trash or debris will be required, the notice shall state that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six months from and after the date of the notice may be summarily abated by the city and that all costs of such abatement shall be assessed against the owner and a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.

b. If the code enforcement officer has provided notice to a property owner for summary abatement, the code enforcement officer may, upon confirmation of recurring violations of the same within six months of the original notice date, declare the property to be a nuisance and summarily abate the property without further prior notice to the property owner.

c. At the time of each such summary abatement, the code enforcement officer 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 days after the date of mailing the summary notice.

d. The city shall follow the notice requirements set out in this section for invoicing the property owner for abatement costs.

3. Exception for agriculture and railroad property. The provisions of this section shall not apply to any property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission. However, the city may cause the removal of weeds or trash from property zoned and used for agricultural purposes pursuant to the provisions of this section but only if such weeds or trash pose a hazard to traffic and are located in or within ten yards of the public right-of-way at intersections.
(Updated Ord. 2011-02, 1/10/2011; 2015-01, 04/13/2015)

Section 12-3. Abatement of Graffiti.

1. Abatement. The code enforcement officer shall abate graffiti pursuant to 11 O.S. Section 22-112.2, as follows:

a. The property owner and the tenant, if any may give their written consent to the city authorizing removal of the graffiti. By giving such written consent, the owner and the tenant each waive the right to notice and a hearing by the city.

b. If the consent of the property owner and the tenant, if any, to remove graffiti from the property cannot be obtained, the city may remove the graffiti without such consent pursuant to the procedures set forth in this section.

c. At least 20 days' notice shall be given by mail to the owner of the property at the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant, if any, shall be given by mail directed to the property address. The notice shall order the property owner and the tenant, if any, to remove graffiti from the property and shall further state that unless such work is performed within 20 days of the date on the notice the work shall be done by the city.

d. At the time of mailing the notice to the property owner and the tenant, if any, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailees.

e. Notice shall also be given by posting a copy of the notice on the property within 24 hours of mailing of the notice.

f. Twenty days after notification and posting for graffiti, the code enforcement officer will revisit the property to confirm owner compliance with the notice, or that the violation of graffiti remains. The code enforcement officer shall properly document his findings with photographs. If violations of graffiti remain on the property, and upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefited by removal of such conditions, the agents of the city are granted the right of entry onto the property for the removal of the graffiti thereon and for performance of the necessary duties as a governmental function of the municipality. The code enforcement officer will forward a work order request for abatement of the same to the city.

g. In removing the graffiti, the city shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

h. The abatement crew will obtain photographs documenting the existence of graffiti violations at the start of abatement and compliance of the property at the end of abatement. These photographs shall be forwarded to the code enforcement officer, who will add the photographs to the case file.

2. Summary abatement (graffiti). A notice is given to a property owner and tenant, if any, ordering graffiti to be removed from property within the city in accordance with the procedures provided for in this section, any subsequent accumulations of graffiti on the property occurring within a one-year period may be summarily abated without further prior notice to the property owner and tenant, if any. However, prior to the summary abatement by the city, notice thereof shall be posted at least one (1) time on the property not less than two business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and tenant of the property was transferred after notice were given pursuant to this section.

3. Expense of removal. Removal of graffiti, pursuant to the provisions of this section, shall be at the city's sole expense.

4. Authority to abate. Nothing in the provisions of this section shall prevent the city from abating graffiti as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the public.

5. Hearing. A hearing may be held by the administrative officer to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and community.

6. Right to appeal. An order or decision of the administrative officer may be appealed to the city council by the person against whom a nuisance abatement order was directed, or a successor in interest, where it is alleged there is an error in any order or decision of the hearing officer; such appeal shall be taken by filing written notice of appeal with the city clerk within ten days after the notice or order is rendered, specifying the name and mailing address of the appellant and the grounds thereof.

7. Release from liability. The city and its officers, employees or agents shall not be liable for any damages or loss of property due to the removal of graffiti performed pursuant to the provisions of this section.
(Updated Ord. 2011-02, 1/10/2011; Ord. 2015-01, 04/13/2015)

Section 12-4. Abatement of dilapidated buildings or structures.

Pursuant to 11 0.8. Section 22-112 et seq., the city may cause dilapidated buildings within the city limits to be torn down and removed in accordance with the following procedures:

The city council shall serve as the hearing body for the abatement of dilapidated buildings and structures.

At least ten days' notice that a building is to be tom down or removed shall be given to the owner of the property before the City Council holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition a copy of the notice shall be sent by mail to the

property owner at the address shown by the current year's tax rolls in the county treasurer's office. Written notice shall also be mailed to any mortgage holders as shown by the records in the county clerk's office to the mortgagee's last known address. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. The notice may be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section.

At the time of mailing the notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.
At least one (1) day before the public hearing is held, the code enforcement officer will revisit the property to confirm owner compliance or the continued existence of violations.

At the public hearing, the City Council shall determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property. The City Council may review the significance of the building or structure to the community by requesting a recommendation from the Planning Commission.

Pursuant to a finding that the condition of the property constitutes a detriment or a hazard to the public and that the property would be benefited by the removal of such conditions, the city may cause the dilapidated building to be torn down and removed. The city shall fix reasonable time frames for the commencement and completion of the work, however the work shall not commence earlier than 30 days from the date of the order. Any action to challenge the order of the city shall be filed within 30 business days from the date of the order.

The city clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the city at the hearing, and stating that the city claims alien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice.

Upon expiration of the time frame provided by the city for the commencement and completion of the work, the code enforcement officer shall revisit the property to confirm owner compliance or the continued existence of violations. Upon confirmation that the property owner has failed to comply with the city's order of abatement, the code enforcement officer shall submit a request for work order to tear down and remove the dilapidated structure or building.

Upon order by the city manager, or designee, to abate a dilapidated structure, the city crew, or private contractor, shall apply for a demolition permit, specifying the licensed plumber who will cap or plug the private sanitary sewer line at the main. Exception: If the dilapidated structure is a mobile home in a designated mobile home park, the sewer may be capped at the pad and not at the main sewer line. The plumber shall call the building inspector for an inspection of the sewer cap/plug prior to demolition, unless a "wreck first" is approved by the city manager or designee. Where there is a septic tank, the tank shall be pumped, crushed and backfilled with appropriate material.

The demolition of a dilapidated structure, whether by city crews or private contract, shall Include the capping of private sanitary sewer lines per item number (h), removal of dilapidated structures including foundations, removal of trash and debris, grading the lot to a smooth condition (no ruts) and to drain; erosion control, shall be used as necessary. If the dilapidated building is the primary structure on residentially zoned property, all structures shall be demolished. If the dilapidated building is accessory to a primary residential structure, only the dilapidated building shall be demolished.

The abatement crew will obtain photographs documenting existing violations at the start of abatement and compliance of the property at the end of abatement. These photographs shall be forwarded to the city to add the photographs to the case file.

Upon completion of the demolition project, the abatement crew shall call the building inspector for an inspection of the completed abatement. The building inspector shall verify the demolition has been completed per city ordinance.

Upon completion of the abatement, the city shall determine actual costs of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary, including the cost of notice and mailing, and the city clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment to the property owner. A copy shall also be mailed to the mortgage holder, if any. The city clerk shall obtain a receipt of mailing from the postal service.

If payment attributable to the actual costs of the dismantling and removal of the buildings is not made within six months from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located.

Once payment is made for abatement costs, the city clerk shall forward a release of lien to the county treasurer and/or clerk of the county in which the property Is located. If payment attributable to the actual cost of the dismantling and removal of the buildings is not made within six months from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county In which the property Is located. Once certified to the county treasurer, payment, may only be made to the county treasurer except as otherwise provided for in this section. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At the time of collection, the county treasurer shall collect a fee of $5.00 for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the municipality agree that the county treasurer is unable to

collect the assessment, the municipality may pursue a civil remedy for collection of the amount owing and interest thereon including an action in personam against the property owner and an action in rem to foreclose its lien against the property.

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

3. The officers, employees or agents of the city shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

(Updated Ord. 2011-02, 1/10/2011; Ord. 2015-01, 04/13/2015)

Section 12-5. Boarding and securing dilapidated buildings.

Abatement After a building has been declared dilapidated, as provided in section 12-4, and before the commencement of the tearing and removal of a dilapidated building, the city may authorize that such building be boarded and secured. Pursuant to 11 0.8. Section 22-112.1 et seq., the code enforcement officer shall abate unsecured buildings or structures as follows:

a. At least ten days' notice that an unsecured building is to be boarded and secured shall be given by mail to any property owner and mortgage holder as shown by the current year's tax rolls in the county treasurer's office. A copy of the notice shall also be posted on the affected property. If neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in Section 1-102 of Title 11 of the Oklahoma Statutes. The notice may be published once not less than ten (10) days prior to any hearing or action by the municipality pursuant to the provisions of this section. Such notice shall direct the owner to secure all openings to the structure(s).
b. At the time of mailing the notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mall recipient.
c. Upon a finding that the property constitutes a public nuisance as an unsecured structure or building, the city clerk may file a notice of unsecured structure and lien with the county clerk's office describing the property, stating the findings of the city at the hearing at which such building was determined to be unsecured, and stating that the city claims a lien on the property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing the notice.
d. If it is anticipated that summary abatement of an unsecured structure/building will be required, the notice shall state that any subsequent need for boarding and securing the building or structure within a six-month period after the Initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the city and that the costs of such boarding and securing shall be assessed against the owner.
e. Ten days after the notice to abate has been mailed and posted, the code enforcement officer shall revisit the property for the purpose of confirming owner compliance or continued violation of the property, (violations of unsecured structures or buildings remain on the property, the code enforcement officer will document existing violations and process a work order request for abatement of the same.
f. The abatement crew will obtain photographs documenting existing violations at the start of abatement and compliance of the property at the end of abatement. These photographs shall be forwarded to the code enforcement officer, who will add the photographs to the case file.
g. After an unsecured building has been boarded and secured, the city shall determine the actual cost of abatement and any other expenses as may be necessary in connection therewith, including, but not limited to, the cost of notice and mailing. The city clerk shall forward a statement of the actual costs attributable to the boarding and securing of the unsecured building and a demand for payment of such costs, by mall to any property owners and mortgage holders. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.
h. When payment is made to the city for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county In which the property is located. Once certified to the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. At the time of collection the county treasurer shall collect a fee of Five Dollars ($5.00) for each parcel of property and such fee shall be deposited to the general fund of the county. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk. In addition the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and Interest are fully paid. If the county treasurer and the city agree that the county treasurer is unable to collect the assessment, the city may pursue a civil remedy for collection of the amount owing and interest thereon by an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the city clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.
i. Upon receiving payment for abatement, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.
(Updated Ord. 2011-02, 1/10/2011; Ord. 2015-01, 04/13/2015)

Section 12-6. Abandoned, inoperable or junked vehicles.

1. Certain vehicles prohibited. No person shall park, store, leave or permit the parking, storing or leaving of any abandoned partially dismantled, non-operating, wrecked or Junked vehicle in the open upon public or private property or on a public street, for a period exceeding 48 hours, unless such vehicle or the parts thereof are stored within a fully enclosed building, or are stored on property lawfully designated under the zoning ordinances as a place where such vehicles may be stored.

2. Abandonment of vehicles on public roadways. Vehicles that are abandoned on a public roadway may be removed pursuant to 47 O.S. 901 et seq.

3. Rebuttable presumption. A rebuttable presumption exists that vehicles have been abandoned when any one (1) of the following conditions exists:

a. Weeds and/or grass undergrowth indicates to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;

b. One (1) or more wheels are flat or missing;

c. Portions of the vehicle which are needed for its operation or control are missing;

d. Neighboring residents provide written statements as to the length of time such vehicle has been standing in one place without removal, or statements that parts are taken from, or added to, such vehicle, which would Indicate a salvage, garage or used parts operation;

e. Evidence, exists that provisions of the Code of Ordinances or the Zoning Code pertaining to Zoning or to junk or salvage yards, are being violated; or

f. No current license tag Is present or visible on the vehicle.

4. Abatement procedures.

a. The code enforcement officer may cause a notice to be posted on any vehicle constituting a nuisance as defined In this section. Such notice shall state that the vehicle Is a nuisance and shall be removed, repaired or completely enclosed within a building within 48 hours after such notice is posted.

b. If the property owner, vehicle owner or lessee or other person In control of the property upon which such vehicle Is located, falls to comply with the notice, the code enforcement officer or city police may Issue a citation to the owner and/or vehicle for violation of this section and the code enforcement officer shall cause formal notice to be issued by providing at least ten days' notice to the owner of the property by mall at the address shown by the current year's tax rolls in the county treasurer's office ordering the property owner to remove or repair the vehicle or to place such vehicle in an enclosed building. After formal notice is provided, the registered or legal owner of the vehicle, or their agent, may contest the validity of the order by filing a written request for a hearing with the city clerk. The written request must be filed within ten days of receiving the order. Any such hearing shall be scheduled within 72 hours of the request, excluding weekends and holidays. The hearing officer shall make a determination whether the order to remove or repair the vehicle or to place such vehicle In an enclosed building was justified.

c. Upon failure of the owner of the vehicle, or the owner, lessee or person In control of the property upon which the vehicle is located, to comply with the formal notice by removal or repair of the vehicle or to place such vehicle In an enclosed building, and falls to request a hearing within the required time frame, the police chief shall take steps to remove the vehicle via towing and Impounding, and provide for storage in a proper place. All costs Incurred as a result of such action shall be assessed against the owner of the vehicle or the owner, lessee, or person in control of the property upon which the vehicle is located, or both.

5. Request for hearing. After the removal or storage of any abandoned or wrecked vehicle at the request of the city, the registered or legal owner of the vehicle, or their agent, may contest the validity of the removal or storage, by filing a written request for a hearing with the city. The written request may be filed before or after the vehicle Is retrieved from storage. However, the city shall not be required to conduct a hearing If the request Is received more than ten days following actual or constructive notice to the owner or driver of the vehicle that said vehicle has been so removed or stored. Any such hearing shall be scheduled within 72 hours of the request, excluding weekends and holidays. The hearing officer shall make a determination whether the vehicle removal and storage was justified. 6. Disposition of vehicle after removal by city. The owner of any vehicle removed from property may regain possession thereof by making application to the chief of police, within 30 days after its removal, and upon payment to the city of ail reasonable costs of removal and storage that shall have accrued to such vehicle. If no claim for such vehicle Is made within 30 days after Its removal by the city, the vehicle may be sold for the best price obtainable, as junk or otherwise, and the proceeds shall be used to pay any removal or storage fees against the vehicle. Any excess after such fees are paid shall be deposited In the general fund of the city.

6. Disposition of vehicle after removal by city. The owner of any vehicle removed from property may regain possession thereof by making application to the chief of police, within 30 days after its removal, and upon payment to the city of ail reasonable costs of removal and storage that shall have accrued to such vehicle. If no claim for such vehicle Is made within 30 days after Its removal by the city, the vehicle may be sold for the best price obtainable, as junk or otherwise, and the proceeds shall be used to pay any removal or storage fees against the vehicle. Any excess after such fees are paid shall be deposited in the general fund of the city.

(Updated Ord. 2011-02, 1/10/2011; Ord. 2015-01, 04/13/2015)

Section 12-7. Emergency abatement.

1. Immediate abatement If such nuisance exists in a condition which will cause imminent danger or peril to life or property, or in such a condition so menacing to the public health, peace or safety, the city may proceed to abate the nuisance Immediately without prior notice; provided, however, that notice and an opportunity to be heard shall be afforded the property owner as soon as possible after abatement.

2. Emergency abatement procedures.

a. Upon determination that a nuisance constitutes an emergency, the code enforcement officer shall prepare an emergency order of abatement, to be mailed to the property owner and mortgage holder. The city manager will first approve any such emergency order of abatement, indicating the justification for the emergency abatement.

b. Upon approval of the city manager, a copy of the approved emergency order will be forwarded for commencement of the emergency abatement; said abatement shall begin upon receipt or as soon as practical within 24 hours of receipt.

c. At the time of the emergency abatement, the code enforcement officer will post a copy of the emergency order of abatement conspicuously upon the property. The abatement crew will obtain photographs of the property immediately prior to commencement of the abatement and after abatement is completed.

d. At the conclusion of the emergency abatement, all costs will be submitted for invoicing pursuant to the specified procedures for said abatement in this Chapter.
(Updated Ord. 2011-02, 1/10/2011; Ord. 2015-01, 04/13/2015)

Section 12-8. Penalty.

1. Any person, firm or corporation, partnership or other legal entity who anywhere within the City of Tuttle commits any nuisance, either as principal or accessory, or who knowingly permits the creation or maintenance of any nuisance on any property owned or occupied, or managed or leased by him/herself as defined in this shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

2. It is the preference of the City Council that adequate notice should be given to property owners to address and correct nuisances prior to the issuance of a citation for a violation of this Chapter. Generally, adequate notice should be the same as the minimum notice time required to be given for the violation to be addressed or corrected prior to the city abating the violation. However, this preference is not intended to prevent the issuance of a citation for a violation of this Chapter in matters of flagrant or willful disregard of this Chapter, or when similar violations repeatedly occur on the same property or with the same property owners/tenants.

a. Anytime grass and/or weeds, as defined In this Chapter, exceeds eight inches (8") in height, a notice may be given to a property owner and/or tenant stating they may be issued a citation if their grass and/or weeds exceeds twelve inches (12") in height without further notice.

3. The City Council, by resolution, may adopt an Abatement Administration Fee to cover the typical costs associated with processing typical nuisance violations and abatements. The Abatement Administration Fee shall be assessed after the notification period specified in this Chapter has passed. Additional administrative costs shall be assessed, in addition to this fee, for those nuisance violations and abatements that exceed typical administrative costs.

(Updated Ord. 2011-02, 1/10/2011; Ord. 2015-01, 04/13/2015; Amended by Ordinance 2016-13, 5-9-2016)

Section 12-9. Exceptions.

Pursuant to 11 O.S., this Code shall not apply to property zoned and used for agricultural purposes or to railroad property under the jurisdiction of the Oklahoma Corporation Commission.
(Updated Ord. 2011-02, 1/10/2011)

Section 12-10. State law references.

Nuisances, generally, 50 O.S. 1971

Public health and safety, 63 O.S. § 1-1011 (health nuisance-removal-costs)

Public health and safety, 63 O.S. § 1-209, 1998 (health authorities)

Cities and towns, 11. O.S. § 22-111 (cleaning and mowing of property)

Cities and towns, It O.S, § 22-112 (condemnation of dilapidated buildings)

Cities and towns, 11. O.S. §22-112.1 (removal of dilapidated buildings)

Cities and towns, 11. O.S. § 22-112.2 (graffiti removal)

Cities and towns, 11. O.S. § 22-121 (authority to define nuisances)

(Updated Ord. 2011-02, 1/10/2011; Ord. 2015-01, 04/13/2015)

CHAPTER 13 – OFFENSES

Article 1. Offenses in General

Section 13-1. Offense Defined.

An "offense" is hereby defined as the doing of any act or thing which, by this Chapter or any ordinance of the City of Tuttle, Oklahoma, is prohibited, forbidden or declared to be unlawful, or the failure or refusal to do any act or perform any duty which, by any provision of this Chapter or by any Ordinance of the City of Tuttle, Oklahoma, is commanded or required to be done.

Section 13-2. Attempts to Commit an Offense.

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

Section 13-3. Effect of Intoxication.

No act committed by any person while in a state of voluntary intoxication, whether from alcoholic beverages or drugs, shall be deemed less an offense by reason of his being in such condition.

Section 13-4. Aiding in an Offense.
When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such, shall be guilty of an offense and punishable in the same manner as the principal offender.

Section 13-5. Title 21 of Oklahoma Statutes Adopted by Reference.

Applicable provisions of Title 21, Oklahoma Statutes, 1981, as amended, are hereby adopted and incorporated in this Code of ordinances, as if set out at length herein.

Sections 13-6 through 13-19. Reserved for future use.

Article 2. Offenses Against Public Decency, Morality and Policy

Section 13-20. 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 his or its premises, houses, lot or other property to be used in connection with or for, any act declared unlawful in this Chapter. Provided, however, the game of Bingo is permitted to be played within corporate limits of the City of Tuttle so long as Bingo operations are conducted in compliance with State law and in compliance With all ordinances of the City of Tuttle. (Ordinance 1991-1)

Section 13-21. False Or Bogus Checks.

1. 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 same, as against the maker or drawer thereof.

2. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and, provided further, that said check or order is presented for payment within thirty (30) days after the same is delivered and accepted.

Section 13-22. Harmful Deception.

It shall be unlawful for any person knowingly to deceive another (whether by impersonation, misrepresentation or otherwise) , when such deception results in, or contributes to, the loss, damage, harm or injury of the person deceived or of a third party, or results in, or contributes to, the benefit of the deceiver.

Section 13-23. Obstruction and Trespassing.

1 It shall be unlawful for any person, without lawful reason, between the hours of 12:00 o'clock midnight and 5:00 o'clock a.m., to sleep upon any street or in any other public place, or on any property of another person without expressed or tacit consent of the owner or person in charge of such place.

2. It shall be unlawful for any person to obstruct access to or trespass in or about any public building, in or about the station or depot of a public carrier or on or about the premises of a public or private school.

3. 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.

4. 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:

a. Obstruct any public street, highway, sidewalk or any other public place or building by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

b. 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

Section 13-24. Offenses Relating to Controlled Dangerous Substances.

1. It shall be unlawful for any person:

a. To knowingly or intentionally possess any narcotic, marijuana, or any controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his or her professional practice;

b. To use any narcotic, marijuana, or other controlled dangerous substance upon or in any street, alley, place of business or other public place;

c. To use any narcotic, marijuana, or other controlled dangerous substance in any place within the City of Tuttle, unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his or her professional practice;

d. To appear or be upon or in any street, alley, place of business or other public place while under the influence of any narcotic, marijuana, or other controlled dangerous substance;

e. To sell or furnish illegally to another person any narcotic, marijuana, or other controlled dangerous substance; or

f. To loiter about a place where any narcotic, marijuana, or other controlled dangerous substance is sold or furnished illegally.

2. For the purpose of this section, the following definitions shall apply:

a. Controlled dangerous substance means any drug, substance, or immediate precursor included in Schedule I through V of the Uniform Controlled Dangerous Substances Act (Title 63 O.S. § 2-101 et seq.); including, but not limited to:

i. Hallucinogenic substances including mescaline, psilocybin, and various types of methoxyamphetamines;

ii. Stimulants such as amphetamines and methamphetamines; or

iii. Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methoqualone, phencyclidine, and diazepam.

b. Marijuana means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin. This definition shall not include the mature stalks of such plant; fiber produced from such stalks; oil, cake made from the seeds of such plant, any other compound, manufacture, sale, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

c. Person means individual, corporation or agency, business trust, estate, trust, partnership or association.

d. Practitioner means:

i. A physician, dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state; or

ii. A pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state.

(Amended by Ordinance 2017-16, 8-14-2017)

Section 13-25. Obscene Materials; Immoral Conduct Shows or Exhibitions; Nudity.

1. The following words, terms and phrases used in this Section shall, for the purpose of this Section, have the meaning respectively ascribed to them in this Subsection:

a. Obscene Literature. The term "obscene literature" shall mean any literature which, considered as a whole in light of contemporary community standards, has as its predominant theme an appeal to prurient interests.

b. Article. The word "article" shall mean any picture, drawing, photograph or instrument. It does not include anything used in or by a recognized religious, scientific or educational institution.

c. Filthy. The word "filthy" shall mean morally foul, polluted, nasty, dirty, vulgar, debasing, or having a tendency to corrupt or debauch.

d. Indecent. The word "indecent" shall mean morally offensive or depraving

e. Lascivious. The word "lascivious" shall mean wanton or lustful

f. Lewd. The word "lewd" shall mean licentious, lecherous, dissolute, debauched, impure, salacious or pornographic.

g. Obscene. The word "obscene" shall mean that to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole, appeals to prurient interest.

h. Person. The word "person" shall mean any individual, partnership, firm, association, corporation or other legal entity.

i. Printed or written matter or material. The term "printed or written matter or material" shall mean any book, pamphlet, magazine, periodical, newspaper, comic book, story, paper or other printed or written matter; it does not include written or printed matter or material used by or in any recognized religious, scientific or educational institution.

2. It shall be unlawful for any person to knowingly photograph, act in, pose for, model for, print At, sell, offer few for, sale, give away, exhibit, publish, offer to publish, or otherwise distribute make display, or exhibit, 1 any

obscene book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, image, cast, slide, figure, instrument, statue, drawing, presentation, or other article which is obscene, filthy, indecent, lascivious, lewd or unfit.

3. It shall be unlawful for any person to conduct himself in a lewd or immoral manner, or make any insulting or licentious advance or salutation to any person, in any public place within the City of Tuttle, Oklahoma.

4. It shall be unlawful to show obscene or immoral motion pictures or present any kind of a show or exhibition within the City of Tuttle, Oklahoma, which is obscene or immoral.

5. It shall be unlawful for any person to appear in any public place within the City of Tuttle, Oklahoma, in a state of total nudity, or for any person to make an indecent public exposure of his or her person.

6. It shall be unlawful for any person to urinate or defecate in any publicly exposed place within the corporate limits of the City of Tuttle, Oklahoma.

Section 13-26. Prostitution; Illicit Sexual Relations.

1. For the purpose of this Section, "illicit sexual relations" shall mean sexual relations with any person other than one's lawful husband or wife.

2. 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.

3. It shall be unlawful for any person to engage in illicit sexual relations or any other immoral act, to knowingly consort with a prostitute or other person of immoral vocation, or to consort with another for an immoral purpose, in any public place within the City of Tuttle, Oklahoma.

4. It shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to keep, or assist in keeping, a house of prostitution or a house or place within the City of Tuttle, Oklahoma, where persons meet or assemble for illicit sexual relations or for any other lewd or immoral purpose, or to permit a known prostitute or other person of a known immoral vocation to become or remain a guest in a hotel or rooming house.

5. 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 13-27. Certain Conduct Prohibited on or Near School Grounds.

No person shall engage, in any conduct or commit any of the acts enumerated herein, around or on the grounds of, any, school in the City of Tuttle, Oklahoma, or any street or alley adjacent to a school:

1. Loitering by any person not having lawful business in connection with the school, an employee thereof or student therein;

2. Any conduct that disturbs the orderly conduct of the school

3. Annoying or molesting any student or employee of the school;

4. Lewd or wanton conduct; or

5. Moving or parking any vehicle in the vicinity of any school or in any street or alley adjacent thereto, in such a manner as to annoy or molest any student or employee of the school.

Section 13-28. Alcoholic or Intoxicating Beverages.

1. It shall be unlawful for any person under twenty-one (21) years of age to misrepresent his age through false documentation, for the purpose of inducing any person to sell him alcoholic beverages.

2. It shall be unlawful for any person under twenty-one (21) years of age to have in his or her possession any alcoholic beverages, while such person is upon any street, alley, road or highway, or in any public place within the City of Tuttle, Oklahoma.

3. It shall be unlawful for any person to open a retail container or consume alcoholic beverages on the premises of a retail package store.

4. No person drunk or in a state of intoxication shall appear, or be upon or in, any street, alley, place of business or other public place, nor shall any person drink any alcoholic beverage upon or in any street, alley, place of business or other public place within the City of Tuttle, Oklahoma.

5. It shall be unlawful for any person to transport in any vehicle upon any street, alley, or other public way within the City of Tuttle, Oklahoma, any alcoholic beverage, except in the original container which shall not have been opened and the seal of which shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or any occupant of the vehicle.

6 It shall be unlawful for any person, firm or corporation to buy, receive, possess, sell, barter, give away, manufacture or use any alcoholic beverages in violation of the State Constitution and Laws or the Code of ordinances of the City of Tuttle, Oklahoma. (See Chapter 2, this Code of ordinances.)

Section 13-29. Nonintoxicating Beverages.

1. It shall be unlawful for any person under twenty-one (21) years of age to purchase, receive or procure any nonintoxicating beverage.

2. 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.

3. It shall be unlawful for any person, whether a minor or of age, to be in possession of, or to drink, any intoxicating beverage while such person is upon any public

street, alley, or other public highway, or in any public building or other public place, within the City of Tuttle, Oklahoma; provided, that, this shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

4. It shall be unlawful for any person to transport in any moving vehicle, upon any public highway, street, alley or roadway within the corporate limits of the City of Tuttle, Oklahoma, or in or upon any property owned by said City outside of its corporate limits, any nonintoxicating beverage, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. (See Chapter 2, this Code of Ordinances.)

Section 13-30 Definitions.

For purposes of Chapter 13, Article 2, Sections 13-30 through 13-32 of the Code of Ordinances of the City of Tuttle, the following definitions shall apply:

1. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

2. "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

3. "Gathering" is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.

4. "Intoxicating Beverage" includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

5. "Legal Guardian" means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

6. "Low Point Beer" means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

7. "Minor" means any person under twenty-one years of age.

8. "Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

9. "Premises" means any residence or other private property, place, or premises, including any commercial or business premises.

10. "Response costs" are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Section. (Added Ord. 2009-32, 12/14/2009)

Section 13-31 Consumption of Alcohol by Minor in Public Place, Place Open to Public, or Place Not Open to Public.

Except as permitted by state law, it is unlawful for any minor to:

1. consume at any public place or any place open to the public alcoholic beverage; or

2. consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.
(Added Ord. 2009-32, 12/14/2009)

Section 13-32. Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited.

1. a. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

b. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (a)(l) of this Section.

2. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.

3. Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family

home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

4. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

5. This Section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

6. Any person who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon conviction thereof shall be punished for violation of a Class A offense, with fine of Five Hundred Dollars ($500.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment, plus all court costs and statutory penalties, as set forth in this Code of Ordinances.

7. Violations of this Section may be prosecuted by the City of Tuttle criminally, civilly, and/or administratively as provided by the Municipal Code. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by statute, ordinance, or law. This Section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Section, nor shall they limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Section.

8. This Section shall not apply where prohibited or preempted by state or federal law.
(Added Ord. 2009-32, 12/14/2009)

Section 13-33. Offenses Relating to Drug Paraphernalia.

1. For the purpose of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the state Uniform Controlled Dangerous Substances Act, Sections 2-101 et seq. of Title 63 of the Oklahoma Statutes, hereinafter referred to as "the Act," and adopted by reference herein. It includes, but is not limited to:

a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

c. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

h. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

k. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and

l. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

ii. Water pipes;

iii. Carburetion tubes and devices;

iv. Smoking and carburetion masks;

v. Roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

vi. Miniature cocaine spoons, and cocaine vials;

vii. Chamber pipes;

viii. Carburetor pipes;

ix. Electric pipes;

x. Air-driven pipes;

xi. Chillums;

xii. Bongs;

xiii. Ice pipes or chiller;

xiv. Wired cigarette papers; or

xv. Cocaine freebase kits.

2. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

a. Statements by an owner or by anyone in control of the object concerning its use;

b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

c. The proximity of the object, in time and space, to a direct violation of the act;

d. The proximity of the object to controlled substances;

e. The existence of any residue of controlled substances on the object;

f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of the act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

g. Instructions, oral or written, provided with the object concerning its use;

h. Descriptive materials accompanying the object which explain or depict its use;

i. National and local advertising concerning its use;

j. The manner in which the object is displayed for sale;

k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

m. The existence and scope of legitimate uses for the object in the community; and

n. Expert testimony concerning its use.

3. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the act.

4. It is unlawful for any person to sell, deliver, or possess with intent to deliver, or manufacture with intent to sell or deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Act.

5. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

6. This Section shall not be applicable to medical or veterinary practitioners to the extent such paraphernalia is used as a part of their lawful practice of the profession. For the purposes of this section, practitioner means:

a. A physician, dentist, podiatrist, veterinarian, scientific investigator, or other person who is authorized by state or federal law to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state; or

b. A pharmacy, hospital, laboratory, or other institution authorized by state or federal law to distribute, dispense, or conduct research with respect to use for scientific purposes or administer marijuana or a controlled dangerous substance in the course of a registered professional practice or research in this state.

7. This Section shall not be applicable to the possession, sale, or distribution of paraphernalia by persons involved in the medical or veterinary equipment supply business, where such possession, sale, or distribution is a necessary and appropriate part of servicing lawful medical or veterinary practitioners and such possession, sale, or distribution is within the normal course of business and performed in such a manner as provided by law.

(Amended by Ordinance 2017-16, 8-14-2017)

Sections 13-34 through 13-40 Reserved for future use.

Article 3. Offenses Against the Peace

Section 13-50. Carrying weapons; Discharging Firearms.

1. It shall be unlawful for any person to carry upon or about his person any pistol, revolver, knife, dagger, metal knuckle or other dangerous or deadly weapon or instrument, except when doing so in the line of duty or as may be permitted by Law.

2. It shall be unlawful for any person to transport a loaded BB gun, air rifle or firearm on any public street or alley within the corporate limits of the City of Tuttle, Oklahoma, except when doing so in the line of duty.

3. It shall be unlawful for any person to discharge a firearm within the corporate limits of the City of Tuttle,

Oklahoma, except when doing so in the line of duty, when lawfully doing so in defense of oneself or of another person or property, when otherwise authorized by State Law or ordinance, when doing so for the preservation of the peace, health or safety of residents or the abatement of nuisances, or when engaged in authorized hunting or other related activities; it shall also be unlawful to discharge an air rifle or BB gun within the City of Tuttle, Oklahoma, in such a manner as to harm or damage persons or property.

4. A municipal Police officer or Animal Control Officer may discharge a firearm in the line of duty.

5. Firearms may be discharged by persons lawfully doing so in, defense of oneself or of another person or property.

6. Shotguns may be discharged by persons lawfully doing so in areas not less than one thousand, two hundred and fifty (1,250) feet from any residential, commercial or other structure, so long as the ammunition discharged in such areas is of a type commonly known as number four (4) through number nine (9) birdshot, and so long as the discharge in such areas is done in a safe and lawful manner.

Section 13-51. Unlawful Assembly; Disturbing Lawful Assemblies.

1. 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.

2. It shall be unlawful for any person to disturb any lawful gathering, by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof.

Section 13-52. Disturbing the Peace; Obscene Gestures; Harassing Phone Calls.

1. 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.

2. It shall be unlawful for any person to use a telephone to:

a. It shall be unlawful for any person to use a telephone to Make any obscene, lewd, lascivious, filthy or indecent comment, suggestion or proposal;

b. Make a telephone call without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;

c. Knowingly permit any telephone under his control to be used for any purpose prohibited in this Subsection; or

d. In conspiracy or concerted action with other persons, make repeated or continuous calls solely to harass any person at the called number.

3. It shall be unlawful for any person to make, demonstrate or otherwise symbolize any obscene gesture by use of said person's extremities, toward any other human being or object within the corporate limits of the City of Tuttle, Oklahoma.

Section 13-53. Curfew of Minors.

1. Title. This section shall be known and may be cited as the "Ordinance Regulating the Presence and Conduct of Minors on Streets and Public Places."

2. Definitions. For the purposes of the Curfew ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

a. “City" is the City of Tuttle, Grady County, Oklahoma.

b. “Minor" is any person under the age of eighteen (18).

c. “Parent' is any person having legal custody of a minor (I) as a natural or adoptive parent, (II) as a legal guardian, (III) as a person who stands in loco parentis or (IV) as a person to whom legal custody has been given by order of the court.

d. “Public Place” shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. it shall also include the front or immediate area of the above.

e. “Remain” means to stand 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 an), minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

f. “Street” is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including but not limited to the cartway or traffic lanes., the curb, die sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street.

g. “Time of night” referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.

h. “Year of age” continues from one birthday, such as the seventeenth (17th) to (but not including the day of) the next, such as the eighteenth (18th) 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".

3. Curfew Hours. 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 City of Tuttle at night during the period ending 6:00 A.M. and beginning:

a. At 10:00 P.M. for minors fifteen (15) years of age or younger.

b. At 12:00 midnight for minors more than fifteen (15) years of age on Sunday through Thursday.

c. At 1:00 A.M. on Saturday morning and Sunday morning for minors more than fifteen (15) years of age.

4. Exceptions. In the following exceptional cases a minor on a city street during the nocturnal hours for which Section 1353 (3) is intended to provide the maximum limits of regulation shall not, however, be considered in violation of the Curfew ordinance.

a. When accompanied by a parent of such minor.

b. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

c. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to assembly. Such minor shall evidence: the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned, by a parent of such minor with their home address and telephone number, specifying when, and where and in what manner said minor will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.

d. 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.

e. When the minor is no the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.

f. When returning home, by a direct route from (and within thrifty (30) minutes of the termination of) a school activity, or activity of a religious or the voluntary association, provided the minor has a written communication in the minor's possession, countersigned by a parent indicating the home address and telephone number, the purpose for the event, when, where and in what manner said minor will be on the streets at night.

g. When authorized, by regulation issued by the City Council, in other similar cases of reasonable necessity, similarly handled but adopted to necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the City Council permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than thirty (30) minutes beyond the time for termination of such activity, and the reason for finding that such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Curfew Ordinance.

h. When the minor carries a certified card of employment, briefly identifying the minor, the addresses of him 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.

i. When the minor is, with parental consent in a motor vehicle. This contemplates normal travel. This clearly exempts bona fide interstate movement through the city, particularly on normal routes.

5. Parental Responsibility. It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

6. Responsibility of Owners of Public Places. It shall be unlawful for any person operating or having charge of any public place to knowingly allow, permit or suffer the presence of minors in violation of the curfew established by this section.

7. Police Procedure and Penal.

a. Upon finding or having attention called to any minor on the streets in prima facie violation of the Curfew Ordinance, a police officer of the City shall normally take the minor to the city Police Station, or other place designated by the Chief of Police, where a parent shall immediately be notified to come for such minor, whereupon they shall be interviewed. 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 experienced supervisory personnel, the, best 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.

1. Police procedure shall constantly be refined in the light of experience. and my 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.

2. In any vent such police officer shall within twenty-four (24) hours, file a written report with the Chief of Police. Said report shall be treated for purposes of juvenile records in accordance with State Statutes.

3. 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 a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

4. In the case of first violation by a minor, the Chief of Police shall cause to be personally delivered or by certified mail, send to a parent written notice of said violation with a warning that any subsequent violation shall result in full enforcement of the Curfew ordinance, including enforcement of parental responsibilities and of applicable penalties.

b. If after the warning notice pursuant to Section 1353 (7) (a) (4) of a first violation by a minor, a parent violates Section 1353 (5) (in connection with a second violation by said minor), this shall be treated as an offense by the parent. The penalty upon a pleas of guilty, nolo contendere, or finding of guilt shall be a fine not exceeding two hundred ($200.00) dollars.

Sections 13-54 through 13-69. Reserved for future use.

Article 4. Offenses Against Persons

Section 13-70. Assault and Battery.

1. An assault is an, willful sad unlawful attempt, or offer with force or violence to do a corporal hurt to another.

2. A battery is any willful and unlawful use of force or violence upon the person of another.

3. It shall be unlawful to commit an assault or an assault and battery within the City of Tuttle, Oklahoma.

4. If shall be unlawful and an offense for any person, without justifiable or excusable cause, to knowingly commit any assault, battery or assault and battery upon the person of a police officer or officer of the law, while said person is performing his duties.

Sections 13-71 through 13-79. Reserved for future use.

Article 5. Offenses Against Property

Section 13-80. Petit Larceny.

1. Petit larceny is the taking of personal property of value not to exceed fifty dollars ($50.00), accomplished by fraud or stealth, or with intent to deprive another thereof when the property is not taken from the person of another.

2. Petit larceny is unlawful and any person who commits petty larceny shall be guilty of an offense.

Section 13-81. Receiving Stolen Property.

It shall be unlawful for any person to buy, receive, transport or bring into the City of Tuttle, Oklahoma, any property which he knows has been stolen.

Section 13-82. 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 13-83. Unlawful Entry; Unlawful Intrusion; Private Property.

1. 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.

2. Every person who intrudes or squats upon any lot or piece of land within the City of Tuttle, Oklahoma, without a license or authority from the owner thereof, or who erects or occupies thereon any hut or other structure without such license or authority, and every person who places, erects or occupies within the bounds of any street, alley or avenue of the City, any structure whatever, shall be guilty of an offense.

3. 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; not 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 private property as foresaid before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this Subsection.

Section 13-84. Unlawful Posting of Advertising Matter.

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

Section 13-85. Damaging Utility Poles.

1. It shall be unlawful for any person to mark, write, print, paint upon, or otherwise make any signs or marks, by indentation or otherwise, or by posting signs or posters, upon any telephone, television, electric or power pole, either wood, concrete, steel or of any other substance, within the corporate limits of the City of Tuttle, Oklahoma. The word "pole" shall be construed to mean any pole

supporting telephone, television, electric or power wires or braces, and any device used to support or brace such a pole.

2. This Section shall not apply to the owners of such poles who may make such necessary or authorized marks or signs thereon.

Section 13-86. Unlawful Throwing or Shooting of Objects.

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

Section 13-87. Littering.

1. For the purpose of this Section, “litter” is defined to be any garbage, refuse of any type whatsoever, trash, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, abandoned appliances, abandoned furniture, 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.

2. No person shall throw or deposit litter in or upon any open or vacant property within the City of Tuttle, Oklahoma, irrespective of the ownership of such property.

3. No person shall throw or deposit litter in or upon any street, alley, sidewalk or other public place within the City of Tuttle, Oklahoma, except in public receptacles or authorized private receptacles.

4. No person shall sweep into, or deposit in, any gutter, street or other public place within the City, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway; persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

5. No person shall drive or move any truck or other vehicle within the City of Tuttle, Oklahoma, unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within said City, the wheels or tires of which carry onto, or deposit in, any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind, in excessive or damaging amounts.

6. No person shall throw or deposit any commercial or noncommercial handbill on or upon any sidewalk, street or other public place within the City of Tuttle, Oklahoma; no person shall hand out, distribute or sell commercial handbills in public places.

7. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; however, it shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

8. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously vacant.

9. 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.

10. 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 to prevent them from blowing on sidewalks or other public places.

11. The provisions of Subsection 10 (above) shall not apply to the distribution of mail by the United States or to newspapers, except that newspapers shall be placed on private property so as to prevent being carried or deposited upon any street, sidewalk or public place, or on other private property.

12. No person in an aircraft shall throw out, drop or deposit within the City of Tuttle, Oklahoma, any litter, handbill or any other object.

13. No person shall dump, deposit, or otherwise abandon litter of any kind in any ravine, ditch, roadside or empty lot within the City of Tuttle.

14. Notwithstanding Section 11-50 and Section 13-130 of the Code of Ordinances of the City of Tuttle, Oklahoma, any person, firm or corporation who shall violate any provision of this Section shall be guilty of an offense and, upon conviction thereof, shall be fined in a sum not to exceed the amount established in Section 11.51 of this Code of Ordinances plus court costs, plus the all costs associated with the cleanup of the litter or dump and remediation of the land upon which the litter has been placed or the dumping occurred. Each day's continuation of any such violation shall be a separate offense.
(Updated Ord. 2009-02, 01/12/2009; Ord. 2011-13, 4/11/2011)

Section 13-88. Shoplifting.

1. 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.

2. Any peace officer may arrest, without warrant, any person he has probable cause for believing has committed larceny of merchandise held for sale in retail or wholesale establishments, when such arrest is made in a reasonable manner.

3. Any merchant, his agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner for a reasonable length of time for all or any of the following purposes:

a. Conducting an investigation, including reasonable interrogation of the detained person, as to whether there has been a wrongful taking of such merchandise or money;

b. Informing the police or other law enforcement officials of the facts relevant to such detention;

c. Performing a reasonable search of the detained person and his belongings when it appears that the merchandise or money may otherwise be lost; and

d. Recovering the merchandise or money believed to have been taken wrongfully; any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his agent or employee criminally or civilly liable to the person so detained.

4. Any person concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this Section, and such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be conclusive evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his agent or employee, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his agent or employee criminally or civilly liable.

Sections 13-89 through 13-99. Reserved for future use.

Article 6. Offenses Against Public Authority

Section 13-100. Resisting Arrest.

It shall be unlawful for any person knowingly or willfully to resist, oppose or obstruct the Chief of Police, any policeman, the municipal Judge or other municipal officer or employee in the discharge of his official duties; or, by threat s or otherwise, to intimidate, or attempt to intimidate, any such officer or employee from the discharge of his official duties; or to assault, beat, revile, abuse, be disrespectful to or use abusive or indecent language toward or about, any such officer or employee, while such officer or employee is in the discharge of his official duties.

Section 13-101. Impersonating Municipal Officer or Employee.

It shall be unlawful for any person to impersonate any Municipal officer or employee, or exercise, or attempt to exercise, any of the duties, functions or powers of any Municipal officer or employee, without being duly authorized to do so.

Section 13-102. 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 City of Tuttle, Oklahoma.

Section 13-103. 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 City of Tuttle, Oklahoma, to escape, or attempt to escape, from any such Municipal Jail, prison or custody.

Section 13-104. Assisting Prisoners to Escape.

1. It shall be unlawful for any person, in any unlawful manner, to set at liberty, rescue or attempt to set at liberty or rescue, any prisoner from any officer or employee of the City of Tuttle, Oklahoma, having legal custody of such prisoner, or from the municipal Jail or other place of confinement, or to assist such prisoner in any manner to escape from such prison or custody, or to give such prisoner any weapon or object which might be used as a weapon or instrument to assist him in escape, or to give such prisoner any alcoholic beverages, narcotics or other controlled dangerous substances.

2. It shall be unlawful for any person to communicate with, or attempt to communicate with, any prisoner confined in the municipal Jail, without authority to do so from the Chief of Police or the Officer in Charge

Section 13-105. Removal of Barricade.

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed by authority of the City of Tuttle, Oklahoma, to keep traffic off any pavement, street, curb, sidewalk or other area.

Section 13-106. Flight From An Officer.

A person commits the offense of flight from an officer, if:

1. He is the operator of a vehicle and refuses to stop his vehicle as soon as is safely possible, when signaled to do so by a law enforcement officer; or

2. Upon stopping his vehicle at the signal of a law enforcement officer, abandons said vehicle and leaves, or attempts to leave, the immediate area without the permission of the law enforcement officer; or

3. He 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. He is a pedestrian and leaves, or attempts to leave, the immediate area after being directed by a law enforcement officer to stop or to remain in said area for a reasonable length of time.

Section 13-107. 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 ire alarm system in the City of Tuttle, Oklahoma; or remove or change the same, or cut, injure, change, alter or remove any pole, crossarm, bracket or other support upon which said wires rest or in which said wires are enclosed; or

disconnect said wires or any of them from the gongs, alarm boxes or instruments connected with said fire alarm system; or cause, in any manner, the working of the same to become obstructed or interfered with without being first duly authorized so to do by the Chief of the Fire Department; nor shall any person deface or in any manner injure any of the fire alarm boxes or any instruments or appliances connected with or belonging to said fire alarm system; or tamper with said fire alarm or obstruct in any manner whatever, the boxes, keys or glass upon any of said boxes; or make or cause to be made, without authority from the Chief of the Fire Department, keys to any alarm box or boxes; or to use, or cause to be used, any such key so made; nor shall any person place or fasten over or upon any fire alarm box a handbill, notice or sign of any kind, except the signs placed upon the same at the direction of the Chief of the Fire Department and pertaining to the firebox; or cause to be hitched any horse or animal to any pole on which is situated a fire alarm box.

Section 13-108 False Fire Alarms.

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.

Sections 13-109 through 13-129. Reserved for future use.

Article 7. Penalty

Section 13-130. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances. Each day's continuation of any such violation shall be a separate offense.

CHAPTER 14 – OIL AND GAS DRILLING

Article 1. General Provisions

Section 14-1. Definitions.

The following words, terms and phrases shall have the following meanings.

1. Abandoned well shall mean: (1) each well in which no production casing has been run, and for which drilling or testing operations have ceased for thirty (30) consecutive days, or; (2) any other well for which there is no current city permit; (3) any capped oil or gas well that has not been in production for a period of three (3) years;

2. Artificial production shall mean the raising to the surface of the earth, by means other than natural flow, petroleum or natural gas;

3. City shall mean the City of Tuttle, Oklahoma;

4. City Council shall mean the governing body of the City;

5. City Manager shall mean the chief administrative officer of the City;

6. Corporation Commission shall mean the Oklahoma Corporation Commission;

7. Deleterious Substance shall mean any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, producing, transportation, refining and processing of nil gas or condensate.

8. Enhanced Recovery shall mean an operation by which fluid or energy is introduced into a source of supply for the purpose of facilitating recovery therefrom;

9. Mayor shall mean the chief elected official of the City;

10. Natural Production shall mean the raising to the surface of the earth, by natural flow, petroleum or natural gas;

11. Oil and Gas Inspector shall mean that person, firm or corporation employee by the City to enforce the provisions of this ordinance, or by his/her authorize representatives;

12. Permittee shall mean the person to whom is issued a permit or permits under the terms of this chapter,

13. Person shall mean and include any person, firm, partnership, association corporation, trust, cooperative, or other type of organization;

14. Pollution shall mean the contamination or other alteration of the physical chemical, or biological properties of any land or natural waters of the City, or such discharge of any liquid, gaseous or solid substance into any water of the City as will or is likely to create a nuisance or public health, safety, or welfare to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses; or to livestock, animals or aquatic life;

15. Pressure maintenance shall mean an operation by which gas, water or other fluids are injected into a supply of oil to maintain pressure or retard pressure decline therein for the purpose of facilitating recovery therefrom, and which has been approved by the Corporation Commission after notice and hearing;

16. Salt water as used in this ordinance shall mean any water containing more than 500 mg/1 chlorides;

17. State shall mean the State of Oklahoma, Its branches, departments, agencies boards or the officers thereof,

18. Treatable water shall mean surface and subsurface water in its natural state which may or may not require treatment to be useful for human consumption and contains less than 10,000 ppm total dissolved solids and/or 5,000 ppm chlorides;

19. Water, Waters of the City or City water shall mean all streams, lake ponds, marshes, watercourses, waterways, walls, springs, irrigation system drainage systems, and all other bodies or accumulations of water, surface an underground, natural or artificial, public or private, which arc contained within, flow through or border upon the City or any portion thereof,

20. Well shall mean, unless specifically qualified, any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquefied petroleum matter;

21. All technical or oil and gas industry words or phrases used herein and no specifically defined herein shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

22. Oil and Gas Site shall mean the area used for drilling, development and production and all operational activities associated with oil & gas production.
(Amended by Ordinance 2017-23, 1-8-2018)

Section 14-2. Municipal Drilling Permit.

1. No person shall drill, reenter, maintain an oil or gas well, or otherwise mine or produce other minerals without having previously obtained a permit as provided in this code.

2. Each permit shall cover only a single site and applicants desiring a permit to drill, reenter, maintain or operate an oil or gas well shall submit:

a. A description of the location of the well, specifying and identifying the well location within a particular forty (40) acre tract within a specific quarter, section, township and range, including thereon tile distance to all existing dwelling houses, buildings or other structures designed for the occupancy of human beings or animals with one thousand (1000) feet of any such well, and the location of all known existing oil, gas or fresh water wells within said ten (10) acre tract,

b. A copy of the approved drilling permit from the Corporation Commission and a copy of the staking plat;

c. The size, depth and quality of surface and production casing,

d. The name of the surface and surface lease owners;

3. An application for the permit to drill or reenter a well for enhanced recovery of gas or oil shall be in the same form as required for a permit to drill an original well and shall contain the following additional information:

a. A block map of the well site, showing all equipment to be used at tile site, location of pipelines, access road, and distances from the well to any and all fences, public roadways and buildings within a radius of one thousand (1000) feet;

b. A block map of the project, showing the location of:

1. All public water supply wells, disposal wells, injection wells, producing wells, and plugged and abandoned wells within the project area and those sections immediately adjacent;

2. All conduits; and

3. Tank battery, pumping station and appurtenant equipment,

c. All existing wells within the project area and those sections immediately adjacent shall be indicated by status (e.g. plugged and abandoned, injection, salt water, oil, etc.) and show the following additional information:

1. Footage location (surface casing);

2. Derrick floor and ground level elevation,

3. Drilled total depth;

4. Packer total depth;

5. Size, depth and A.P.I. grade of surface and production casing, including zones from which casing has been removed;

6. Location of all plugs, packers, cement plugs, tubing anchors, etc., with the well bore;

7. Depth and nature of all cement squeeze jobs;

8. Formation name and depth of all perforations in a producing open hole;

9. Volume and type of cement used on surface and production strings; and

10. Top cement (measured or calculated);

d. Operation name for each well;

e. One copy of all cement bond logs and production logs,

f. One copy of all work performed on the well;

g. Copies of all information supplied to the Corporation Commission, and said Commission's approval of the project;

h. All operators, contractors, drillers, service companies, pipe pulling and salvaging contractors, or other persons, shall be knowledgeable of and prepared to implement, if necessary emergency procedures as detailed in the Oklahoma Corporation commission's "Guidelines for Petroleum Emergency Field Situations in the State of Oklahoma"

Section 14-3. Public Health and Safety.

Whereas the imprudent operation of an oil and gas facility can constitute a menace to the public health, safety and welfare of the City of Tuttle, it is the intent and purpose of this ordinance, that oil and gas operations be reasonably regulated for the public good.

Section 14-4. Application for Permit.

Prior to the submittal of any permit application for drilling a new well or re-entry to an existing well, the applicant shall pay a new well drilling fee or well re-entry fee, in an amount set by motion or resolution of the City Council, to the Community Development Department to cover the administrative overhead and inspection enforcement during the first year's operation. The application shall be in writing, signed by the applicant or by some duly authorized representative and contain the information required in this Chapter and requested by the Community Development Department. Each permit shall cover only a single well bore or re-entry of an existing bore, regardless of how many well bores located at any given site.
(Updated Ord. 2001-10, 06/11/2001; Amended by Ordinance 2016-14, 5-9-2016; Amended by Ordinance 2026-04, 6/8/2026)

Section 14-5. (Reserved for Future Use).

(Updated Ord. 2001-10, 06/11/2001; Amended by Ordinance 2016-14, 5-9-2016; Repealed by Ordinance 2026-04, 6/8/2026)

Section 14-6. Enhanced Recovery, and Saltwater or Deleterious Substance Disposal Wells.

No person shall reenter any well or drill an original well to be used for disposal of saltwater or other deleterious substance.

Section 14-7. Permit approvals.

1. All requests for permits required in this chapter will be reviewed and approved by the Planning Commission, with input from the Community Development Department, unless otherwise specified in this section or chapter. The applicant may appeal a decision of the Planning Commission to the City Council by filing a request with the City Clerk within ten business days after the decision of the Planning Commission has been rendered.

2. All requests to drill a new well or re-drill an existing well will require a Special Use Permit (also referred to as a Use on Review Permit) as outlined in and in accordance with the Tuttle Zoning Code. The fee for a Special Use Permit shall be assessed in additional to all other application and permit fees required by the City of Tuttle.
(Amended by Ord. 2016-02, 2/8/2016)

Section 14-8. Right to Suspend.

The City Manager is hereby granted authority to suspend the oil well permit issued under this Chapter where any of

the provisions of this Chapter or any amendments thereto, are violated, which suspension shall be effective until such time as such person shall comply with the provisions of this Chapter. Before suspending any such permit the City manager shall cause written notice to be served upon the licensee advising such licensee that a hearing will be had at a time and place fixed in such notice to determine whether the permit held by such permittee shall be suspended. Five (5) days' notice of the time of the hearing shall be given. It shall be unlawful and an offense for any person to operate any well during any period in which the permit covering the operation of such well is so suspended. The provisions of this section shall in no way limit or interfere with the enforcement of the penalties for the violation of ordinances generally, but shall cumulative and in addition to such penalties.

Article 2. Regulatory Provisions

Section 14-9. Drilling and Operation Regulations.

In the drilling, operation or maintenance of any oil or gas well in the city, all of such operations shall be subject to the following regulations, and violations thereof are hereby declared unlawful and offense.

1. No oil or liquid with oil content, gasoline or other oil product, surface mud or rotary mud, sand or salt water shall be disposed of draining or diverting the same into or upon any public highway, street, or alley, drainage ditch, storm sewer, sanitary sewer, gutter or paving; nor shall any of such substances be permitted to escape from the property owned, leased or controlled by the person carrying on such operations by seepage or overflow.

2. No steam engine, gasoline, natural gas, diesel or other internal combustion engine, shall be operated within the corporate limits of the city without being muffled to 110 dBA or less.

3. No earthen pits other excavations shall be constructed for the handling of drilling fluids. All working pits are restricted to steel vessels or 20mil lining for circulation of drilling fluids.

4. All storage tanks or other tanks intended to contain inflammable substances shall be protected by earthen embankments in such manner as to adequately contain 1.5 times the contents or intended contents of such tanks.

5. DELETED.

6. Approved equipment, devices and methods for the safety of life and property, such as are commonly known in the oil drilling producing business, must be used in the City in the carrying on of all the operations covered by this article, and failure to use any of such equipment, devices or methods in, any substantially important question, shall be a ground for immediately stopping further work until such failure has been corrected.

7. Surface pipe shall be set according to state requirements.

8. The premises upon which any oil well is drilled, operated or maintained shall be kept free from accumulations of rubbish, litter, unused materials or equipment, excessive rotary mud and waste oil or oily substances or other waste oil products, so far as such premises may be reasonably kept free of the same in the carrying on the operations covered by this article.

9. All piping, pipeline, connection and fixtures shall be equivalent, both as to installation as well as material used, to the specifications of the National Gas Safety Code as adopted and approved by the United States Department of Commerce as the same is now in force and effect.

10. All derricks erected must be carried on in compliance with the rules, regulations and specifications promulgated by the Corporation Commission of the State, and the various departments of such commission. Failure to abide by such rules, regulations and specifications in case of any substantially important operation shall, in addition to the other penalties provided in this article, automatically operate as a forfeiture and cancellation of all permits obtained in the case of the particular well where such violations occur, and automatically terminate the right to continue such work or any part thereof excepting such as may be necessary for safety or to prevent serious loss; and such operation shall not be continued until a new permit has been obtained and paid for on the same basis as a new and original permit.

11. Full and accurate drilling floor information, and any and all other full and accurate information pertaining to operations under permits procured under this article, shall be furnished to the City manager or any of his/her duly authorized agents at any time. Such information shall be supplied upon demand and without unnecessary delay.

12. Full police authority for the purpose of enforcing the provisions of this article and hereby given to the oil and Gas Inspector or to any other duly authorized agent of the City Council.

13. DELETED.
(Updated Ord. 2002-5, 06/10/2002; Ord. 2002-8, 07/08/2002; Amended by Ordinance 2016-15, 5-9-2016; Amended by Ordinance 2017-23, 1-8-2018)

Section 14-10. Annual Inspection & Reporting Fees.

A. The City Council is hereby authorized to levy a fee for the permitting, annual licensing, and annual inspection for each well drilled, operated or maintained in the city, along with pipelines, gas processing facilities and other oil & gas-related activity. The initial permit fee paid with and accompanying the application in the first instance, shall also include the granting of the remaining of the first year's license. Each such successive annual license fee paid after the first one, shall also cover and include that year's inspection and permission to continue such permitted activity.

B. The Annual Inspection & Reporting Period shall be from July 1 to June 30.

C. All fees shall be levied and collected by the City Manager.

D. Said fees shall be in addition to any other one-time or annual fee required.

E. In the event that the Oil & Gas Inspector finds during the course of an inspection that any inspection point is in poor quality, there will be a re-inspection of the facility after 60 days, or sooner if warranted, in order to ensure

compliance. The City Council is hereby authorized to levy a fee for re-inspection.

F. Said annual license shall be in lieu of the annual business license required elsewhere in the Tuttle Code of Ordinances.

G. No new additional oil & gas permits shall be processed for or on behalf of a particular applicant who has outstanding annual inspection and road usage fees obligations to the City of Tuttle as required or authorized in this Chapter.

H. In the event the annual inspection fee provided for in this section remains unpaid for a period exceeding thirty (30) days after the same becomes due and payable, the same shall be declared delinquent, and a penalty of thirty-five (35) percent shall be added to the annual inspection fee. The penalty provided in this section shall be in addition to all other fines penalties, or administrative charges which may otherwise be levied or assessed pursuant to the provisions of this Code.

(Amended by Ordinance 2017-22, 12-11-2017; Amended Ordinance 2026-09, 10-12-2026)

Section 14-11. Pooling of City Lots or Blocks.

Nothing in this article shall prevent or be construed to prevent the pooling of City lots or blocks of the City with land adjacent to and outside the corporate limits of the City for oil wells drilled, maintained or operated on any such City blocks or lots so pooled without compliance with this article.

Section 14-12. Wells to be Enclosed by Fence.

All wells are defined by section 141 of this Code or any of its related equipment used or capable of being used in connections with the drilling, maintaining or operation of oil or gas wells shall be enclosed in a fence, but one fence will suffice if a group of wells is enclosed in one tract or parcel of land. Such fence shall be supported by steel posts or other noninflammable material and shall be woven wire of not less than fourteen (14) gauge wire with mesh of not less than two (2) inches nor more than four (4) inches and be at least six (6) feet high.

Section 14-13. Slush Pits Prohibited.

It shall be unlawful for any person, firm or corporation to build, excavate, construct or maintain any earthen excavation commonly known as a slush pit for the deposit of oil, liquid with oil content, gasoline or other oil product, surface or rotary mud, sand or salt water, or any other waste in connection with oil wells.

Section 14-14. Repealer.

Any section, subsection or any part of CHAPTER 14, OIL AND GAS DRILLING, OF THE CODE OF ORDINANCES OF THE CITY OF TUTTLE, of this ordinance, or any other part of, said code that is contrary to or inconsistent with any of the parts of this ordinance are hereby repealed.

Section 14-15. Impact on Streets.

1. Senate Bill 809, adopted in 2015 by the Oklahoma Legislature and codified as 52 O.S. 2011 Section 137.1 specifically grants municipalities police power to regulate oil and gas operations regarding road use and traffic.

2. All roads leading from existing public or private roads to the drilling, pumping or tank area shall be graveled or otherwise hard surfaced and maintained in a manner to prevent rutting during severe rains, snow or other inclement weather. The driveway apron connecting to the public or private shall be paved in accordance with the Zoning Code. Driveways serving drilling, pumping or tank areas that do not have a paved apron and were installed prior to July 1, 2015 may be assessed a street maintenance fee, to be set by motion or resolution of the City Council, to help offset the municipality's increased cost of maintaining the road due to gravel and mud. Said fee shall be deposited into the Street and Alley Fund.

3. An initial and annual street usage fee may be assessed as authorized in Section 18-51 of this Code. Said fee shall be in addition to any other required fees and charges assessed.

4. Where, in installation, erection or construction work by virtue of permits issued under this chapter, sidewalks or the surface of streets, alleys or right of ways or any other public property is disturbed, damaged or destroyed, the same must be replaced, or restored to its original condition, or better, in as short a period of time thereafter as the same may be reasonably done.

5. In the event the initial or annual street usage fee provided for in this section remains unpaid for a period exceeding thirty (30) days after the same becomes due and payable, the same shall be declared delinquent, and a penalty of thirty-five (35) percent shall be added to the initial or annual street usage fee. The penalty provided in this section shall be in addition to all other fines penalties, or administrative charges which may otherwise be levied or assessed pursuant to the provisions of this Code.

(Ordinance 2016-15, 5-9-2016; Amended Ordinance 2026-10, 10-12-2026)

Section 14-16. Setbacks.

A. No new oil & gas site shall be located closer than the specified minimum setbacks established in the Tuttle Zoning Code.

B. It shall be unlawful to drill any oil & gas well, the center of which, at the surface of the ground, is located:

1. Within 25 feet from any storage tank or source of ignition; and

2. Within 25 feet of the edge of the oil & gas site.

C. The measurement of the setback shall be made from edge of the oil & gas site or the well bore in a straight line, without regard to intervening structures or objects, to the closest exterior point of the building or boundary line.

D. No new residential building, place of worship, public or private school building/facility, commercial or industrial building/facility, or public or private water well shall be located within 150 feet of an existing oil or gas site. Those structures legally located and operating within 150 feet of an oil or gas site prior to or annexed after January 1, 2018 shall be considered a legal non-conforming use.

Said legal non-conforming structures shall not be enlarged or replaced within the established 150-foot buffer unless approved by the Planning Commission.

E. Those oil & gas sites legally located within the setbacks established in paragraph A and operating prior to or annexed after January 1, 2018 shall be considered a legal non-conforming use. New wells shall not be drilled on legal non-conforming sites except as follows:

1. The Planning Commission may permit additional drilling on a non-conforming oil & gas drilling site when said non-conformance is due its location within 500 feet of a residential structure, platted residential subdivision, place of worship, hospital, public or private school building/facility, commercial or industrial building/facility, fire station, police station, primary city office, or public park only if:

a. The Planning Commission, after conducting a public hearing, finds that it is in the best interest of the area property owners, residents, and the oil & gas applicant to drill at the legal non-conforming site; and

b. All affected property owners within the 500-foot setback grant permission for the drilling, in writing, on a form acceptable to the City Attorney.

2. The Planning Commission may permit additional drilling on a non-conforming oil & gas drilling site when said non-conformance is due its location adjacent to a roadway only if:

a. The Planning Commission, after conducting a public hearing, finds that it is in the best interest of the area property owners, residents, and the oil & gas applicant to drill at the legal non-conforming site; and

b. Written notification of the public hearing has been mailed to all property owners within the respective setback area creating the non-conformity.

(Ordinance 2017-23, 1-8-2018; Amended Ordinance 2018-05, 2/12/2018; Amended Ordinance 2018-23, 12-10-2018)

Section 14-17. Noise Restrictions for Oil and Gas Activity.

A. No drilling, fracking, producing, or other operations shall produce a sound level greater than:

1. Seventy decibels using the "A weighting filter" ("dB(a)") when measured at a distance of 500 feet from the drilling, producing, or operating equipment in question during the daytime; or

2. Fifty-six dB(a) when measured to the nearest residence, public building, or habitable structure from the drilling, producing, or operating equipment in question during the nighttime.

B. No person shall operate or permit to be operated in connection with the operation of a producing well(s) any compression facility which creates a sound level that exceeds the ambient noise level by more than three dB(a) when measured at the nearest property line, residence, habitable structure, or public building, whichever is closer.

C. Low frequency noise standards. No drilling, production, or other operations shall produce a low frequency sound level that exceeds the following decibel levels:

1. 16 Hz octave band: 65 decibels;

2. 32 Hz octave band: 65 decibels; or

3. 64 Hz octave band: 65 decibels.

D. All Oil and Gas Permit Applicants shall submit as a part of its application, a Noise Management Plan detailing how the equipment used in the drilling, fracking, completion, transportation, or production oil & gas operations will comply with the maximum permissible noise levels set forth in Paragraphs A, B, or C of this Section. Acoustical blankets, sound walls, mufflers, landscaping or other alternative methods may be used as components of the Noise Management Plan. All soundproofing shall comply with accepted industry standards and applicable fire codes.

E. In the event a structure occupied for residential or commercial purposes is located within 1,000 feet of a site location being used for drilling, fracking, completion, transportation or production oil and gas operations, the city may require the installation of a sound wall that is up to 16 feet in height with an industry rating of STC-25 on each side of the site location that is within 1,000 feet of such structure occupied for residential or commercial purposes. The city may require said sound wall in the initial Noise Management Plan or in response to a violation of the maximum permissible noise levels set forth in Paragraphs A, B, or C of this Section.

F. If a complaint is received by either the operator or the city from any person affected by a violation of Paragraphs A, B, or C of this Section, the operator shall within 24 hours of notice of the complaint, continuously monitor for a 72-hour period the exterior noise level generated by operations at the location of the alleged violation and provide all collected data to the City within 12 hours of collection. The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

G. In the event the City determines that a violation of this Section has occurred, a citation may be immediately issued for failure to comply with the provisions of this Section and the operator shall immediately bring the noise level into compliance. In the event the operator is in compliance with the approved Noise Management Plan, and a violation still occurs, the operator will be given 24 hours from notice of noncompliance to correct the violation. (Ordinance 2017-24, 12-11-2017; Amended Ord. 2022-17, 10-10-2022)

Sections 14-18 through 14-49. Reserved for future use.

Article 3. Penalty

Section 14-50. Penalty.

Any person, firm or corporation who violates any of the provisions of this chapter, shall be guilty of an offense, and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day such violation is committed or continues to exist shall constitute

a separate offense and be punishable as such. In addition, violation of any of the provisions hereof declared to be a public nuisance shall be a basis for injunction at the suit of the City of Tuttle, or at the suite of any person, firm or corporation adversely affected thereby.

It shall be unlawful for any person, firm or corporation to build, excavate, construct or maintain any earthen excavation commonly known as a slush pit for the deposit of oil, liquid with oil content, gasoline or other oil product, surface or rotary mud, sand or salt water, or any other waste in connection with oil wells.

Sections 14-51 through 14-99. Reserved for future use.

Article 4. Oil & Gas Pipelines

Section 14-100. Oil and Gas Pipelines – General Regulations.

A. As determined in the sole, but reasonable, discretion of the city, pipelines may not interfere with or damage existing utilities, including but not limited to: water, sewer or gas lines, storm drains, electric lines or the facilities of any public utilities located in public rights-of-way, utility easements or other city-owned property or in private residential areas.

B. The pipeline operator shall be required to comply with all regulations regarding noise.

C. The pipeline operator shall be responsible to grade, level and restore the property affected by pipeline construction to the same surface condition, as nearly practicable, as existed before operations were first commenced within 30 days after completion of the pipeline.

D. The pipeline operator shall construct, repair and/or maintain all pipelines so as to meet or exceed the applicable minimum criteria established by the statutory or regulatory requirements of the state and federal governments for such pipeline.

E. A pipeline operator that transports gas, oil, liquids or hydrocarbons through a pipeline located in the city shall be a member in good standing with the one call system or other approved excavation monitoring system as required by state law.

F. At the time of permitting and each year thereafter that the pipeline remains active, each pipeline operator shall provide to the Oil & Gas Inspector the names, mailing addresses and telephone numbers of at least two primary persons, officers or contacts available on a 24-hour basis who can initiate appropriate actions to respond to an emergency; and have access to information on the location of the closest shutoff valve to any specific point in the city. Any change in the above information must be provided to the city by contacting the Oil & Gas Inspector prior to such change.

G. Each pipeline operator shall file a copy of all initial or follow-up reports provided to the U.S. Department of Transportation or the Oklahoma Corporation Commission on unsafe pipeline conditions, pipeline emergencies or pipeline incidents within the city concurrently with the city. In addition, such pipeline operator shall file any initial or follow-up reports filed with state and federal environmental regulatory agencies pertaining to pipeline releases within the city concurrently with the city.
(Ordinance 2017-25, 12-11-2017)

Section 14-101. Pipelines Regulated – Permit Required.

A. Oil & gas pipelines shall adhere to all required standards. Prior to the transport of gas, oil, liquids or hydrocarbons, the operator shall provide to the city certification from a professional engineer registered with the State of Oklahoma that the design and installation of the pipelines meet all state and federal requirements.

B. Prior to pipeline construction, a pipeline operator shall obtain a pipeline permit from the city. Exceptions to this permitting requirement are for construction necessary to respond to a pipeline emergency.

C. At the same time the operator submits an oil & gas well drilling permit application, the operator shall require the pipeline operator to submit a proposed pipeline route from the well bore to the transmission line.

D. The pipeline operator shall be required to submit an application for a pipeline permit to the city prior to making any offer or initiating any negotiation or action to acquire any easement or other property right to construct, install, maintain, repair, replace, modify, remove or operate a pipeline within the city limits.

E. The pipeline operator shall backfill all trenches and compact such trenches to 95% standard density proctor in eight-inch lifts and construct the pipeline so as to maintain a minimum depth of ten feet below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe shall be at the discretion of the city based on existing or planned utilities. During the backfill of any pipeline excavations in open cut sections, the pipeline operator shall bury “buried pipeline” warning tape one foot above any such pipeline to warn future excavators of the presence of a buried pipeline. The Oil & Gas Inspector may also require that a proposed or existing pipeline be relocated should it conflict with the proposed alignment and depth of a gravity dependent utility.

F. A pipeline permit application shall be required. The pipeline operator shall provide the city pertinent information needed, including owner and contact information, the substance to be transported (including substance material safety data sheets), a description of the consideration given to matters of public safety and the avoidance, as far as practicable, of existing habitable structures and private residential areas; the proposed method or methods to be used for the installation of the pipeline; and a copy of all required bonds and insurance
Engineering plans, drawings and/or maps with summarized specifications showing the horizontal location, covering depths and location of shutoff valves of the proposed subject pipeline shall be submitted for review, along with erosion control and grading plans. To the extent that information can be obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within 100 feet of the proposed subject pipeline right-of-way, along with all other easements, rights-of-way, roads, and utilities. This information, including GPS data, shall be submitted to the city in a format compatible with the city’s own GIS system.

G. The Community Development Director and Public Works Director shall review all applications for pipelines to ensure said pipelines shall not interfere with rights-of-way, easements, utilities, streets, drainage ways, known and planned developments, etc. Pipelines shall not conflict with the goals Comprehensive Plan and other applicable plans and policies of the city.
(Ordinance 2017-25, 12-11-2017)

Section 14-102. Abandoned Pipelines.

All pipelines shall be maintained in an active condition unless abandoned according to applicable state and federal regulations. The pipeline operator shall notify the city within 30 days of abandonment of any pipeline.
(Ordinance 2017-25, 12-11-2017)

Section 14-103. Emergency Response Plans and Emergency Incident Reporting.

A. Each pipeline operator shall maintain written procedures to minimize the hazards resulting from an emergency. These written procedures shall be shared with the Oil & Gas Inspector and the Emergency Management Director.

B. Upon discovery of a pipeline emergency or incident, any affected pipeline operator shall immediately contact the city's 911 system.
(Ordinance 2017-25, 12-11-2017)

Section 14-104. No Implied Grant of Use of Public Rights-of-Way, Utility Easements or Other City-Owned Property.

Nothing in this Article grants permission for the use of any street, public rights-of-way, utility easements or city-owned property. In the event a pipeline operator wishes to undertake any pipeline construction on, over, under, along or across any public rights-of-way, utility easements or other city-owned property, the pipeline operator shall apply for and execute a written agreement with the city governing the terms and conditions for such use; obtain all required permits and comply with any other applicable provisions of the city code.
(Ordinance 2017-25, 12-11-2017)

Section 14-105. Expiration of Pipeline Permit.

If construction of a pipeline has not commenced within one year of the date of issuance of the pipeline permit, or if the pipeline has not been completed and the surface restored within two years, the pipeline permit shall expire; provided, however, that the Oil & Gas Inspector may grant an extension of time not to exceed an additional one year if the inspector determines that weather or other unexpected physical conditions justify such an extension.
(Ordinance 2017-25, 12-11-2017)

Section 14-106. No Assumption of Responsibility by City.

Nothing in this Article shall be construed as an assumption by the city of any responsibility of a pipeline operator of a pipeline not owned by the city.
(Ordinance 2017-25, 12-11-2017)

Section 14-107. Existing or Annexed Pipelines – Grandfathering Process.

Pipeline operators shall notify the inspector of existing pipelines within 120 days of the effective date of the ordinance adopting this regulation (or 120 days after the effective annexation date) in order to designate those sites as "grandfathered" to prior ordinance requirements. Notification shall include all relevant paperwork and permits from the OCC, including notices of violations; contact information; verification of all required bonds/irrevocable letters of credit and insurance; and maps detailing the location, type, and size of pipelines, along with the product transported, and the location of valves and apparatuses.
(Ordinance 2017-25, 12-11-2017)

CHAPTER 15 – PLANNING AND COMMUNITY DEVELOPMENT

Article 1. Planning and Preservation Review Commissions

Section 15-1. Municipal and Regional Planning Commission Created.

(See Chapter 1, Section 147, this Code of ordinances)

Section 15-2. Jurisdictional Areas.

1. The municipal Planning Commission shall have jurisdiction over all land within the corporate limits of the City of Tuttle, Oklahoma.

2. The jurisdictional area of the Regional Planning Commission shall include, for the purposes of the regulation and review of land subdivision only, any lands outside the corporate limits of the City of Tuttle, Oklahoma, whose any one (1) boundary, at any point, shall be at and within a distance of three (3) miles from the corporate limits of said Community.

Section 15-3. Rules and Regulations.

1. The Planning Commission shall prescribe and adopt rules and regulations governing the transaction of business, and shall keep a public record of all regulations, transactions and findings.

2. Regular meetings of the Planning Commission shall be scheduled at least once each month.

3. Special and Emergency Meetings may be called by the Chairman of the commission, in accordance with the State Open Meetings Law

Section 15-4. Employees; Expenditures.

1. The Planning Commission shall have the authority to contract for necessary professional services, within the limits of any appropriations fixed by the City Council; all compensation for such services shall also be fixed by said City Council.

2. The Planning Commission may incur other necessary expenses, within the limits of the City councils' appropriations, to carry out its purposes and responsibilities.

Section 15-5. Project Review Procedures.

All projects or matters that fall within the duties and powers of the Planning Commission (as specified in this Code of ordinances), shall be referred to the Commission for investigation and report, before any final action shall be taken thereon by the City Council. If the Commission fails to make an investigation and report on any matter referred to it within sixty (60) days, or other agreed upon time, the City Council may proceed to act upon such matter.

Section 15-6. Duties and Powers.

1. The Planning Commission shall have the following duties and powers:

a. To prepare and recommend to the City Council, for adoption, a Comprehensive Plan F the future development of the City of Tuttle, to ensure that said Plan, once" prepared' and adopted',' is properly utilized and updated at appropriate intervals;

b. To make recommendations concerning the Community's growth, improvement and beautification;

c. To investigate and report to the City Council on all matters relating to the location and development of parks and recreational areas, streets, public grounds and structures;

d. To investigate, prepare and recommend to the City for adoption, a suitable zoning ordinance to assist in the implementation of the Community's Comprehensive Plan, and to assist said City in administering said Zoning ordinance;

e. To investigate, prepare and recommend to the City Council of Trustees, for adoption, rules and standards for use in regulating the subdivision of land within the Planning Commission's jurisdictional area, and to assist said City Council in administering said Land Subdivision Regulations; and

f. To investigate, prepare and recommend to the City Council of Trustees, for adoption, such other rules, regulations or standards as may be necessary to implement the Comprehensive Plan for the City of Tuttle, Oklahoma, including standards and regulations for floodplain management, historic preservation, signs, annexation and utility extensions, among others.

2. The Planning Commission may also be given additional duties and responsibilities by ordinance of the City Council.

Sections 15-7 through 15-19. Reserved for future use.

Article 2. Zoning

Section 15-20. Municipality's Power to Zone.

1. For the purpose of promoting the health, safety and welfare of all citizens of the Community, the City Council 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.

2. For any of the above purposes, the City Council may divide 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, r repair or use of structures, or land may be regulated. All such regulations throughout each District the regulations on it regulations in any Zoning District may differ from those in other Districts.

Section 15-21. Relationship of Zoning to the Adopted Comprehensive Plan.

1. Any Zoning ordinance adopted by the City Council shall be made subsequent to the preparation of, and in accordance with, the Community's Comprehensive Plan, which Plan shall be adopted by Resolution of said City Council.

2. Zoning Districts created for protection of historic resources shall also be made subsequent to the preparation of, and in accordance with, an adopted Plan Element for the particular historic resource or area to be protected.

Section 15-22. Planning Commission to be Zoning Commission.

To avail itself of the powers of State Law, the Municipal Planning Commission is hereby designated as the Zoning commission of the City of Tuttle, Oklahoma.

Section 15-23. Zoning Ordinance Adopted by Reference.

The Zoning ordinance adopted on September 18, 1972 (by ordinance Number 104), and amended by ordinances Number 165, 171, 188,19852, 1991-9,1991-11, 1994-7, 1995-12, 1998-3, 2001-2, 2002-9, 2002-14, 2003-1, 2003-13, 2003-16, and 2003-19 shall be and continue in effect for the City of Tuttle, Oklahoma.

Sections 15-24 through 15-39. Reserved for future use.

Article 3. Subdivision of Land

Section 15-40. Subdivision Review Process.

1. All subdivision plats, or replats of land laid out in plats or lots, and the streets, alleys or other portions of the same intended to be dedicated to public or private use, located within the jurisdictional area of either the Municipal or Regional Planning Commission, shall first be submitted to said Planning Commission for its review.

2. If the subdivision plat or replat is located within the corporate limits of the City of Tuttle, Oklahoma, final approval, prior to the filing of said plat or replat with the Grady County Clerk, shall be obtained from the City Council of Tuttle, Oklahoma.

3. If the subdivision plat or replat is located within the jurisdictional area of the Regional Planning Commission, but outside of the corporate boundaries of the City of Tuttle, Oklahoma, approval of the Regional Planning Commission shall be obtained prior to the filing of said plat or replat with the Grady County Clerk.

4. In reviewing subdivision plats or replats, the Planning Commission and the City Council shall utilize the definitions, procedures and design and improvement standards in the "Subdivision Regulations" adopted by and for the City of Tuttle, Oklahoma, or the appropriate jurisdictional area and entity.

Section 15-41. Regulations Adopted by Reference.

The Subdivision Regulations adopted on September 18, 1972 (Ordinance Number 105), as amended by ordinances Number 213, 19861, 1996-6, 2001-4, 2003-8, 2003-14, 2003-24 and 2004-3 shall be and continue in effect for the City of Tuttle, Oklahoma.

Sections 15-42 through 15-59. Reserved for future use.

Article 4. Miscellaneous Provisions

Section 15-60. Flood Prone Areas.

(See Chapter 1 and Chapter 4, this Code of ordinances Sections 1561 through 1599. Reserved for future use.

Article 5. Penalty

Section 15-100. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 16 – PUBLIC FACILITIES AND UTILITIES

Article 1. Municipal Utility Systems

Section 16-1. Municipal Utility Systems.

1. The City of Tuttle, Oklahoma, provides water, sewer, natural gas and solid waste services for the residents of said Municipality. Said services are operated through the Tuttle Public Works Authority, a Municipal Trust of which said City is the beneficiary and said Trust shall have control over the operation, maintenance and administration of said Systems and Services.

2. Water, sewer and natural gas services are operated through the Tuttle Public Works Authority, a Municipal Trust of which said City is the beneficiary; said Trust shall have control over the operation, maintenance and administration of said Systems and Services. Solid waste collection and disposal is the responsibility of the City of Tuttle, Oklahoma.
(Updated Ord. 2001-15, 08/13/2001)

Section 16-2. Use of Water and Sewer System.

Every residential inhabitant within the corporate limits of the City of Tuttle, Oklahoma, and every commercial or business entity or enterprise who may practically do so, shall secure all of its potable water requirements from the Water System owned by said City and leased to the Tuttle Public Works Authority, and connect to the Sanitary Sewer System owned by said City and leased to said Authority, and not otherwise dispose of sewage, unless it is impossible or not feasible to do so.

Section 16-3. Operation of Municipal Utility Systems.

1. The operations of the Municipal Water, Sewer and Natural Gas, and Solid Waste Collection and Disposal Systems shall be the responsibility of the Tuttle Public Works Authority; said Authority shall have the power to establish fees, rates, deposits, charges and such other rules and regulations as may be necessary for the efficient operation of these Systems.

2. Administrative processes for all Systems may be combined for more efficient operation, at the discretion of the City Council and the Tuttle Public Works Authority Board.

3. 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.
(Updated Ord. 2001-15, 08/13/2001)

Section 16-4. Use of Municipal Utility Systems.

Every resident within the corporate limits of the City of Tuttle, Oklahoma, and very commercial or industrial establishment, utilize the Municipal Utility Systems of said City, unless it is impossible to do so.

Section 16-5. Utility Trunk Line Construction Cost Reimbursement.

1. Any person who elects to construct a utility trunk line, as defined in this section, shall be eligible to receive reimbursement for a portion of the costs of construction of the utility trunk line, in an amount not to exceed ninety percent (90%) of the cost of the utility trunk line.

2. The term "Utility Trunk Line" is hereby defined as a water, sewer or natural gas line located in public easements and connecting service lines and/or lateral lines to existing main utility lines of the Tuttle Public Works Authority.

3. To be eligible for reimbursement for a portion of the costs of construction of a utility trunk line the person constructing the utility trunk line shall prior to the installation of said trunk line, submit plans for the construction of said utility trunk line together with plans for all service lines and/or lateral lines that said person is installing for use with the utility trunk line.

4. Prior to construction beginning, the person desiring to construct the utility trunk line shall obtain written approval of the City of Tuttle and the Tuttle Public Works Authority of the utility trunk line design and construction, including size and location of the utility construction. The approval required by this section shall be in addition to and not in lieu of approval required by other sections and provisions of the Code of the City of Tuttle, the Subdivision Regulations for the City of Tuttle and any other requirements or regulations of the City of Tuttle or the Tuttle Public Works Authority.

5. Prior to the written approval of the City of Tuttle and the Tuttle Public Works Authority, the person constructing the utility trunk lines shall enter into a written agreement between the Tuttle Public Works Authority and the City of Tuttle outlining the specific conditions for reimbursement.

6. Under no circumstances shall the City of Tuttle or the Tuttle Public Works Authority be liable to any person for failure to comply with the terms of an agreement entered into pursuant to this ordinance.

7. The partial reimbursement for construction costs of utility trunk lines shall be from funds charged as a part of the connect fee paid by persons who request permission to connect to the utility trunk lines.

8. No person shall be entitled to any reimbursement for any costs of construction for connections made to any utility trunk line more than ten (10) years after the completion of the utility trunk line.

9. The City of Tuttle and the Tuttle Public Works Authority shall maintain in its permanent files a full and complete description of all Utility Trunk Lines constructed pursuant to this section. The permanent riles and records of the City of Tuttle shall include a copy of the agreement between the Tuttle Public Works Authority, the City of Tuttle and the person constructing the Utility Trunk Line pursuant to this ordinance. The records with regard the each Utility Trunk Line constructed pursuant to this section shall include the date of completion of the utility trunk line and the total cost of the utility trunk line as evidenced by the sworn statement of the person constructing same.

10. The City of Tuttle and the Tuttle Public Works Authority shall clearly note upon its municipal utility maps the existence of all Utility Trunk Lines constructed pursuant to this ordinance and shall maintain such clear designation for a period of ten years from the date of the completion of construction of said utility trunk line.

11. The written agreement between the person constructing a Utility Trunk Line and the City of Tuttle and The Tuttle Public Works Authority shall address the conditions and amounts of reimbursement to which the person is entitled. No construction shall begin until such agreement has been fully approved and executed by all parties.

12. No property owner or developer shall be compelled to install a Utility Trunk Line, however, the City of Tuttle and the Tuttle Public Works Authority shall not be compelled to allow any person to use its public easements or rights of way for the installation of utilities.

13. Any Utility Trunk Line constructed pursuant to this Ordinance shall be dedicated to the City of Tuttle and the Tuttle Public Works Authority immediately upon its completion and the construction of said line shall be in compliance with all federal, state and municipal statutes, ordinances and regulations.

14. No property owner or developer shall be compelled to connect to a Utility Trunk Line, however, any connection made within ten years of the completion of a Utility Trunk Line shall require the imposition of a Utility Trunk Line Connection Fee to be assessed by the Tuttle Public Works Authority pursuant to this ordinance and the agreement between the person constructing said Utility Trunk Line and the City of Tuttle and the Tuttle Public Works Authority.

Section 16-6. Utility Line Extensions.

1. The tap fee for all utilities provided by the Tuttle Public Works Authority shall be considered compensation for the initial 100 feet of utility service lines, including necessary road bores, up to a Tuttle Public Works Authority expenditure of $1,000.00.

2. In the event the cost of said tap and extension of 100 feet of line exceeds $1,000.00, the Tuttle Public Works Authority may require the customer to share in the costs exceeding $1,000.00.

3. Customers requesting utility services to a meter location more than 100 from the existing utility main shall pay for the cost of installing line in excess of the initial 100 feet.

4. In the event the Tuttle Public Works Authority requires a customer to install a larger utility line between the existing utility main and the customer's meter than would otherwise be necessary for that customer's service, the Tuttle Public Works Authority may supplement the additional cost to the customer or may require the customer to install the line pursuant to Section 16-5 of the Cod of Ordinances of the City of Tuttle.

5. In no event shall the Tuttle Public Works Authority extend municipal lines, pay for the extension of municipal lines nor supplement the cost of municipal lines or in any other manner utilize funds of the Tuttle Public Works Authority for the extension of utility lines on private property in the absence of a permanent easement or right of way.
(Updated Ord. 1999-3, 01/11/1999)

Sections 16-7 through 16-9. Reserved for future use.

Article 2. Municipal Water System

Section 16-10. Water Connections.

It shall be unlawful for any person, firm or corporation to make a connection to the Municipal Water System without first complying with all applicable provisions of this Code of Ordinances and all requirements of the Tuttle Public works Authority.

Section 16-11. Mandatory Use of Municipal Water System; Private Wells.

1. The owners of all houses, buildings, businesses or properties used for occupancy, business, commercial or industrial use, employment, education, recreation, or any other purpose, situated within the City of Tuttle, Oklahoma, and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a municipal water line, are hereby required, at their expense, to connect their facility with the proper municipal water line (in accordance with all Municipal requirements) and pay all Municipal fees and use charges therefor, within one hundred and twenty (120) days after the date of official municipal notice to do so and to use said municipal water service in lieu of private wells or any other water source; provided, that, the Municipal water line is within three hundred (300) feet of the property line.

2. The municipal water system of the City of Tuttle shall be the primary source of water to all residences, businesses, and other facilities that meet the requirements for mandatory hook-up established in Paragraph 1 of this Section. It is unlawful for any customer of the Tuttle Municipal Water System to utilize a private water well as a source of water for domestic, commercial or industrial purposes at any location that has at any time previously been served by the Tuttle Municipal Water System. Provided however, this paragraph shall not be construed to prohibit the use of water from a private well for the sole purpose of irrigation of gardens, lawns, agricultural crops or trees.

3. No unauthorized person shall make any connections with any Municipal water line without first having made application therefor to the City Clerk, and without first having paid the established fee.

4. The City of Tuttle has determined that to provide a sanitary water system, sufficient water supply, and to maintain a financially stable Water Department, that it is deemed advisable that the use of private water wells inside the corporate limits of the City of Tuttle, Oklahoma, should be subject to the restrictions and limitations herein set forth.

5. The requirements of this Section shall not apply to persons currently being served directly by an existing Rural water District.
(Updated Ord. 2007-10, 10/19/2007)

Section 16-12. Tampering With or Injuring Municipal Water System.

It shall be unlawful for any person to injure or deface, or in any way tamper with, any portion of the municipal Water System, or to turn the water off or on from any main at any time or place, unless he is duly authorized so to do by the Tuttle Public works Authority.

Section 16-13. Water Rates, Fees and Charges.

1. The Governing Body of the Tuttle Public Works Authority shall have the power to establish and adjust water rates and other fees, by Resolution, for connections to and use of the municipal water system. Customers outside the city limits of the City of Tuttle shall pay a rate for the water service provided by the Tuttle Public Works Authority that is 120% that of customers within the city limits of the City of Tuttle.

2. Deposits for residential water service shall be fifty dollars ($50.00). Provided however, residential water service deposits may be waived by the City Manager upon request of the person requesting new residential water service if the person requesting new service is an existing customer with a good payment history and the requested service is to the property of the existing customer making the request. Additionally, existing customers may seek a refund of their deposit under the following enumerated circumstances:

a. The customer must have continuous water service for at least three years from the Tuttle Public Works Authority; and

b. The customer must have a good payment history with the Tuttle Public Works Authority.

3. Deposits for commercial water service shall be equivalent to the commercial water customer's average monthly water bill with a minimum charge of Fifty Dollars ($50.00). Prior to the initiation of service a commercial water customer shall pay to the Tuttle Public Works Authority the minimum commercial water service deposit and shall upon the receipt of its first full month of billing shall pay an additional deposit equivalent to the difference between $50.00 and the billing for the first full month, unless the first full month's bill is less than $50.00, in which case no additional sums will be required to be paid. At the end of one full year of service, the commercial customer's average monthly water service billing will be computed and the commercial customer's deposit shall be adjusted to be equal to the commercial customer's average monthly water service billing, provided that at no time shall the commercial water customer's deposit be reduced to an amount below $50.00. The failure of a commercial water customer to pay any deposit amount as required by the Tuttle Public Works Authority shall be the basis for disconnecting water service."

4. Any person requesting water service shall be required to pay a tap fee or connect fee and the cost of the water meter where no water tap or meter has previously been provided or where a new water tap and/or meter is requested or necessary. The water meter shall become and is considered a permanent improvement to the property where it is located. The water meter, upon installation, shall not be tampered with, altered, changed, or removed without the prior permission of the City of Tuttle, Oklahoma. The City of Tuttle is engaged in an ongoing process of converting its current system of mechanical meters to a system of electronic meters. The Director of Public Works shall determine whether an electronic meter or a mechanical meter should be installed. The Governing Body of the Tuttle Public Works Authority shall have the power to establish, by Resolution, the charges and fees for the installation costs of a water tap and/or cost of a meter. Any person requesting water service to a lot where no water service has ever been provided shall pay in addition to all other fees, a Service Initiation Fee for water service in the amount of $400.00.
(Updated Ord. 2009-14, 6/8/2009)

Section 16-13.1. Water Rates, Fees, and Charges for Bulk Water Purchases Outside of the City Limits.

1. The Governing Body of the Tuttle Public Works Authority may contract with non-consumer entities for the sale of excess water in bulk. All terms and conditions of the sale of said excess water, including rates and the minimum and maximum water purchase amounts, must be contained in a written contract approved by both the Governing Body of the Tuttle Public Works Authority and the purchasing entity.

2. Non-consumer entities that purchase water in bulk without a contract shall be allowed to purchase only excess water on a day-to-day basis and the rate for such excess water shall be 150% of the rate that is charged to residential customers of the Tuttle Public Works Authority who receive service within the city limits of the City of Tuttle. The sole determination on whether excess water is available to non-consumer entities without a written contract shall be made by the General Manager of the Tuttle Public Works Authority on a daily basis. In the event the General Manager of the Tuttle Public Works Authority determines that excess water exists, water may be sold to non-consumer entities, however on any day that a non-consumer entity requests water from the Tuttle Public Works Authority and the General Manager of the Tuttle Public Works Authority determines that excess water exists and is available for sale, the minimum daily purchase shall not be less than 20,000 gallons per day.

3. For the purposes of this Section, excess water shall not exist for bulk purchase when a water emergency that would require the rationing of water for the customers of the Tuttle Public Works Authority has been declared or a water emergency that would require the rationing of water for the customers of the Tuttle Public Works Authority or would have to be declared as a result of the bulk sale of water made to non-consumer entities.
(Added Ord. 2010-18, 6/21/2010)

Section 16-14. Private Water Wells; Registration; Restriction on Use.

1. As authorized by 82 O.S. Section 1020.21, It shall be the duty of every person owning, occupying or having control of the occupancy of any premises upon which a water well is located within the City of Tuttle, Oklahoma, to register all water wells on the premises with the City of Tuttle at the beginning of such occupancy, accompanied with a payment of a nominal fee, as established by resolution.

2. Every person owning, occupying or having control of the occupancy of any premises upon which a water well was located on the effective date of this Ordinance shall register all water wells on the premises on or before October 1, 2011.

3. Every person owning, occupying or having control of the occupancy of any premises upon which a water well is drilled on or after the effective date of this Ordinance shall register said water well within fifteen (15) days after the completion of said water well.

4. Nothing herein shall prevent the city from assessing permit fees for unpermitted wells drilled after July 1, 2009.

5. In the public interest, to protect the health, safety and welfare of the citizens of the City of Tuttle, and to preserve the ability of the City and its citizens to provide adequate fire suppression through water availability, the City Manager may issue water usage restrictions to users of well water at any location within the City of Tuttle when the usage impacts the ground water table, the availability of water, the quantity or quality of water or the available water pressure in any affected public or private water well.
(Added Ord. 2011-17, 8/3/2011)

Section 16-15. Restricting the Use of Water During Emergency.

In case of emergency caused by a shortage of water in the city water system, it shall be the duty of the city manager to give immediate notice, by publication if possible, to the customers of the system restricting the use of water obtained from the system for any purpose other than domestic use and such other use as the manager may designate, for so long as such water shortage shall last. Thereafter, and until the city manager proclaims the emergency at an end, it shall be unlawful for any person to use water obtained from the city water system for the purpose of watering or sprinkling a lawn, flowerbed, park, hedge or garden, or to use such water for any purpose other than domestic use and such other uses as the city manager shall designate. The city manager may also publish rationing or rotational use rules; it shall be unlawful for any person to use water obtained from the city in a manner which violates such rules for as long as the rules are in effect.
(Added Ord. 2011-12, 7/11/2011)

Section 16-16. Waste of Water.

1. It shall be unlawful for any person to commit waste of water, whether from the public water supply, groundwater, or other sources, within the City of Tuttle. Waste of water is hereby defined as:

a. Taking or using water in any manner so that the water is lost for beneficial use;

b. Transporting water from a well to the place of use in such a manner that there is an excessive loss in transit;

c. Using water in such an inefficient manner that excessive losses occur;

d. Allowing water to be over-sprayed onto concrete, asphalt, pavement, roofs, or exterior walls of structures during the process of outdoor watering;

e. Using water to water outdoor during periods of extreme heat or when the outdoor temperature exceeds 95 degrees Fahrenheit.

f. Allowing any water to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well;

g. Using water for air conditioning or cooling purposes without providing facilities to aerate and reuse such water; or

h. Failure to properly plug abandoned fresh water wells in accordance with rules of the Oklahoma Water Resources Board and file reports thereof.

2. The City, when presented with evidence that an act of waste is being committed, or after investigation of a complaint filed by another individual, shall take steps to assure that the waste ceases. Such steps shall include but shall not be limited to pursuing voluntary compliance, obtaining the issuance of a cease and desist order by the City Manager, instituting action in the Municipal Court of the City of Tuttle for fines; instituting action in a court of competent jurisdiction to enjoin the waste, or other administrative remedies by the City, and filing a complaint in the Grady County District Court.
(Added Ord. 2011-17, 8/3/2011)

Sections 16-17 through 16-29. Reserved for future use.

Article 3. Municipal Sewer System

Section 16-30. Use of Municipal Sewer System.

It shall be unlawful for any person, firm or corporation to make any connection to the municipal Sewer System without first complying with all applicable provisions of this Code of ordinances and all requirements of the Tuttle Public Works Authority.

Section 16-31. Mandatory Sewer Connections.

1. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the corporate limits of the City of Tuttle, Oklahoma, and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the City, are hereby required, at their own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within one hundred and twenty (120) days after the date of official municipal notice to do so; provided, that, such public sewer is within three hundred (300) feet of the property line.

2. Said notice (above) shall be served by any designated agent of the City by delivering a true and correct copy to the property owner, or leaving the same at his usual place of residence with a member of his family over the age of fifteen (15) years, or if such owner cannot be found, by posting a copy of such notice at the front entrance of the building involved.

3. 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 of offense. In the event of a continuous violation of this Section by any property owner, the City may discontinue the furnishing of water to such property owner, until such time as a proper sewer connection has been made.

Section 16-32. Private Sewage Disposal Facilities.

1. Except as hereinafter provided in this Section, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of sewage, within the corporate limits of the City of Tuttle, Oklahoma.

2. Where a connection to a public sanitary sewer line is not required under the provisions of Section 1631, a

private septic tank or cesspool 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 Oklahoma State Department of Health. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

3. The owners of private septic tanks or cesspools shall operate and maintain the same in a sanitary manner at all times, at no expense to the City, and no statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Local, County or State Health officers.

4. At such times as a public sewer becomes available to a property served by a septic tank or cesspool, a direct connection shall be made to such public sewer in compliance with Section 1631, and the septic tank or cesspool shall immediately be abandoned and filled with suitable material.

Section 16-33. Sewer Rates and Fees.

1. The Governing Body of the Tuttle Public Works Authority shall have the power to set and adjust sanitary sewer rates and other fees by resolution for connections to and use of the municipal sewer system. Customers outside the city limits of the City of Tuttle shall pay a rate for the sanitary sewer service provided by the Tuttle Public Works Authority that is 120% that of customers within the city limits of the City of Tuttle.

2. Deposits for residential sewer service shall be fifty dollars ($50.00). Provided however, residential sewer service deposits may be waived by the City Manager upon request of the person requesting new residential water service if the person requesting new service is an existing customer with a good payment history and the requested service is to the property of the existing customer making the request. If the customer requesting sewer service is also a water customer, no additional deposit shall be required. Additionally, existing customers may seek a refund of their deposit under the following enumerated circumstances:

a. The customer must have continuous sewer service for at least three years from the Tuttle Public Works Authority; and

b. The customer must have a good payment history with the Tuttle Public Works Authority.

3. Deposits for commercial sewer service shall be equivalent to the commercial sewer customer's average monthly water bill with a minimum charge of Fifty Dollars ($50.00). Prior to the initiation of service a commercial sewer customer shall pay to the Tuttle Public Works Authority the minimum commercial sewer service deposit and shall upon the receipt of its first full month of billing shall pay an additional deposit equivalent to the difference between $50.00 and the billing for the first full month, unless the first full month's bill is less than $50.00, in which case no additional sums will be required to be paid. At the end of one full year of service, the commercial customer's average monthly sewer service billing will be computed and the commercial customer's deposit shall be adjusted to be equal to the commercial customer's average monthly sewer service billing, provided that at no time shall the commercial sewer customer's deposit be reduced to an amount below $50.00. The failure of a commercial sewer customer to pay any deposit amount as required by the Tuttle Public Works Authority shall be the basis for disconnecting sewer service.
(Updated Ord. 2009-14)

Sections 16-34 through 16-49. (Reserved for future use.)

Article 4. Municipal Gas System

Section 16-50. Gas Taps and Meters.

1. The Governing Body of the Tuttle Public Works Authority shall have the power to set and adjust natural gas rates and other fees by resolution for connections to and use of the municipal natural gas system. Customers outside the city limits of the City of Tuttle shall pay a rate for the natural gas service provided by the Tuttle Public Works Authority that is 120% that of customers within the city limits of the City of Tuttle.

2. Deposits for residential gas service shall be One Hundred Thirty Dollars ($130.00). Provided however, residential gas service deposits may be waived by the City Manager upon request of the person requesting new residential gas service if the person requesting new service is an existing customer with a good payment history and the requested service is to the property of the existing customer making the request. Additionally, existing residential gas service customers may seek a refund of their deposit under the following enumerated circumstances:

a. The customer must have continuous gas service for at least three years from the Tuttle Public Works Authority; and

b. The customer must have a good payment history with the Tuttle Public Works Authority.

3. Deposits for commercial gas service shall be equivalent to the commercial gas customer's average monthly water bill with a minimum charge of One Hundred Thirty Dollars ($130.00). Prior to the initiation of service a commercial gas customer shall pay to the Tuttle Public Works Authority the minimum commercial gas service deposit and shall upon the receipt of its first full month of billing shall pay an additional deposit equivalent to the difference between $130.00 and the billing for the first full month, unless the first full month's bill is less than $130.00, in which case no additional sums will be required to be paid. At the end of one full year of service, the commercial customer's average monthly gas service billing will be computed and the commercial customer's deposit shall be adjusted to be equal to the commercial customer's average monthly gas service billing, provided that at no time shall the commercial gas customer's deposit be reduced to an amount below $130.00. The Failure of a commercial gas customer to pay any deposit amount as required by the Tuttle Public Works Authority shall be the basis for disconnection gas service.
(Updated Ord. 2009-14)

Section 16-51. Gas System Interference.

1. It shall be unlawful for any person to raise or lower the ground elevation (or grade) within three feet of any natural gas meter, riser or other apparatus without first

receiving written confirmation from the Gas Superintendent or his designee.

2. It shall be unlawful for any person to plant any tree, shrub, flowers or other live plant, except for typical lawn grasses, within three feet of any natural gas meter, riser, or other apparatus.

3. It shall be unlawful for any person to allow any tree, including the trees root structure, to interfere with any natural gas meter, riser, pipe, line or other apparatus.

4. It shall be unlawful for any person to obstruct, enclose, damage, destroy or tamper with any natural gas meter, riser, pipe, line or other apparatus.

5. It shall be unlawful for any person to interfere with the City of Tuttle and Tuttle Public Works Authority's obligation to operate and maintain its natural gas utility in a manner consistent with the rules and regulations of the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration, the Oklahoma Corporation Commission, and any state or federal agency with regulatory jurisdiction over natural gas systems

6. All violations of this section shall be considered a public nuisance. Those public nuisances occurring on private property, as defined in §12-02 of this Code, shall be remedied in accordance with Chapter 12 of this Code.
(Added Ord. 2014-04, 1/13/2014)

Sections 16-52 through 16-69. Reserved for future use.

Article 5. Solid Waste Collection and Disposal System

Section 16-70. Collection and Disposal to be a Municipal Function provided by TPWA.

The collection and disposal of garbage, trash and refuse and other solid waste is a Municipal function of the City of Tuttle, Oklahoma, provided by the Tuttle Public Works Authority as a protection of the public health; the police powers of said City shall be invoked when necessary for the enforcement of this chapter. In addition, the City of Tuttle, Oklahoma, may collect and dispose of refuse, as it deems necessary; Provided, that, such disposal shall be an approved method of incineration (not open burning) or by landfill and daily cover. (Updated 8-13-01 by Ordinance 2001-15)

Section 16-71. Purpose.

It is the purpose of this Article and it is hereby declared to be the policy of the City of Tuttle, Oklahoma, pursuant to the authority of the Oklahoma Solid Waste management Act (Title 63 O.S. 1981, Sections 22512265, inclusive and as amended), to regulate the collection and disposal of solid wastes in a manner that will protect the public health and welfare, prevent air and water pollution, prevent the spread of disease and the creation of nuisances, conserve the natural resources, and enhance and preserve the beauty and quality of the community's environment.

Section 16-72. Definitions.

1. Bags-Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed 35 pounds.

2. Bulky Waste- Stoves, Refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers.

3. Bundle- Tree, shrub or brush trimmings or newspapers and magazines, which cannot be conveniently placed in the containers required under this section, shall be gathered together and baled, tied or sacked in compact bundles not to exceed three and one-half (3 ½) feet in length or thirty-five (35) pounds in weight.

4. City- The City of Tuttle, Tuttle, Oklahoma.

5. Construction Debris- Waste building materials resulting from construction, remodeling, repair or demolition operations.

6. Container – Residential Containers- 90 gallon Poly Carts designed to store refuse and garbage constructed with handles of adequate strength for lifting and having a tight fitting lid capable of preventing entrance into the container by vectors.

7. Dead Animals- Animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use or consumption.

8. Garbage- Any and all dead animals of less than 10 pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish fowl, birds, fruits, grains or other animal or vegetable matter (including but not by way of limitation, used tin cans or other food containers; and all putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

9. Hazardous Waste- Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by or pursuant to federal or state law, or waste in any amount which is regulated under Federal or State law; the term hazardous waste shall also include motor oil, gasoline, paint and paint cans.

10. Head of Household- The individual who is legally obligated to support and care for himself and his family, if any.

11. HeavyDuty Business Refuse Collection- Those businesses which are the sole users of a dumpster.

12. Light Business Refuse Collection- Those businesses which share a dumpster with a maximum of 2 other businesses.

13. Person- an institution, public or private corporation, individual, partnership or other entity.

14. Premises- land, buildings or other structures or parts thereof, upon or in which refuse is stored.

15. Producer- an occupant of a residential or commercial unit who generates refuse, rubbish, garbage and residential and/or commercial refuse.

16. Refuse- this term shall refer to residential and/or commercial refuse and bulky waste, construction debris and stable matter generated at a residential or commercial unit.

17. Residential and Commercial Refuse- All garbage and rubbish generated by a producer at a residential and/or commercial unit.

18. Residential Unit- A dwelling within the corporate limits of the City of Tuttle occupied by a person or group of persons comprising not more than four (4) families. A residential unit shall be deemed occupied when either water ore electrical power services are being supplied thereto. A condominium or apartment dwelling, whether of single or multi-level construction, consisting of four or less contiguous or separate single-family dwelling units, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit shall be billed separately as a residential unit.

19. Rubbish- All waste wood, wood products, tree trimming, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are sued for packaging or wrapping crockery and glass, mineral or metallic substances and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter.

20. Solid Waste- All putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, refuse, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes and hazardous wastes (including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes).

21. Solid Waste Management System- The entire process of storage, collection, transportation, processing and burying solid wastes at or in a site approved by the Oklahoma State Department of Health.

22. Stable Matter- All manure or other waste matter normally accumulated in or about a stable of any animal, livestock or poultry enclosure and resulting from the keeping of animals, poultry or livestock.

23. 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 City.

Section 16-73. Accumulation a Nuisance; Containers.

1. It shall be unlawful for any person in charge of any lot or piece of ground to allow solid waste to accumulate thereon, so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood or any inhabitant thereof. Any such condition is hereby declared a violation of this Article and punishable as such, and in addition is declared to be a nuisance and may be abated as such.

2. Any person constructing any structure within the City of Tuttle, Oklahoma, shall, prior to construction on any premises, furnish and place on said premises a container of suitable size and design (3 cubic yards, maximum capacity) to contain all solid waste which might, by the winds or elements, be distributed and blown from the premises; said container shall be used by the person concerned at all times to keep the premises from becoming unsightly with solid waste, and shall always be kept covered.

3. Any person who fails to keep the premises on which any structure is being built or installed free from solid waste and who allows said waste to blow or be carried from the premises to adjoining or other property or into the streets, shall be deemed guilty of causing a nuisance, and shall be subject to the penalties in this Code of Ordinances prescribed therefor.

Section 16-74. Burning of Solid Waste.

1. 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.

2. It shall be an of offense to construct or install, within any building in the City of Tuttle, Oklahoma, an unlawful incinerator designed to burn solid wastes.

Section 16-75. Charges for Solid Waste Collection and Disposition.

1. 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, as amended, there is levied and assessed rates and charges, to be adjusted annually, by the Tuttle Public Works Authority by resolution, based upon the charges and expenses incurred by the City of Tuttle and the Tuttle Public Works Authority. Said rates and charges are levied and assessed against every owner, occupant or person in charge of any dwelling unit, business, industrial or institutional user unit within or without the corporate limits of the City of Tuttle, as they currently exist, or as they might from time to time be changed according to law:

2. The Tuttle Public Works Authority shall charge customers not located within the corporate limits of the City of Tuttle a rate equal that of the rate charged customers within the corporate limits of the City of Tuttle.
(Updated Ord. 2010-14, 6/14/2010; 2011-14, 5/9/2011)

Section 16-76. Solid Waste Collection Deposit.

The Solid Waste Collection deposit fee shall be as follows:

Polycart users $15.00

Dumpster users $36.00

Provided however, deposits for solid waste collection service may be waived by the City Manager upon request of the person requesting new service if the person requesting new service is an existing customer with a good

payment history and the requested service is for the property of the existing customer making the request. Additionally, existing customers with continuous service for over three years and with a good payment history may request a refund of the deposit fee paid upon commencement of their service.
(Updated Ord. 1998-16)

Section 16-77. Duty to Request Garbage Service; Responsibility of Owner; Prohibition Against Meddling.

1. It shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the City of Tuttle at the beginning of such occupancy and request, accept and use the garbage collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the City from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action to the regulatory measures herein prescribed and causing the fees or charges therefor to be paid.

2. Garbage racks, cans, barrels or other containers previously used for the purpose of storing household refuse shall be removed from all City streets and alleys within thirty (30) days from this passage of this ordinance.

3. All Polycarts shall be placed on the curbside of the street, in a convenient location, on the days of garbage collection.

4. The meddling with refuse containers or in any way pilfering, scattering contents in or junking any alley or street, including any portion of the right-of-way thereof, is prohibited.

5. No person whose name does not appear on the Billing Register of the Tuttle Public Works Authority Solid Waste Collection and disposal System authorized to utilize any specific polycart or dumpster in the City of Tuttle, Oklahoma, may dump or otherwise dispose of garbage or other refuse in any polycart of dumpster without obtaining express permission to do so in specific polycart or dumpster.
(Update Ord. 2001-3, 01/08/2001)

Section 16-78. Penalties.

Any person, firm or corporation who shall violate a provision of this article shall, upon conviction or a plea of guilty thereto, be punished as established in Section 11-50 Article 3. Chapter 11 of the Code of Ordinances for the City of Tuttle, Oklahoma.

Section 16-79. Savings Clause.

If any section, paragraph, sentence, clause or phrase of this Article is declared unconstitutional or invalid for any reason, by any Court of competent jurisdiction, the remainder of this Article shall not be affected thereby.

Sections 16-80 through 16-89. Reserved for future use.

Article 6. Park and Recreational Facilities

Section 16-90.

1. Schrock Park in the City of Tuttle, Oklahoma, shall be closed between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. of each day except for any "organized activity", taking place in said park.

2. The term "organized activity", as set out above shall be defined as softball or baseball games and rodeo, etc.

Sections 16-91 through 16-99. Reserved for future use.

Article 7. Municipal Cemetery

Section 16-100. Rules and Regulations Part of Deed.

The rules and regulations set out in this Chapter shall be a part of each and every deed for any lot in the Fair View Cemetery owned by the City of Tuttle, Oklahoma, and the City Clerk shall furnish to the purchaser of each lot a copy of these rules and regulations; the City Council and the City reserve the right, power and authority to change or alter any of the rules hereinafter set out and to add additional rules.

Section 16-101. Deed Not to be Issued Until Lot is Paid For.

City officials shall not issue any deed for any lot or parcel of land until the same is fully paid for. No deed shall be issued for less than one-eighth (1/8) of a lot which constitutes one (1) regular burial space; provided, however, that in Lots 1,2,3,14,15,16,17,18 and 19 Section I, deeds may issue for one-sixteenth (1/16) of a lot for the interment of caskets with a maximum size of three (3) feet by four (4) feet; and provided, further, however, that in Lots 72,73,74,75,84,85,86,87,88,89,90,91,100,101,102 and 103 of Section K, deeds may issue for one-forty-eighth (1/48) of a lot for the interment of cremation urns." Lots 1,2,3,4,5,6,7,8,9, and 10 Section K previously designated for cremation are designated regular burial spaces.
(Updated Ord. 2006-23, 09/11/2006)

Section 16-102. No Improvement Until Deed is Issued.

No improvements shall be made on any lot or burial space until a deed has been issued and delivered.

Section 16-103. Fences and other Structures.

No lot, part or parcel of such cemetery shall be enclosed by, nor shall there be placed thereon, any coping, curbing, fencing, hedging or other obstructions or structures excepting monuments and grave markers. The City, acting by and through the City Council, reserves and retains the right to tear down and remove from such cemetery anything placed on said lot or burial space in violation of this regulation.

Section 16-104. Trees and other Plants.

1. No trees, shrubs, vines or plants shall be planted in said Cemetery except in such a way as to conform to the General Plan of the City in the beautification of said Cemetery; prior written approval must be obtained from the

City Clerk before any such shrub, vines, plants or trees are placed is said Cemetery by any person.

2. In the event the City, or any of its duly authorized agents, grants authority to any person to plant trees, shrubs, vines or plants on any of the said lots, the City specifically reserves the right to prune, cut back or remove any such trees, shrubs, vines or plants which may be deemed necessary in the sole discretion of the City, or its agents or employees, and neither the City nor its agents or employees shall be liable for any exercise of such discretion.

Section 16-105. Funeral Designs and Floral Pieces.

The City Council reserves and retains the right and authority to remove from any and all graves all funeral designs and floral pieces when they become wilted and unsightly in the judgement of the Sexton of the Cemetery; in no case shall the Sexton or other employees of the City attempt to locate any design or floral piece after it has been removed from the Cemetery, and neither the City nor any of its agents, servants or employees, shall be responsible for any such article so removed from such Cemetery.

Section 16-106. Mausoleums.

No mausoleum or aboveground crypts shall ever be erected or constructed within the confines of the said Cemetery.

Section 16-107. Interment of All Races, Creeds and Religions.

Fair View Cemetery is maintained for the interment of persons of all races, creeds and religious faiths.

Section 16-108. Opening Graves; Charges; Vault required in all sections of Fairview Cemetery except portions of Sections I and K; disinterment.

1. No grave shall be opened until the necessary permit has been issued by the City Clerk. All opening of graves shall be done by the Sexton. Requests and orders for opening graves shall be given sufficiently early to allow at least six (6) working hours for the work.

2. Charges for opening graves shall be established by resolution of the City Council; the rate fees will be different for weekends, holidays and weekdays. A weekend is defined as the time between Friday at 4pm through Monday at 12pm. A holiday is defined as the time between the last regular working hour of the day before the holiday through the first 4 regular working hours of the day after the holiday. A weekday is defined as 10am through 4pm on a regular business day unless otherwise specified.

3. All interments in Fairview Cemetery except Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Section K and Lots 1, 2, 3, 14, 15, 16, 17, 18 and 19 in Section I, shall require the use of a vault constructed of concrete or of a substance more substantial than concrete.

4. There shall be a disinterment charge for the disinterment of any grave as established by resolution of the City Council; the rate fees will be different for weekends, holidays and weekdays. A weekend is defined as the time between Friday at 4pm through Monday at 12pm. A holiday is defined as the time between the last regular working hour of the day before the holiday through the first 4 regular working hours of the day after the holiday. A weekday is defined as 10am through 4pm on a regular business day unless otherwise specified.

5. No disinterment shall be allowed without the consideration and approval of the Cemetery Board and the Board of Trustees of the city of Tuttle, Oklahoma. All such disinterments shall be performed in strict accordance with state law.
(Updated Ord. 2008-4, 09/08/2008; Ord. 2014-16, 07/14/2014)

Section 16-109. Prices of Lots.

1. Grave space prices shall be established by resolution of the City Council.

2. The dividing line for a one-half (1/2) lot shall be a line running North to South through the center of the lot.

3. There shall be payable to the City Clerk a fee for recording, postage and handling each cemetery deed issued by the City Clerk of the City of Tuttle, Oklahoma. Such fee shall be in addition to the price of cemetery lots plus the actual cost of recording the deed in the office of the County Clerk of Grady County, Oklahoma. Said fee shall be established by resolution of the City Council.
(Updated Ord. 2008-4, 09/08/2008; Ord. 2014-16, 07/14/2014)

Section 16-110. Signs Prohibited.

No signs indicating that a lot or burial space is for sale shall ever be placed in said Cemetery, nor any signs of advertising of any nature.

Section 16-111. Installation of Monuments and Markers.

1. All monuments or grave markers placed in Sections A, B, C, D, E, F, G, H, I, J, L, M and N of the Fairview Cemetery shall be placed upon concrete base, and an apron eight (8) inches shall extend all around the marker or monument; said apron shall be at ground level to permit a mower wheel to ride upon the apron area.

2. No monument, marker or other permanent structure that extends above ground level shall be placed in Section K of the Fairview Cemetery and further provided that said monument shall be thirty (30) inches long and fortytwo (42) inches wide and shall totally cover the cremation burial space.

3. Notwithstanding any other provision of this Code of Ordinances, no monuments, markers or other permanent structures shall extend above ground level in any Section of the Fairview Cemetery except headstones that are uniformly placed at the head of graves. The City Manager of the City of Tuttle is authorized to order the removal of any monument, marker or other permanent structure that does not strictly comply with the uniformity requirements of this section.

4. Prior to the installation of a monument or grave marker, a permit must first be issued by the City Clerk. The fee for said permit shall be established by resolution of the City Council.
(Updated Ord. 2002-16, 12/09/02; Ord. 2014-16, 07/14/2014)

Section 16-112. Gravel, etc., and Walks Prohibited.

No gravel, brick, stone, cement or any kind of artificial walks shall be allowed within the boundaries of any lot located in said Cemetery; no lot or burial space shall be covered with gravel, chat, concrete, cement or any other material.

Section 16-113. Death of owner of Lots.

When a lot owner dies intestate, the heirs shall be recognized by the furnishing of a death certificate and affidavit of the heirs.

Section 16-114. Limitation on Use of Cemetery; Access and Exit.

The Cemetery shall not be used for any purpose or purposes foreign to, and not compatible with and becoming to the, operation of cemeteries; all access to, or exit from, the Cemetery grounds shall be through entrances or exits provided by the City for the purpose of entrance or exit. Any violation of this rule shall be termed and deemed to be trespassing.

Section 16-115. Conveyance of Cemetery Lots.

Lots in the Municipally owned Cemetery may be conveyed in the manner provided by Oklahoma Statutes.

Section 16-116. Perpetual Care Fund.

The Perpetual Care Fund for the cemetery shall be set up and administered as provided by State Law and other applicable ordinances of the City of Tuttle, Oklahoma.

Section 16-117. Cemetery Advisory Committee.

1. The Cemetery Advisory Committee of the City of Tuttle shall consist of five (5) Members to be appointed by the City Council.

2. All terms except the initial terms shall be for three (3) years. The initial term for Position 1 shall be one (1) year. The initial term for Positions 2 and 3 shall be two years. The initial terms for Positions 4 and 5 shall be three (3) years. All terms shall expire on June 30.

3. The Mayor and the City Manager of the City of Tuttle shall serve as Ex Officio members of the Committee without voting powers.

4. The Cemetery Advisory Committee shall comply with the provisions of 25 O.S Section 301 et seq. and shall conduct regularly scheduled meetings.

5. It shall be the duty and responsibility of the Cemetery Advisory Committee to:

a. Study, propose and evaluate the operation and maintenance of the municipal cemetery.

b. Propose and recommend to the Cemetery Board rules, standards and guidelines for cemetery maintenance and operation.

c. Consider and make recommendations to the Cemetery Board concerning cemetery fees, appropriations, budgets and expenditures.

d. Propose and recommend to the Cemetery Board improvements and long range goals for the municipal Cemetery.

e. When requested by City Manager, assist in employment screening and interview of cemetery care personnel.

f. Make recommendations on filling vacancies on the committee.

g. Consider special requests for cemetery privileges and make recommendations thereon to the Cemetery Board.

6. Nothing contained herein should be construed to prevent the Cemetery Advisory Committee from presenting recommendations to the City Council or otherwise advising the City Council concerning Cemetery matters.

Sections 16-118 through 16-129. Reserved for future use.

Article 8. Municipal Library System

Section 16-130. Municipal Library System.

1. It is the desire and intent of the governing body of the city of Tuttle to provide free public library service to the citizens of the city of Tuttle, for the benefit of the city, the State, and the Nation.

2. The Tuttle Public Library is hereby established.

3. The Tuttle Public Library shall be governed by a board of five members appointed by the mayor with the approval of the city council. Appointments to the library board shall be made on the basis of ability, understanding of the total responsibilities and objectives of public libraries, and an active interest in the attainment of these goals. All library board members shall serve thereon without compensation.

4. Said board members shall hold office as follows: Initial appointments shall be for one (1) one-year term, two (2) two-year terms, and two (2) three-year terms. Subsequent appointments shall be for three-year terms except in the case of an appointment to fill a vacancy, which appointment shall be for the remainder to the unexpired term which is vacant. All terms of initial and succeeding appointees shall expire on June 30 of the designated year.

5. Any board member may be removed by the appointing authority for misconduct, failure to attend board meetings, or other neglect of duty.

6. Immediately after the initial appointments, annually thereafter, the library board members shall meet and organize by election of one of their number as chairman, and by the election of such other officers as they deem necessary. They may adopt such rules and regulations for their own guidance and for the governance of the library as may be expedient and not inconsistent with this Ordinance and laws of Oklahoma.

7. The library board shall recommend an annual budget to the governing body of the city. It shall set the policies of the library, accept or decline gifts, and administer the expenditure of funds received from appropriations, gifts and grants. The library board may contract for and receive funds available for library purposes

from the United States, the State of Oklahoma, and any agency or instrumentalities of these entities.

8. The library board shall submit an annual financial and statistical report to the City Manager and the city council for each fiscal year ending June 30. The report shall include an accounting for monies received and expended and such other statistics about library use, collections and staff which may be deemed necessary to account for their trust.

9. There is hereby established and imposed a monthly library fee of $2.00 per account on each utility account in the city for the purpose of support and operation of the library. The mayor and city council shall annually appropriate to the library board from funds available to the city such moneys as deemed necessary to operate and maintain the Tuttle Public Library for the education and cultural enrichment of the citizens of Tuttle.
(Ord. 2022-09, 10-10-2022)

Sections 16-131 through 16-139. Reserved for future use.

Article 9. Municipal Ambulance Services

Section 16-140. Emergency Medical Service Fee Schedule.

The City Council shall have the power to establish and adjust emergency medical service rates and other fees, be Resolution, for use of the emergency medical service.
(Updated Ord. 2002-10, 09/09/2002; Ord. 2015-22, 12/14/2015)

Section 16-141. Reserved for future use.

(Updated Ord. 2009-15, 6/8/2009; Ord. 2015-22, 12/14/2015)

Section 16-142. Write-Off of Accounts.

The City Manager, or designated representatives, shall have the power to:

1. write-off the money differences between the Emergency Medical Service Fee Schedule and the Medicare of Medicaid Allowance. The Medicare or Medicaid Allowance is that amount stated on the patient's EOMB (Explanation of Medical Benefits). The City Manager or designated representative shall maintain complete records on all charges written off;

2. abate Medicare and Medicaid account balances under $30.00 in lieu of sending the account to a collection agency. Provided, however, the City Manager, or designated representatives, shall make all reasonable efforts to collect Emergency Medical Service Fees as set by Section 16-140 of this Code of Ordinances;

3. abate account balances where the patient is decreased and no known estate exists. The City Manager, through his designated representatives, shall have the power to write off the account balance in lieu of sending the account to a collection agency. The City Manager, or designated representatives, shall maintain complete records on all charges written off. Provided, however, the City Manager, or designated representatives, shall make all reasonable efforts to collect Emergency Medical Service Fees as set by Section 16-140 of this Code of Ordinances;

4. abate accounts for the financially handicapped when proof is submitted that the account balance poses a severe financial hardship on the patient. To qualify for this write-off, the account must be at least 90% paid if the patient has insurance or at least 50% paid if the patient has no insurance. The City Manager, or designated representatives, shall maintain complete records on all charges written off. Provided, however, the City Manager, or designated representatives, shall make all reasonable efforts to collect Emergency Medical Service Fees as set by Section 16-140 of this Code of Ordinances; or

5. abate accounts when notified by a Bankruptcy Court that the account debt has been discharged by the Bankruptcy Court. Upon such notification, no further billings shall occur on said account. The City Manager, or designated representatives, shall maintain complete records on all charges written off.
(Updated Ord. 2000-10, 11/13/2000)

Section 16-143. Applicable Definitions.

Ambulance Call or Ambulance Run. – A unit of service in which an Emergency Medical Service Crew responds to a request for service.

Base Fee – The fee established which is applicable to each patient that is the subject of an Ambulance Call. The Base Fee is inclusive of all services and supplies, except as provided otherwise within this Code of Ordinances.

Emergency Call – Any ambulance run that is not pre-scheduled y at least a minimum of four (4) hours in which a patient is transported to a hospital or intercepting E.M.S. transporting agency and in which the patient's medical condition is such that medical care is necessary, or perceived to be necessary, in order to sustain life, prevent or minimize complications of an existing medical condition, or to relieve or reduce suffering.

Non-emergency Call – Any ambulance run in which a patient is transported to a residence, nursing home, clinic, or to a hospital or other medical care facility to which the definition of Emergency Call is not applicable.

Resident – Any person residing within the municipal limits of the City of Tuttle, Oklahoma.

Resident Emergency Discount – A discount of $200.00 that is to be subtracted from the final bill for resident patients who are the subject of an Emergency Call. This Discount shall only be used to reduce a resident's personal liability for any remaining portion of an Emergency Medical Service Fee after a third payer paid all amounts that is due from the third party payer and shall inure to the benefit of the resident only and not to the benefit of a third party payer.

Resident Non-emergency Discount – A discount of $50.00 that is to be subtracted from the final bill for resident patients who are the subject of a Non-Emergency Call. This Discount shall only be used to reduce a resident's personal liability for any remaining portion of an Emergency Medical Service Fee after a third party payer has paid all amounts that is due from the third party payer and shall inure to the benefit of the benefit of a third party payer.

Third Party Payer – Any company, insurance plan, government entitlement program, or litigated settlement

(including negotiated settlement), which is ordinarily liable for claims that include Emergency Medical Services.

Waiting Time Fee – A fee assessed for "waiting" by the Emergency Medical Services crew in order to make a non-emergency transport, in which the crew is physically at the location where the transport will be initiated and in which the crew is considered "not available" for other services. There shall be not "Waiting Time Fee" for the first 30 minutes of waiting time.
(Updated Ord. 2000-10, 11/13/2000)

Sections 16-144. Reserved for future use.

Article 9A SUPPLEMENTAL AMBULANCE SUBSCRIPTION PROGRAM

Section 16-145. Purpose.

The mayor and city council find that the current cost for ambulance service furnished by the city is, due to expenses related to maintaining such ambulance service, insufficient and that the best interest of the residents of the city would be served by providing for supplemental ambulance service at a rate equal to existing medical insurance coverage to certain classes of residents and by funding such services by rates per meter per month or the equivalent thereto, as set by the council by motion or resolution. Therefore, the ambulance service provided by this ordinance shall be deemed a no-cost service supplemental to insurance coverage afforded persons entitled to ambulance service by this ordinance.
(Added Ord. 2010-11, 4/12/2010)

Section 16-146. Rates.

1. The monthly charge or rate for ambulance service furnished by the city to all persons residing within or having a business located within the corporate city limits shall be added to the utility charges and shall be as set by the city council by motion or resolution except for those who opt out as specified in Section 16-147 of this code.

2. The annual charge or rate for ambulance service furnished by the city to all persons residing outside of the city limits but inside of the service district may pay a non-refundable fee as set by the city council by motion or resolution. The fee will be prorated for new enrollees by each full or partial month coverage will be in effect. Months with partial coverage will be charged for a full month.
(Added Ord. 2010-11, 4/12/2010, Ord. 2010-31, 0/13/2010)

Section 16-147. Enrollment.

1. Open enrollment shall be the month of May each year for the upcoming program year period of July 1 through June 30. During open enrollment, utility customers may change their enrollment status.

2. Enrollment shall be automatic for all existing utility customers of record on May 1, 2010. Those persons who reside within the corporate city limits yet are not utility customers shall also be automatically enrolled.

3. Enrollment status shall be continued automatically each year unless the utility customer chooses to re-enroll or de-enroll from the supplemental ambulance subscription program during open enrollment.

4. New residents who are also new utility customers shall be automatically enrolled unless such customer opts out at the time the new utility account is established.

5. Residents residing outside of the city limits but inside of the service district may enroll anytime for the remainder of the program year. Eligible services will not be covered until 30 days after enrollment. Subscribers will be billed at least 60 days prior to the beginning next program year. If payment is not received prior to the first day of the new program year, the subscriber shall automatically be de-enrolled. Those who are de-enrolled may re-enroll at any time in the same manner as new subscribers and will be subject to the 30-day waiting period before coverage begins.

6. If TPWA utility services shall for any reason be terminated to any resident of the city or any other person eligible for supplemental ambulance service, such person shall no longer be entitled to supplemental ambulance service and shall be de-enrolled.
(Added Ord. 2010-11, 4/12/2010)

Section 16-148. Segregation of funds for ambulance service.

All monies derived by the supplemental ambulance subscription program are hereby earmarked and segregated for the operation and maintenance of an ambulance service by the city. Also, all other monies derived from and resulting from ambulance services rendered are hereby earmarked and segregated from the operation and maintenance of an ambulance service by the city.
(Added Ord. 2010-11, 4/12/2010)

Section 16-149. Supplemental Ambulance Service to Hospital.

After July 1, 2010, ambulance service supplemental to insurance benefits will be furnished at no cost to all persons eligible for service to the closest adequate hospital when:

1. Ambulance transportation to a hospital or other place where medical attention is available and is reasonable and medically necessary;

2. For illness or injury when there exists an obvious emergency; and

3. Is for medically necessary emergency treatment of a person eligible for service.
(Added Ord. 2010-11, 4/12/2010)

Section 16-150. Persons Eligible For Service.

The following persons are eligible to receive the supplemental ambulance service provided for in this chapter:

1. Residents of city and members of their family and relatives permanently residing with such resident and who are themselves residents of the city;

2. Residents of the service district and members of their family and relatives permanently residing with such resident and who are themselves residents of the service district;

3. Non-residents of city and service district who are employed by a place of business located in the city or service district, when such emergency ambulance service is the result of illness or injury occurring when such employee is located within the corporate limits of the city or the service district.
(Added Ord. 2010-11, 4/12/2010)

Section 16-151. Nursing Homes and Other Institutions.

Residents of nursing homes, hospitals and other institutions or organizations in which more than three (3) persons are kept for treatment or care, when such hospital or other institution is located within city, and when such hospital, nursing home or other institution or resident thereof:

1. Elects to subscribe for such supplemental service; and

2. Rates shall be calculated based on the sum set by the council by motion or resolution per month for each resident. Subscriptions shall be renewable each July for a one year term.
(Added Ord. 2010-11, 4/12/2010)

Section 16-152. Persons not covered.

All persons to whom supplemental ambulance service is not afforded by this chapter shall pay reasonable charges for such ambulance service as may be determined by the city council.
(Added Ord. 2010-11, 4/12/2010)

Section 16-153. Subrogation and Assignment.

1. All persons subscribing to the city's supplemental ambulance shall be deemed to have agreed to an assignment to the city of all their right and entitlement to the benefits of any insurance attributable to ambulance service provided by the city pursuant to this ordinance. Similarly, all residents of the city subject to the provisions of this ordinance shall be obligated to pay for ambulance service a sum equivalent to their insurance coverage. Any person receiving insurance benefits and fail to pay them to the city shall be liable for the same.

2. All persons subscribing to the city's supplemental ambulance who do not have health insurance or other insurance that will assist in the payment for ambulance service will be responsible to pay 60% of total ambulance-related charges.
(Added Ord. 2010-11, 4/12/2010)

Section 16-154. Other Ordinances.

Nothing herein shall be construed to repeal or alter existing ordinances relating to charges made for utility services by the city or TPWA which schedule or rates are set from time to time by the city and public works authority.
(Added Ord. 2010-11, 4/12/2010)

Section 16-155. Limitation of Obligation of City.

Under no conditions shall the city be obligated to pay any sums of money to any person eligible for the benefits conferred by this chapter. When any person elects to use any ambulance service other than that provided by city, the city shall have no liability or obligation to pay such person any benefits therefor. When the city is for any reason unable to provide ambulance service as contemplated by this chapter, no person being refused ambulance service at such time shall be entitled to make any claim or demand against the city, or receive any benefits from the city and the operation of the ambulance service by the city is hereby declared to be a governmental function of city for the health and welfare of all persons for whom benefits are provided by this chapter.
(Added Ord. 2010-11, 4/12/2010)

Section 16-156. Non-Emergency Supplemental Ambulance Service Transport.

Ambulance service supplemental to insurance benefits will be furnished at no cost to all persons eligible for non-emergency ambulance service transport when:

1. The beginning and ending location of the transport is within the Tuttle Emergency Medical Service response area.
(Added Ord. 2019-12, 7/3/2019)

Sections 16-157 through 16-159. Reserved for future use.

Article 10. Miscellaneous Provisions

Section 16-160. Turning on Utilities.

1. It shall be unlawful for any person to turn the utility on to any premises from any Municipal Utility System, without written permission of the City Clerk. Utilities shall not be turned on until any and all deposits and charges have been paid. The City Clerk shall see that the utility is turned on when all requirements for service have been complied with.

2. When a utility has been turned off by municipal personnel, it shall not be turned on again without written permission of the City Clerk.

3. When a utility customer's service has been disconnected because of delinquency or act or omission of the customer, the services may be restored only when all charges have been paid or other changes in conditions justify restoration of service. A charge of $25.00 for each disconnected utility shall be made for restoring utility service.
(Updated Ord. 1991-7)

Section 16-161. No Service Connection Until Bills Have Been Paid; Cutoffs.

1. 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.

2. Utilities may be cut off and service discontinued for any of the following reasons

a. Violation of any ordinance provision relating to any 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

b. Failure to pay a utility bill or other proper charge made in connection with the utility system by the time specified by Ordinance.

3. A particular service may be cut off for any act or omission in regard to the abuse of another system or service, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.

4. The City reserves the right to cut off or reduce any utility or service to any customer when necessary to conserve water, to protect life or property, or to repair or improve the system.

5. The City of Tuttle will assess a collection fee in an amount not to exceed thirty-five percent (35%), and will submit files for collection after ninety (90) days, as authorized by state law.
(Amended by Ord. 2015-20, 10/12/2015)

Section 16-162. Customers to Keep Service Pipes in Good Repair.

All customers using Municipal utilities shall keep their service pipes and other apparatus in good repair and in proper operation, and shall not unnecessarily waste water nor contribute to unsanitary conditions.

Section 16-163. City Not Responsible for Utility Interruption.

The City shall not be responsible for any damages due to stoppage or interruption of any utility or service.

Section 16-164. Municipal Personnel may inspect Private Premises.

Personnel in the service of the City of Tuttle, Oklahoma, may enter any private premises served by Municipal utilities at any reasonable time, and inspect the pipe, fixtures and/or wiring on the premises.

Section 16-165. Interference with Fire Hydrants; Damage of Utility System.

1. It shall be unlawful for any person, unless duly authorized, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the City of Tuttle, Oklahoma.

2. It shall be unlawful for any person to, in any manner, obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing.

3. It shall be unlawful for any person to damage, destroy or tamper with any pipes, lines, meters or other equipment or property which is a part of a Municipal utility system.

Section 16-166. Interference with Utility Systems.

1. It shall be unlawful for any person to park or store any vehicle, equipment or other property on or over the meter boxes, manholes, lamp holes or other maintenance devices of the city's water, sanitary sewer, natural gas, storm sewer, or other utility systems so as to prevent the inspection or maintenance of the system unless it is occupying a parking place which has been specifically constructed, designed, or approved for parking by the city. Each day or part hereof during which the obstruction continues shall be a separate offense.
(Added Ord. 2012-10, 12/10/2012)

Section 16-167. Damage to Underground Facilities.

1. No excavator, as defined in the Oklahoma Underground Facilities Damage Prevention Act, 63 Oklahoma Statutes, Sections 142.1, et seq, shall, within the municipal limits of the City of Tuttle, Oklahoma, demolish a structure, discharge an explosive or commence to excavate in a highway, street, alley or other public ground or way, a private easement, or on or near the location of underground facilities without first complying with the requirements of the Underground Facilities Damage Prevention Act and the Oklahoma Explosives and Blasting Regulation Act.

2. Any person who damages or cuts a municipal gas, water or sewer line owned by the Tuttle Public Works Authority or a fiber optic cable owned by the Tuttle Development Authority, as a result of negligently failing to comply with the provisions of the Oklahoma Underground Facilities Damage Prevention Act or as a result of failing to take measures for the protection of the underground facilities of the Tuttle Public Works Authority or the Tuttle Development Authority shall be liable to the Tuttle Public Works Authority and/or the Tuttle Development Authority for the repair of the damaged underground facility and shall also be guilty of a violation of this Section.

3. Any excavator who by willful act or by reckless disregard of the rights of the City of Tuttle or any public trust authority of the City of Tuttle, repeatedly violates the provisions of the Oklahoma Underground Facilities Damage Prevention Act and repeatedly damages underground facilities of said public trust authorities, thereby threatening the public health, safety, and welfare, may be enjoined by a court of competent jurisdiction from further excavation within the City of Tuttle.

(Added Ord. 2021-11; 12/13/2021)

Sections 16-168 through 16-189. Reserved for future use.

Article 11. Industrial Wastes

Section 16-190. Prohibited Discharges.

1. No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:

a. Injure or interfere with wastewater treatment processes or facilities;

b. Constitute a hazard to humans or animals; or

c. Create a hazard in receiving waters of the wastewater treatment plant effluent.

2. Any new connections from inflow sources into the sanitary sewer portions of the sewer shall be prohibited.

3. It is the intention of the City of Tuttle, Oklahoma, to regulate present and future industrial wastewater which might be discharged by a user of the facilities. Wastewater introduced into the facilities shall contain no toxins or other pollutants in amount or concentration that endanger public safety or the physical integrity of the treatment works, or cause violation of effluent or water quality limitations, or preclude the use of the most cost-effective wastewater treatment and sludge disposal system.

Section 16-191. New Sewers And Connections.

1. The connection of the building sewer into the public sewer shall conform to the requirements of the Building Code adopted by, and the other applicable rules and regulations of, the City of Tuttle, Oklahoma.

2. All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the Oklahoma State Department of Health Regulations.

Section 16-192. Sewer Use Charge.

(See Section 1633, Article 3, Chapter 16, this Code of Ordinances.

Section 16-193. User Charge Schedule.

1. As the BOD, suspended solids, and other pollutant concentrations discharged shall be approximately equal for all domestic users, users shall be charged on a volume basis in accordance with the following formula:

CU = C b + C t /Vt (Vu)

2. 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.

Ct = Total operation and maintenance (O&M) costs 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 16-194. Excessive Strength Charges.

1. For any user, when the BOD exceeds 250 mg/l, the suspended solids exceeds *250 mg/l, 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 by the following formula. *Maximum limit for average domestic waste.

Cs = (B c (B) + S c (S) + P c (P)) V u

2. Symbols and definitions shall be as follows:

C s = A surcharge for wastewaters 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 16-195. Review And Revision.

This Article shall be reviewed not less often 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 its approved User Charge System. The charges for users or user classes shall be revised to accomplish the following:

1. Maintain the proportionate distribution of operation and maintenance costs among users and user classes;

2. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation (including replacement) of the treatment works; and

3. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall be adjusted accordingly.

Section 16-196. 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 16-197. 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 16-198. 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 16-199. Records.

A recordkeeping system shall be established and maintained by the City Clerk of the City of Tuttle, Oklahoma, to document compliance with Federal Regulations pertaining to the User Charge Article.

Section 16-200. Billing.

Users will be billed on a monthly basis with payment due twenty (20) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the Utility Superintendent. 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. The Utility Superintendent will utilize the law enforcement agency to

assist as required in the control and management of the User Charge System.

Sections 16-201 through 16-249. Reserved for future use.

Article 12. Penalty

Section 16-250. Penalty.

Every person who violates any provision of this Chapter, or of any ordinance, Code or standard adopted by this Chapter, or maintains or permits to continue any situation defined by this Chapter as unlawful, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Every day upon which a violation continues shall be deemed a separate Offense.

CHAPTER 17 – STREETS AND OTHER PUBLIC AREAS

Article 1. Use and Obstruction

Section 17-1. Trees and Shrubbery.

1. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the public right-of-way and on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. 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.

2. 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.

3. Any owner, lessee or occupant of any property abutting on any street shall not allow any manmade or natural view obstruction within the "sight triangle" created by definition in the City's adopted Zoning Ordinance.

Section 17-2. Rights-of-Way and Easements.

1. 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 City of Tuttle, Oklahoma, may prevent or provide access to such streets, alleys, easements and Municipally owned properties from time to time, in the public interest.

2. The City Council may permit certain streets, alleys, easements and Municipal properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that, said City Council or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.

3. 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:

a. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;

b. Maintain the property so that no nuisance is created;

c. Immediately relinquish any rights presumed to be held concerning the property upon notice by the City of Tuttle, Oklahoma; and

d. Permit access to the property at any time when requested to do so by a Municipal officer or employee.

4. It shall be unlawful for any person, firm or corporation to construct, erect, build, or cause to be constructed, erected or built, any fence, of whatever height or material, within any dedicated road right-of-way in the City of Tuttle, Oklahoma.

Section 17-3. Obstructions.

1. It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights-of-way of the City of Tuttle, Oklahoma, in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose(s) of said easement or right-of-way.

2. It shall be unlawful for any person, firm or corporation to deposit, throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

3. 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.

4. It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the City of Tuttle, Oklahoma.

5. It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material there from, except where authorized to do so as specified in Section 17-6; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

6. 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.
(Updated Ord. 2006-21, 7/21/2006; Ord. 2014-01, 1/13/2014)

Section 17-4. Drainage of Polluting Substance.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 O.S. 1981, as amended, Section 926.1) into any street, alley, sidewalk or public right-of-way of the City of Tuttle, Oklahoma.

Section 17-5. Drainage Pipe and Drainage.

1. It shall be unlawful for any person to install a drainage pipe or other means of drainage across, through, under or in any way traversing a public street, public alley, public easement, or other public right of way within the municipal limits of the City of Tuttle without first obtaining a permit from the Community Development Department for the installation of said drainage pipe or other drainage facility.

2. The application for said permit shall be on a form provided by the Community Development of the City of

Tuttle. The application shall be accompanied by a drawing showing the proposed location of the drainage pipe or other drainage facility and shall specify the dimensions, including length, diameter, and material of the drainage pipe or other drainage facility.

3. The City Council, by resolution, may establish a fee for said permit. The fee shall not apply if the installation of the drainage pipe is associated with a connections, cuts, and alterations permit as specified in Section 17-6 of this Chapter.

4. The minimum length and size of a drainage pipe or side drain (commonly referred to as a tinhorn) shall be determined in accordance with the storm water drainage regulations established in Chapter 21 of this Code. For example, For a twelve-foot (12') wide drive with six inches (6") of paving , twelve inches (12") of cover, an eighteen inch (18") diameter pipe, and a 3:1 slope on each side would require a minimum pipe length of at least thirty feet (30'). When a drainage pipe is replaced, it shall be properly sized in accordance with these regulations.
(Updated 2014-01, 1/13/2014)

Section 17-6. Connections, Cuts, and Alterations.

1. It shall be unlawful for any person to connect to, cut, alter, mutilate or change in any manner for any purpose any paved or traveled portion of any street or alley, or any curb, gutter, catch basin or any other appurtenance of any street or alley or any sidewalk within the City of Tuttle, without first securing a permit from the Community Development Department. It shall be unlawful to discharge any water to the street in such way as to cause icing, pooling, or other public nuisances.

2. An estimate of the cost of repairing such pavement cut shall be made by the City Manager, and a deposit equal to the amount of the estimate shall be made by the applicant, in addition to a Permit fee as established by resolution of the City Council.

3. The City may, at its option, make repairs of the pavement which has been cut under the provisions of this Section and charge the costs of such repairs to the deposit herein provided, or require that the person cutting the pavement make the repairs; in the latter case, the person's deposit shall be returned, upon satisfactory repair of the pavement. Any balance remaining after all such costs are paid shall be returned to the person making said deposit.

4. Any person cutting such pavement shall maintain proper safeguards, with suitable lights during the night hours, and sufficient in number to give warning of danger to all persons.
(Added Ord. 2014-01, 1/13/2014)

Section 17-7. Duty of Property Owners to Maintain Sidewalks in Safe Condition.

The owner or other person in charge of real property which adjoins a sidewalk or sidewalk area shall keep the adjoining sidewalk or sidewalk area in good condition and safe for pedestrian use, and it shall be unlawful for such owner or person in charge to fail to do so.
(Added Ord. 2014-01, 1/13/2014)

Section 17-8. Allowing Construction Materials to Spill Onto Public Ways.

No person shall place, spill, or allow the flow of concrete, or similar construction materials on any public road, alley, highway or sidewalk, except as may be required for the construction or the maintenance of the public road, street, highway or sidewalk.
(Added Ord. 2014-01, 1/13/2014)

Section 17-9. Duty of Property Owners to Maintain Driveways at Intersections with Roadways and Sidewalks.

When real property adjoins a sidewalk, sidewalk area, or public, and to which property access is obtained through the use of a driveway of any nature, it is the finding of the city council that such driveways are the benefit to the property owner and their, but are not directly beneficial to the general public. Therefore, the owner or other person in charge of said real property shall keep those portions of the driveway adjoining the street or adjoining the sidewalk, or adjoining the sidewalk area in good condition and safe for the anticipated pedestrian and vehicular use, and it shall be unlawful for such owner or person in charge to fail to do so.
(Added Ord. 2014-01, 1/13/2014)

Section 17-10. Private Utilities Within the Right-of-Way.

No other underground utilities, such as private lawn sprinkler systems, yard lighting, etc., shall be installed within a public right-of-way or easement except by authorization of the Public Works Director. Such authorization, if issued, shall require the applicant to assume all repair costs of the applicant's facilities should they be damaged during the course of installation, maintenance or repair of any of the public utilities authorized to occupy said right-of-way or easement.
(Added Ord. 2018-07; 2/12/2018)

Sections 17-11 through 17-199. Reserved for future use.

Article 2. Rights-of-Way Occupancy Management

Section 17-200. Intent and Purpose.

A. In order to provide for the public health, safety and welfare of the citizens of the City of Tuttle, as well as to ensure the structural integrity of the City's streets and related infrastructures; to minimize the disruption to the traveling public; and to ensure costs incurred by the City to acquire, maintain and manage the rights-of-way are properly allocated among the various users of the rights-of-way, the City hereby establishes standards for authorizing the managing the placement of facilities in rights-of-way; performing installation, maintenance and other work in the rights-of-way; and appropriately recovering costs incurred by the City related to such activities.

B. It is the intent of this Article to charge those persons that own, manage, operate or control the facilities located in the rights-of-way a fee based upon the proportion of facilities they have in the rights-of-way to the amount of costs the City of Tuttle incurs in acquiring and maintaining the rights-of-way. It is not the intent of this Article to collect fees from resellers, even though they may use facilities in the rights-of-way. It is not the intent of this

Article to prohibit those persons that own, manage, operate or control the facilities in the rights-of-way from passing the fees they pay pursuant to this Article along to their customers and others, including resellers.

C. It is the intent of this Article that all trunk, mainline, area or system-wide facilities, unless otherwise authorized by a special use permit, franchise or otherwise, shall only be located within rights-of-way as defined by this Article. It is intended that local or individual distribution lines directly attaching to individual customer service lines shall usually be located in a right-of-way which is not a public right-of-way. In any instance where the classification of a line as a trunk or local line is not clear due to specific fact circumstances pertaining to said line, the classification determination shall be made by the rights-of-way occupant with due regard to the primary function and purpose being served by the line.
(Added Ord. 2018-07; 2/12/2018)

Section 17-201. Name and Scope.

A. This Article shall be known and may be cited as, "The Rights-of-Way Occupancy Management Ordinance." Except as otherwise provided herein or prohibited by applicable law, this Article shall apply to all rights-of-way occupants, whether under the authority of a franchise, permit, license or any other type of grant.

B. This Article shall not apply to any ownership, installation, operation, or maintenance of the plants and systems of any public utility that has a franchise, or pays in lieu of franchise fees and/or taxes, on, in or upon the rights of way of the City but shall still notify the City of where any new facilities will be installed in said rights of way of the City.

C. This article shall not apply to oil & gas pipelines regulated by Chapter 14 of the Tuttle Code of Ordinances.

D. This Article shall not apply to any utility owned and operated by the City of Tuttle, the Tuttle Public Works Authority, or the Tuttle Development Authority.
(Added Ord. 2018-07; 2/12/2018; Amended Ord. 2024-03, 1/8/2024)

Section 17-202. Definitions.

For the purposes of this Article, the following terms, phrases, words and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and words defined in upper and lower case shall have the same meaning as words in all lower case. Words used in the masculine gender comprehend, as well, the feminine gender and neuter. The words "and" and "or" may be read conjunctively or disjunctively. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated, words not defined in this Article shall be given the meaning set forth in Title 47 of the United States Code, and, if not defined therein, their common and ordinary meaning. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

A. Affiliate means a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person.

B. City means the City of Tuttle.

C. City Manager means the City Manager of the City of Tuttle as established by the Charter of the City of Tuttle.

D. Service Gross Revenues means all revenues received from or in respect of subscribers to or users of services exclusive of revenues received from the imposition of City, state or federal taxes or fees.

E. Emergency means a condition that poses a clear and immediate danger to life or health, of a significant loss of property, or requires immediate repair or replacement in order to restore service to the public or a customer.

F. Elevation View means the product of the equipment's maximum height and width utilizing the largest side of the equipment. (For example, an equipment cabinet with exterior dimensions of three (3) feet x four (4) feet x two (2) feet would have an elevation view of twelve (12) square feet; a generator with exterior dimensions of four (4) feet x four (4) feet x five (5) feet would have an elevation view of twenty (20) square feet; and, a traffic control box with exterior dimensions of seven (7) feet x two (2) feet x four (4) feet would have an elevation view of twenty-eight (28) square feet.

G. Excavate means to dig into, around or under, or in any way remove or physically disturb or penetrate any part of the rights-of-way, including but not limited to boring, blasting, pushing and drilling holes for the installation of poles or conduit.

H. Facility or Facilities means all or any part of a collective system of tangible things, including but not limited to pipelines, conduits, copper or fiber optic cabling, pedestals, guy wires, anchors, vaults, junction boxes, utility poles and electrical wiring, that is party or entirely located in the rights-of-way and is used for the transmission of goods or services, including but not limited to natural gas, steam, chilled or potable water, electricity, video service or telecommunications service, regardless of whether the services are provided for a fee, or provided to the general public, to a limited group of private users, or solely for the benefit of the owner of the system.

I. Franchise Holder means a holder of an approved public service franchise.

J. Major Project means projects that exceed five hundred (500) feet in length, or require boring under a right-of-way, or the cutting of any pavement in a right-of-way, or involve the installation of an additional transmission pole, or the blockage of any traveling lane in any rights-of-way, for any amount of time.

K. Obstruct means to place any tangible object or material in the rights-of-way in a manner that stopes, hinders, disrupts or otherwise interferes with free and open passage over a specific area or part of the rights-of-way. The term does not include the otherwise legal parking of a vehicle subject to all the current parking regulations.

L. Occupancy Permit means a grant of authority from the City to occupy the rights-of-way for the purposes of placing, owning, operating or managing facilities in the rights-of-way.

M. Occupancy Permit Holder means any person holding an occupancy permit.

N. Permittee means any person to whom a ROW construction permit has been issued.

O. Person means any natural or corporate person, business association or other business entity, including but not limited to a partnership, a sole proprietorship, a political subdivision, a public or private agency or authority of any kind, a utility, a successor or assign of any of the foregoing or any other legal entity, but not the City.

P. Professional Liability Insurance means liability insurance including those requirements commonly defined as malpractice insurance, which provides protection from loss sustained because of error or oversight in advice given or expertise relied upon as integral to the project.

Q. Public Service Franchise means the authorization granted by the City, and approved by a vote of the people, giving the grantee the nonexclusive right to provide, through public facilities maintained or operated upon, across, beneath or over any rights-of-way in the City, any general public service, including heat, light, power, refrigeration or steam, but not including telecommunications services, broadband service or cable television service, within a defined franchise area.

R. Rights-of-Way Occupancy Fee means an annual charge that recovers an apportioned share of the actual costs to the City of acquiring and maintaining the rights-of-way.

S. Rights-of-Way Construction Permit or ROW Construction Permit means an authorization to excavate in or obstruct rights-of-way at a specific place and time, for the purposes of installing, constructing or maintaining facilities within a specified portion of rights-of-way.

T. Rights-of-Way Occupant or ROW Occupant means a person that owns, manages, operates, controls or has the ability to directly affect the facilities located in the rights-of-way.

U. Rights-of-Way or ROW means the surface, the airspace above ground and the area below the surface of any public street, highway, parkway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, adjacent easement or similar property in which the City now or hereafter holds a property interest and/or a maintenance responsibility which, consistent with the purposes for which it was dedicated, may be used for the purpose of constructing, installing, operating and maintaining facilities of any kind, including but not limited to conduits, pipelines, cables, utility poles, junction boxes and duct banks. Rights-of-way does not include buildings, parks or other property owned or leased by the City, its trusts or authorities, but does include all rights-of-way as defined by this Article. No reference herein, or in any franchise agreement or occupancy permit yet to be negotiated, to any rights-of-way, shall be deemed to be a representation or guarantee by the City that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a franchise holder or occupancy permit holder shall be deemed to gain only those rights to use as are properly in the City and as the City may have the right and power to give.

Should the ROW occupant desire the City to investigate whether the City can make a representation or guarantee that its interest or other right to control the use of such property is sufficient to permit the ROW occupant's use for such purposes, then the ROW occupant shall submit, in advance, sufficient funds to cover all costs associated with such an investigation by the City including but not limited to, attorney fees, surveyor fees, title examination fees and title insurance fees.

V. Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, as defined in the Communications Act of 1934, as amended.

W. Transfer means any transaction in which :

1. All or a portion of a ROW occupant's facilities is sold or assigned;

2. There is any change, acquisition, direct or indirect transfer of control of the ROW occupant; or

3. The rights or obligations held by the ROW occupant are transferred, sold, assigned, or leased, in whole or in part, directly or indirectly, to another party.

X. Traveling Surface means that portion of the rights-of-way, paved with either asphalt or concrete, or other material designed to support vehicular traffic, lying between those portions of the rights-of-way that are unpaved.
(Added Ord. 2018-07; 2/12/2018)

Section 17-203. Administration.

1. General. Under the direction of the City Manager, the Public Works Director and the City Clerk shall be jointly responsible for the administration and enforcement of this Article.

2. Public Works Director. The Public Works Director (or designee) shall be the principal City official responsible for administration and enforcement of matters related to rights-of-way construction permits and the enforcement of engineering standards as outlined in this Article. The Community Development Director (or designee) may assist the Public Works Director in the administration and enforcement of this Article.

3. City Clerk. The City Clerk (or designee) shall be the primary City official responsible for administration and enforcement of all insurance requirements and collection activities provided for in this Article.
(Added Ord. 2018-07; 2/12/2018)

Section 17-204. Authority to Occupy the Rights-of-Way.

1. General. Any person subject to this Article wishing to construct, install, operate or maintain any facilities in the rights-of-way shall first obtain proper authorization, as described in this section.

2. Occupancy Permit. Every ROW occupant with more than one hundred (100) linear feet of facilities, including any City department and any City trust or authority, regardless of the authority under which the person occupies the rights-of-way, must register with the Public Works Director, and apply for an occupancy permit, no later than August 1, 2018, pursuant to § 17-205. Thereafter, all new ROW occupants with more than one hundred (100) linear feet of facilities shall register and apply for an occupancy permit, upon completion of a new facility installation, or April 15, whichever is sooner.

3. Rights-of-Way Construction Permits. No person shall obstruct the traveling surface or construct more than one hundred (100) linear feet of new facilities or do maintenance work on more than five hundred (500) feet of facilities or cut the pavement or put facilities under the pavement or any new pole installation of any defined rights-of-way without first obtaining a rights-of-way construction permit pursuant to § 17-207. This section does not apply to any governmental unit or entity engaged in the official act of maintaining any element of its transportation system, including but not limited to the state of Oklahoma, the City of Tuttle, or the U.S. Government. (Added Ord. 2018-07; 2/12/2018)

Section 17-205. Occupancy Permits.

1. Application for Occupancy Permit. Each ROW occupant with more than one hundred (100) linear feet of facilities shall apply for an occupancy permit. The Public Works Director shall provide an application and may require, in the Public Works Director's sole discretion, any of the following information:

a. The name, address, telephone number and form of business of the applicant, and the names of all persons authorized to act on behalf of the applicant with respect to the application;

b. The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's facilities;

c. Evidence of compliance with the provisions of 63 O.S. 1991, §§ 142.1, et seq., "Oklahoma Underground Facilities Damage Prevention Act," as amended.

d. Identification of the ROW occupant's authority to occupy the rights-of-way, if already obtained, or evidence that the ROW occupant has applied for such authority; documentation of the location of existing facilities owned, operated, managed or leased by the ROW occupant, including as-built maps and all other information required in this Article.

e. Demonstration of the applicant's technical ability to construct and operate the proposed or existing facilities, including identification of key personnel;

f. A demonstration of the applicant's legal qualifications to construct and operate any proposed or existing facilities, including but not limited to a demonstration that the applicant has the necessary authority under Oklahoma law to construct a facility. The applicant shall not be issued an occupancy permit if it files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide;

g. A demonstration of the financial qualifications of the applicant, including but not limited to a certified statement prepared by a certified public accountant regarding the applicant's financial ability to complete any construction proposed, and to meet any time frame proposed. If an applicant is a joint venture or partnership, the same information shall be provided for each participant in the joint venture or partnership;

h. A description of the applicant's prior experience in facility ownership and construction, and an identification of each locality in which the applicant or any of its principals have, or have had, a license, franchise or other authorization or any interest therein, including the name, address and phone number of each local authority, and references from each authority;

i. To the extent an applicant is in any respect relying on the financial or technical resources of another person, including an affiliate, the proofs required under paragraphs 5 and 7 above, shall be provided for that person;

j. Copies of any agreements which the applicant has entered into or proposes to enter into with any other person relating to any facilities installed, to be owned, operated, managed or leased by the applicant;

k. A declaration that the applicant agrees to comply with this Article, as it may be amended from time to time;

l. A statement of the number of linear feet of the rights-of-way occupied by facilities owned, operated, managed or leased by the ROW occupant as of the end of the City's most recent fiscal year, including the total linear feet of rights-of-way occupied and the number of linear feet of rights-of-way occupied;

m. The technical standards that the applicant proposes to follow in constructing the facilities;

n. A detailed description of the physical facilities proposed to be4 installed within the City, including but not limited to an engineering site plan showing the proposed locations of the applicant's facilities, including any manholes or overhead poles, the size, type and proposed depth of any conduit or other enclosures, and the relationship of the system to all existing poles, utilities, sidewalks, pavement, telecommunication facilities and other improvements within the rights-of-way;

o. An affidavit or declaration of the applicant or an authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments and certifying that the application meets all federal and state law requirements, in as much as the information exceeds that which is required by OAC 165:55;

p. For the ROW occupants who are eligible to make inspection fee and service charge payments as required in this Article, an election of whether to make inspection fee and service charge payments as set forth in or occupancy fee payments as set forth in; and

q. Any additional information the City may require, which is reasonably necessary for ROW management.

Applications for occupancy permits shall be submitted in writing to the Public Works Director. To be accepted, a fully

completed, signed and original application shall be submitted as provided for in this section. Incomplete applications shall not be accepted. To the extent permitted by law, an application for an occupancy permit shall be accompanied by the required fee, the amount of which shall be fixed from time to time by ordinance.

2. Review of Application. If the information provided in an application for occupancy permit is complete and meets all the requirements of this Article, the Public Works Director shall evaluate the application. In evaluating an application, the Public Works Director shall consider:

a. The applicant's technical, financial and legal qualifications to construct or operate the proposed facilities;

b. The nature of the proposed facilities and equipment; and

c. The effects of a grant of an occupancy permit on the present and future public use of the rights-of-way, including any foreclosure of future uses of the rights-of-way.

3. Review by Council. After the Public Works Director has evaluated the application, the Director shall present the application and the Director's recommendation regarding approval to the City Council. The City Council, after reviewing any information the Council deems appropriate, shall either approve or deny the application.

4. Term and Renewal. The Council may revoke any occupancy permit at will. In addition to any other provision revoking or rendering invalid an occupancy permit, an occupancy permit shall be rendered invalid and revoked by the Public Works Director if:

a. ROW occupant fails to timely pay any fees due to the City, including but not limited to fees required to be paid under this Article; or

b. ROW occupant fails to provide the City with the name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the occupant's facilities.
(Added Ord. 2018-07; 2/12/2018)

Section 17-206. Occupancy Fees or Inspection Fee and Service Charge.

1. Exception to Occupancy Fees, Inspection Fee and Service Charge.

a. Any ROW occupant possessing a current franchise agreement or other applicable agreement with the City of Tuttle shall not be assessed occupancy fees, inspection fees and service charges, instead paying fees and assessments according to said agreement. The assessment of permit and other applicable fees and charges are not exempted.

b. Each ROW occupant subject to the Gross Receipts Tax required in Chapter 22, Article 4 of the Tuttle Code of Ordinances shall not be assessed occupancy fees, inspection fees and service charges, instead paying Gross Receipts Tax in accordance with Chapter 22, Article 4. The assessment of permit and other applicable fees and charges are not exempted.

2. Occupancy Fees. Except as provided in this section, every occupancy permit holder shall pay an occupancy fee to reimburse the City for the cost of acquiring, maintaining and managing the rights-of-way. The occupancy fee shall be computed in accordance with this section.

a. No later than February 15th of each year, each occupancy permit holder shall submit to the Public Works Director a certified statement of the number of linear feet of rights-of-way occupied by facilities, along with the number of handholes, manholes, pedestals, junction boxes, and equipment cabinets by the ROW occupant as of January 1st of that same year.

b. No later than February 15th of each year, those ROW occupants who are eligible to make inspection fee and service charge payments may select by filing a written statement of selection with the City Clerk whether to make inspection fee and service charge payments or occupancy fee payments as set forth below. A ROW occupant who does not file a written statement during that time period, and who has not previously filed a written statement with the City Clerk during that time period in a previous year electing a computation method, shall be deemed to have chosen to make occupancy fee payments. A ROW occupant who, in a previous year, has chosen a particular method and has not filed a written statement of selection with the City Clerk in the current year, shall be deemed to have chosen to continue to utilize that computation method utilized in the previous year.

c. Each occupancy permit holder shall be notified of the amount of the fee and the basis on which it was calculated. Unless otherwise authorized by the City Clerk, one-twelfth (1/12) of the occupancy fee shall be due and payable monthly, on or before the 25th day of each month, commencing on the first day of the calendar month commencing after the date this Article goes into effect. The payment shall be made to the City Clerk when due and shall be paid into and appropriated and expended from the General Revenue Fund of the City of Tuttle. Upon failure or refusal to pay such fee, the City may, in addition to any other remedies provided herein, maintain an action against such person, firm or corporation for the amount of such fee and all expenses of collecting same, including reasonable attorney's fees. The Occupancy Fee shall be calculated as follows:

a. For each linear foot of space less than one (1) foot wide, the fee shall be Two Dollars ($2.00).

b. For each linear foot of space more than one (1) foot but less than two (2) feet wide, the fee shall be Four Dollars ($4.00).

c. For each linear foot of space two (2) feet wide or more, the fee shall be Six Dollars ($6.00).

d. For each handhole, manholes, pedestals or junction boxes, and equipment cabinets, the fee shall be Two Dollars ($2.00).

3. Inspection Fee and Service Charge. Those ROW occupants which provide services may, in lieu of the occupancy fee, pay an inspection fee and service charge as follows:

a. An amount equal to two percent (2%) of the service's combined gross revenues from within the

corporate limits of the City of Tuttle, Oklahoma, for each current year, with a minimum monthly amount of $1,500.

This inspection fee and service charge is to compensate the City for the expenses incurred and services rendered incident to the exercise of its power, supervision, police regulation and police control of the construction and maintenance of lines and equipment in the City of Tuttle. Unless otherwise authorized by the City Clerk, this inspection fee and charge shall be due and payable monthly, on or before the 25th day of each month, on the gross revenues of the preceding month, commencing on the first day of the calendar month commencing after the date this Article goes into effect, and shall include a complete and accurate verified statement of all gross receipts from sales for service, as applicable, within the City of Tuttle during the period for which the monthly payment is made. The statement and payment shall be made to the City Clerk when due and shall be paid into and appropriated and expended from the General Revenue Fund of the City of Tuttle. Upon failure or refusal to pay such fee, the City may, in addition to any other remedies provided herein, maintain an action against such person, firm or corporation for the amount of such fee and all expenses of collecting same, including reasonable attorney's fees.

4. Records Inspection. The City shall have the right to audit the ROW occupant's records required to be kept by this Article. The City shall also have the right to audit and to recompute any amounts determined to be payable under this section. If it is determined that the occupancy permit holder has paid less than ninety-five percent (95%) of the amount due to the City, then the City's expenses related to such audit shall be borne by the occupancy permit holder. Any additional amounts due to the City as a result of the audit shall be paid within thirty (30) days following written notice, which shall include a copy of the audit report, to the occupancy permit holder by the City of the underpayment. If recomputation results in additional revenue to be paid to the City, such amount shall be subject to the interest charge described in Subsection 4, below. If the audit determines that there has been an overpayment by the occupancy permit holder, the occupancy permit holder shall credit any overpayment against its next quarterly payment.

5. Late Fees and Interest on Late Payments.

a. If any occupancy fee payment is not made on or before the required date, the occupancy permit holder shall pay interest computed from such due date at an annual rate equal to one and one-half percent (1 ½%) interest per month on the total amount of fees due from the last day of the month such was due, plus a penalty of ten percent (10%) of the total amount of the fee due.

b. If any monthly inspection fee and service charge for service within the City of Tuttle is not made on or before the required date, the ROW occupant will be charged a penalty of ten percent (10%) of the total amount of the fee due. In addition, the ROW occupant shall pay interest computed from such due date at an annual rate equal to one and one-half percent (1 ½%) interest per month on the total amount of fees due from the last day of the month such was due.

1. If a complete and accurate verified statement of all gross receipts from sales for service within the City of Tuttle during the period for which the monthly payment was due is provided within thirty (30) days of the original due date, the interest and penalty will be computed based on that actual amount.

2. If a complete and accurate verified statement of all gross receipts from sales for service within the City of Tuttle during the period for which the monthly payment was due is NOT provided within thirty (30) days of the original due date, the amount of the monthly inspection fee and charge will be estimated and billed.

3. Adjustments to estimates after receipt of complete and accurate verified statements of all gross receipts will be made at the discretion of the City Clerk.

6. No Deduction or Credit Against Taxes. The payments required by this section shall be in addition to any and all taxes of a general nature or other fees or charges which an occupancy permit holder shall be required to pay to the City or to any local, state, or federal agency or authority, as required herein or by law, all of which shall be separate and distinct obligations of the occupancy permit holder. The occupancy permit holder shall neither apply nor seek to apply all or any part of the amount of these payments as a deduction or other credit from or against any City taxes or other fees or charges, except as expressly permitted by law. The occupancy permit holder shall not apply or seek to apply all or any part of the amount of any taxes or other fees or charges as a deduction or other credit from or against any of its fee obligations herein, except as expressly permitted by law. (Added Ord. 2018-07; 2/12/2018)

Section 17-207. Rights-of-Way Construction Permits.

1. Permit Requirement. To apply for a rights-of-way construction permit, an applicant shall furnish the following:

a. Name of the owner or operator of the facility; and

b. A sketch or drawing of the project; and

c. Dates of the construction activity, the proposed start and stop times and any proposals to temporarily close any roadway for any period; and

d. The names of any known subcontractors working on the proposed project under the applicant's responsibility and authority; and

e. Proof of payment of all money due the City for occupancy fees, rights-of-way construction permit fees, service fees, ROW usage fees and any invoiced cost, loss, damage or expense suffered by the City as a result of the applicant's prior construction activity, including but not limited to any emergency action taken by the City; and

f. Evidence that the applicant has obtained the insurance coverage required in this Article; and

g. A traffic control plan; and

h. A list of the applicant's emergency providers, including name of company, local contact person, mailing and e-mail address, 24-hour emergency phone number and pager or fax number. This information shall be kept current by written notice to the Public Works Director; and

i. For Major Projects, the following may be required:

1. Detailed engineering plans. The plans shall show the location and area of the proposed project, the locations of all existing and proposed equipment and facilities, the height and/or depth of the proposed equipment and existing facilities and the spatial relationship with any adjacent infrastructure, rights-of-way line, easement, utility and/or other physical features. The plans shall be prepared under the direction of an signed by a registered professional engineer; and

2. A copy of the engineering plans in an electronic format acceptable to the Public Works Director; and

3. The applicant shall meet with the Public Works Director for a pre-work conference prior to issuance of rights-of-way permits.

2. Application and Permit Fees. Rights-of-way occupants shall be required to pay both application and/or permit fees, as applicable, unless otherwise exempted. Upon submission of a permit application, an application fee of One Hundred Fifty Dollars ($150.00) plus One Dollar per foot ($1.00/foot) of construction shall be paid to the City Clerk. This fee is nonrefundable and must be collected before review of the application begins. Upon approval of the rights-of-way construction permit, the applicant shall remit to the Public Works Director a permit fee. This fee shall be calculated based on the following components:

3. Permit Terms and Conditions. Each rights-of-way construction permit shall describe the general location of the permitted project, the size of the obstructed area, the duration of the permit, which shall be based on the amount of time estimated for completion of the permitted activity and any special conditions or other information deemed relevant by the Public Works Director. In the event of denial, the Public Works Director shall advise the applicant of all steps necessary to secure approval of the permit.

4. Emergency Permits.

a. An emergency rights-of-way construction permit is available for projects. Any emergency excavation required to maintain the safety and well-being of the general public should be commenced without delay. Notification must be provided to the Public Works Director within two hours of the commencement of the project. This notification shall consist of the following:

1. Anticipated date, duration, start and stop time, location (site address if possible), including nearest cross street; and

2. Size of the obstruction and work area less any normal traffic control in advance; and

3. Applicant's company name; and

4. Facility owner's name; and

5. Local contact information; and

6. General description of the type of construction activity and/or facilities installed.

b. Holders of emergency ROW construction permits shall notify the Public Works Director upon the completion of the project. All persons, including franchisees, engaged in an activity with the rights-of-way not specifically exempt in this section, must notify the Public Works Director that an obstruction will occur.

c. In order to qualify for an emergency ROW construction permit, a permittee must possess a current occupancy permit.

5. Permit Conditions. A permittee shall adhere to the following requirements:

a. All current engineering requirements and construction standards as described in § 17-208 of this Article; and

b. All current rights-of-way construction permits shall be maintained on each work site. All rights-of-way construction permits shall be presented upon request to any representative of the City; and

c. Excavation projects are subject to the requirements of § 17-208 of this Article; and

d. All restoration work required of any roadway pavement by any permit holder shall be performed in accordance with § 17-6 of this Chapter.

6. Failure to Apply. Any person failing to comply with this section shall be precluded from obtaining any rights-of-way construction permit or performing any further construction within the City's rights-of-way for up to twelve (12) months from the date of notification, in addition to any monetary penalty imposed in this Article and Chapter.

7. Renewal. In the event that a permitted project does not conclude prior to expiration of the rights-of-way construction permit under which it is being performed, the permittee shall apply to the Director for an extension of the permit. The following information shall be submitted:

a. Statement from the permittee indicating the reason for the delay in completion of the project; and

b. Date that the permittee anticipated the project to be completed; and

c. Any applicable permit fees established at the time of issuance of the original permit.
(Added Ord. 2018-07; 2/12/2018)

Section 17-208. Engineering Standards.

1. Allocation of Space in the Rights-of-Way. The Public Works Director shall have the power to establish reasonable limitations on the placement of new or additional facilities within specific congested segments of the rights-of-way if there is insufficient space to accommodate all of the requests of ROW occupants. In making such decisions, the Public Works Director shall strive to the extent possible to accommodate all existing and potential users of the rights-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the width and physical condition of the rights-of-way, the protection of existing facilities in the rights-of-way and future City plans for public improvements and development projects which have been determined to be in the public's interest.

2. Underground Policy. Facilities may be installed above ground in areas in accordance with the Tuttle Subdivision Regulations, subject to all applicable safety

codes. The City encourages the sharing of underground and overhead facilities. Leasing of excess space in ducts, conduits and on poles is a matter between interested parties; however, lessees of such physical facilities must still comply with the terms of this Article, unless otherwise expressly exempted by the Director of Public Works. Underground facilities shall be placed in such a manner so they can be located by the owner of the facilities or his representative.

3. Location Criteria.

a. Corridors. The Director of Public Works shall assign specific corridors within the rights-of-way, or any particular segment thereof as may be necessary, for each type of facility that is now or as the Director of Public Works concludes may in the future be located within the rights-of-way. The Director of Public Works shall establish an ideal cross section identifying the lateral and vertical position of each lass of potential user. ROW occupants shall have the right to occupy only one corridor or section of each rights-of-way within the vertical zone established for the applicable class of user, as established by the Public Works Department. Additional corridors in the same portion of the rights-of-way may be granted only upon consideration of future utility uses and a demonstration by the requesting party that its current corridor does not afford sufficient space to install its facilities. All permits issued by the Public Works Director involving the installation or replacement of equipment shall be reviewed as to the proper corridor for the facility.

b. Variance. Any ROW occupant whose facility is located in the rights-of-way in a position at variance with the corridors established by the Director of Public Works shall move said facility at its own expense to its assigned position within the rights-of-way no later than at the time of the next reconstruction of the facility or roadway reconstruction which requires utility relocation by the Department of Public Works of the area where the facility is located. This requirement may be waived by the Director of Public Works for good cause shown, upon a written request submitted through the Public Works Director giving due consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs or hardship to the ROW occupant.

c. Interference. A ROW occupant shall not place any fixtures or equipment where the same will interfere with any existing facility. A ROW occupant shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any rights-of-way.

4. Construction Standards.

a. Depth. Unless agreed to in writing in advance by the Director of Public Works, the depth of installed facilities shall be, at a minimum, as follows:

1. Twenty-four (24) inches in soil,

2. Twenty-four (24) inches below a projected slope from the flowline of a ditch at a three (3) horizontal and one (1) vertical slope.

3. Forty-eight (48) inches under a roadway measured from the surface of said roadway to the top of the installation,

4. Forty-eight (48) inches under a stormwater or creek channel design flowline, and

5. Cross under all water and natural gas lines at a depth of twenty-four (24) inches.

b. Backfilling/Testing. Excavations shall be promptly backfilled according to standards on file with the Public Works Director and the earth shall be restored to original grade to assure no hazard to vehicular, animal or pedestrian traffic. The permittee shall perform all necessary compaction tests in accordance with the latest design and construction specifications approved and disseminated by the Public Works Director setting forth requirements for backfill and paving cut repairs (e.g., standard concrete pavement cut and repair; standard asphalt pavement cut and repair, etc.). All test reports shall be submitted to the Public Works Director.

c. Pavement Cutting. All ROW occupants shall comply with the terms and conditions of established by the Public Works Director prior to cutting any pavement.

d. Replacement. The replacement of any sidewalk, any driving surface and the base of any roadway shall comply with § 17-6 of this Chapter.

e. Trenching. A permittee shall not proceed with additional trench work exceeding a maximum of five hundred (500) feet of open trench without the approval of the Public Works Director.

f. Crossings. All underground crossings of paved roadways and storm water and creek channels shall be made by a bore method approved by the Director of Public Works. Any alternate method shall be approved by the Public Works Director. Voids and all holes shall be properly grouted. Crossings shall be at approximately right angles to the roadway and in no case shall any facility be placed in any culvert of drainage pipe or within ten (10) feet of a culvert or storm sewer.

g. Erosion. Erosion prevention measures shall be incorporated into all work within the public way, as approved by the Public Works Director. All gutters, ditches and other drainage features shall be maintained free and unobstructed of sediment, dirt and debris. The handling, grading, excavating or moving of excess construction materials or the movement or cleaning of construction vehicles or equipment shall be conducted in such a manner that materials and washout will not be deposited into catch basins, gutters, ditches or areas where runoff may carry materials into any public or private stormwater system.

5. Dimension and Location Criteria. Maximum dimensions and location of associated, aboveground equipment, including but not limited to junction boxes, duct banks, electric generators, repeaters, antennas, satellite dishes or equipment cabinets, shall meet the following criteria:

a. The “elevation view” shall not exceed thirty (30) square feet without written approval of the Public Works Director.

b. Pedestal boxes used for communication systems shall be located behind the front building line of all properties.

c. Associated equipment shall not be installed in such a manner so as to obstruct the view of drivers upon or entering a public street. Equipment, excluding poles, exceeding a height of twenty-four (24) inches shall not be placed within any intersection “sight-distance triangle” as defined in the Tuttle Subdivision Regulations.

d. No equipment, including poles, cables and guy wires, shall be placed so as to obstruct, block, obscure or otherwise interfere with any traffic-control device, fire hydrant, wheelchair ramp or other safety device. Locations with existing or potential traffic signals shall have the overhead vehicle signal face display zones kept clear from wires and cables below a height of twenty-two (22) feet above the pavement grade. Power lines which require a ten (10) foot separation from other facilities shall be suspended no lower than thirty-two (32) feet above the pavement grade around intersections with existing or potential traffic signals. This minimum clearance shall not be violated by sagging due to cable elongation.

e. No equipment, including poles and guy wires, shall be placed so as to obstruct the flow of pedestrian traffic, and in no case result in less than four (4) feet of clear sidewalk, without the approval of the Director of Public Works.

6. Traffic Control and Safety.

a. Any permittee occupying any portion of rights-of-way shall erect a barrier around the perimeter of any excavation and provide any and all traffic-control devices, signs and lights appropriate to the level of complexity of the activity in order to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic-control plan in accordance with the Uniform Manual of Traffic Control Devices and approved by the Public Works Director as provided for in this Article.

b. Permittees shall implement each traffic-control plan. All permittees shall be in compliance at all times with all applicable city, state and federal requirements and maintain all devices in good repair.

c. Each ROW occupant shall designate a safety officer. The safety officer shall be responsible for safety-related issues affecting both the public and the ROW occupant’s field employees and contractors for all job sites within the rights-of-way.

7. Miscellaneous Standards.

a. Nuisance. One (1) year after the passage of this Article, any equipment found in the rights-of-way that has not been registered shall be deemed to be a nuisance. If the owner can be ascertained by the appearance of the equipment, then upon thirty (30) days’ notice to the owner, or, where the owner cannot be ascertained by markings on the equipment, upon thirty (30) days’ public notice published in a newspaper of general circulation, the City may exercise any remedies or rights it has at law or in equity, including but not limited to abating the nuisance by taking possession of the facilities and restoring the rights-of-way.

b. Identification. The Public Works Director, at his discretion, may require any new facility (aerial or underground) installed, replaced or repaired by or for a ROW occupant, after the effective date of this Article be permanently identified with the name or logo of the ROW occupant on but not limited to covers, tags, poles, posts and signs. The maximum spacing shall be no less than five hundred (500) feet for paved roadways and walkways. All ROW occupants shall make all reasonable efforts to ensure that all existing facilities shall be marked during the normal course of business.

c. Construction Zone Identification. Any permittee excavating or obstructing any portion of the ROW shall erect a temporary sign displaying either:

1. The names of the ROW occupant, any contractors and/or subcontractors involved in the project and the City permit number authorizing said activity; or

2. The names of the ROW occupant and a local telephone number or toll-free number manned during regular business hours by a person who is knowledgeable about the construction project.

The sign shall be visible from any adjacent traffic lane and shall be maintained throughout the duration of the project.

d. Vehicle Identification. All vehicles used, parked or stored by or on behalf of a ROW occupant or permittee within a permitted construction zone shall be clearly marked, providing the name of the facility’s owner, the permittee, the contractor or subcontractor. Any unmarked vehicles shall be subject to all moving and parking ordinances. Private vehicles shall not be permitted to be parked or stored within any permitted work zone at any time.

e. Permit. A current rights-of-way construction permit shall be maintained on each work site. The rights-of-way construction permit shall be presented upon request to any City of Tuttle representative.

f. Tree Trimming. A ROW occupant shall have the authority to trim trees upon or overhanging streets, alleys, sidewalks and rights-of-way so as to prevent the branches of such trees from coming into contact with the wires and cables of the ROW occupant.

g. Moving Permit. A ROW occupant shall, at the request of any person holding a City or state moving permit, temporarily raise or lower its aerial wires to permit the moving of an over-height vehicle. The expense of such temporary removal or raising and lowering of wires shall be paid by the person requesting same and the ROW occupant shall have the authority to require such payment in advance. A ROW occupant shall be given not less than forty-eight (48) hours’ advance notice to arrange for such temporary wire changes.

h. Due Care. A ROW occupant shall at all times employ due care during the installation and maintenance process and use commonly accepted standards, methods and devices including but not limited to safety standards of OSHA, NEC, NESC, FCC and the City of Tuttle for preventing failures and accidents which are likely to cause damages, injuries or nuisances to the public. All structures and all lines, equipment and connections in, over, under and upon the streets of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable and substantial condition, and in good order and repair.

i. Building Codes and Permits. Certain aspects of utility plants require buildings, electrical work, plumbing, and other infrastructure that falls under the purview of Chapter 4 of the Tuttle Code of Ordinances. Such aspects of these utilities plants shall require separate permits and shall be installed by licensed professionals in accordance with Chapter 4 of the Tuttle Code of Ordinances.
(Added Ord. 2018-07; 2/12/2018)

Section 17-209. Insurance.

1. Insurance Required. Each ROW occupant and permittee shall carry and furnish proof of insurance of such kinds and with such limits of liability as set forth below:

a. Owner's and Contractor's Protective Insurance.

1. An owner's and contractor's protective policy shall be carried, with the City as the named insured and issued by the same insurance company which provides the ROW occupant's or permittee's liability coverage in amounts not less than:

Each occurrence (combined single limit for bodily injury and property damage)……$1,000,000.00

Annual aggregate……$1,000,000.00

2. Statutory Liability Limits. It shall be permissible to endorse limits of liability to conform to the limits of the City's statutory liability as provided in 51 O.S.2001, § 154, as amended, but in no event be less than: a) Twenty-five Thousand Dollars ($25,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident or occurrence; b) One Hundred Twenty-Five Thousand Dollars ($125,000.00) to any claimant for a claim for any other loss arising out of a single act, accident or occurrence; and c) One Million Dollars ($1,000,000.00) for any number of claims arising out of a single occurrence or accident.

3. Punitive or Exemplary Damages. It shall be permissible to exclude coverage for punitive or exemplary damages as pertains to the liability of the City.

4. Same Insurance Company Requirement. An exception to the "same insurance company requirement" above may be made only if both the owner's and contractor's protective policy and the ROW occupant's or permittee's commercial general liability policy are endorsed with "Waiver of Transfer of Rights of Recovery Against Others to Use," or equivalent, endorsements. Waiver under the ROW occupant's or Permittee's policy shall be in favor of the City and waiver under the owner's and contractor's protective policy shall be in favor of the ROW occupant or permittee.

5. Coverage for Multiple Projects. It shall be permissible for a ROW occupant or permittee with more than one (1) permit or project to provide a single owner's and contractor's protective policy to the City of Tuttle that contains wording confirming it is applicable to all projects performed by the ROW occupant or permittee in the City's rights-of-way. However, if the amount of the annual aggregate of the owner's and contractor's protective policy is reduced for any reason below One Million Dollars ($1,000,000.00), the City may require an additional owner's and contractor's protective policy or an increase in coverage to any existing policy to supplement coverage to the City in reasonable response to the City's exposure created or influenced by the activities of the ROW occupant or permittee.

2. Endorsement. All insurance policies and certificates maintained pursuant to this Article shall contain the following endorsement:
"It is hereby understood and agreed that this insurance coverage may not be canceled by the insurance company nor the intention not to renew be stated by the insurance company until thirty (30) days after receipt by the Public Works Director, by certified mail, return receipt requested, of a written notice of such intention to cancel or not to renew. If cancellation is for nonpayment of premium, then such notice shall not be less than ten (10) days, or as otherwise required by law."

For those companies that do not comply with the "Endorsement" requirement set forth above, the City shall require a valid certificate of insurance be delivered to the Public Works Director every thirty (30) days to prove that the required insurance has not been canceled.

3. Approval. All certificates of insurance, indemnification agreements and bonds executed to the City shall be provided to the Public Works Director, who shall ascertain whether the insurance company or surety is authorized to do business in the State of Oklahoma, then submitted to the City Attorney for approval as to form.

4. Additional Insured. All liability insurance policies, except workers' compensation, shall name the City, its elected and appointed officials, officers, boards, commissions, commissioners, agents and employees as additional insured. The owner's and contractor's protective liability insurance shall insure the City of Tuttle against any and all actions, claims, judgments or demands arising from damages and/or injuries of any kind and character sustained by any person or persons because of work performed by the contractor.

5. Cancellation and Penalty. No ROW occupant or permittee shall cancel or reduce coverage of any insurance required herein without first delivering proof to the Public Works Director of alternative insurance which complies with this Article. Failure to satisfy the insurance requirements herein shall subject the ROW occupant or permittee to an administrative penalty not to exceed Five Hundred Dollars ($500.00) per each uninsured day.
(Added Ord. 2018-07; 2/12/2018)

Section 17-210. Indemnification.

1. Each ROW occupant and permittee shall, at their sole cost and expenses, indemnify, hold harmless and defend the City, its elected and appointed officials, officers, boards, commissions, commissioners, agents, employees and volunteers against any and all claims, suits, causes of action (whether frivolous or otherwise), proceedings and judgments for damages or equitable relief arising out of the installation, construction, maintenance or operation of facilities by the ROW occupant or permittee; the conduct of the ROW occupant's business in the City; or in any way arising out of the ROW occupant's enjoyment or exercise of the privileges granted by the City or applicable law, regardless of whether the act or omission complained of is authorized, allowed or prohibited by the City, other applicable law, or the terms of any grant to occupy the rights-of-way.

2. Each ROW occupant and permittee shall indemnify and hold harmless the City and its elected and appointed officers, officials, boards, commissions, commissioners, employees, agents and volunteers from and against any and all claims, demands, suits or causes of action (whether frivolous or otherwise) of any kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments or decrees sustained by the City arising out of, or by reason of, or resulting from or of the acts, errors or omissions of the ROW occupant or permittee, or its agents, independent contractors or employees related to or in any way arising out of the construction, operation or repair of the facilities in question.

3. The indemnity provision of this Section includes, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such action, claim, suit (whether frivolous or otherwise) or proceeding, as well as the reasonable value of any services rendered by the City Attorney or City staff or employees.

4. Nothing in this Article shall be construed to waive any immunity the City enjoys under applicable law or the Oklahoma Constitution.

5. Acceptance of the provisions of this section shall be a condition of all occupancy permits and rights-of-way construction permits.
(Added Ord. 2018-07; 2/12/2018)

Section 17-211. No Limits on Liability.

Neither the provisions of this Article nor any damages recovered by the City shall be construed to limit the liability of a ROW occupant or permittee for damages to the City, its elected and appointed officials, officers, boards, commissions, commissioners, agents, employees, volunteers and/or any other person or persons.
(Added Ord. 2018-07; 2/12/2018)

Section 17-212. Record Maintenance.

1. Access to Records. ROW occupants shall keep books and records for periods of time reasonably established by the City to determine compliance with this Article. City, after reasonable notice, shall have the right to review the books and records, including any complaints, of ROW occupants during normal business hours as is reasonably necessary to monitor compliance with this Article. Such records shall include, but shall not be limited to, any public records required to be kept by ROW occupants pursuant to the rules and regulations of the FCC or any other federal or state regulatory commission or agency having jurisdiction over the ROW occupant. ROW occupants shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature; provided this exception shall not be construed to include financial records necessary to enable the City to determine compliance with ROW occupants' fee payment obligations; provided further this exception shall not be construed to include system maps as set forth in paragraph 2 below. Subject to open meeting and record disclosure laws of the state of Oklahoma, City agrees to treat any information disclosed by ROW occupants to it on a confidential basis and only to disclose it to employees, representatives and agents thereof that have a need to know or in order to enforce the provisions hereof. The City Clerk may inspect the books and records of ROW occupants as necessary to determine compliance with the terms of this Article and may compel attendance of witnesses.

Copies of all petitions, applications and communications submitted by ROW occupants to the FCC or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting the ROW occupant's operations shall be submitted to the City Clerk upon request.

2. System Mapping. Each ROW occupant shall maintain accurate maps and improvement plans showing the location, size and a general description of all facilities, equipment and service drops installed in the rights-of-way and any power supply sources (including voltages and connections). Facilities and equipment shown shall include, but not be limited to, cables, conduits, electric lines, pipelines, fiber optic cables, electric transformers, gas meters and junction boxes. The ROW occupant shall provide a system map to the Public Works Director showing the approximate location of its facilities located along the rights-of-way. Maps shall be submitted in a digital format acceptable to the City, unless otherwise exempted.

3. As-Built Plans. Preliminary plans shall be submitted for each new construction project at the time of application for a rights-of-way construction permit. After completion of construction on each project, final as-built construction and acquisition facility maps shall be submitted to the Public Works Department. Such as-built maps shall be based upon post-construction inspection to verify location. Copies of as-built maps in a digital format acceptable to the City shall be submitted to the Public Works Directors, unless otherwise exempted.

4. Initial Plan Submittal. Each person occupying the rights-of-way as of the effective date of this Article shall submit a plan to the Public Works Director as part of its initial registration pursuant to Section 17-205 (1), specifying in detail the steps it will take to comply with the requirements of this section to document existing facilities. The plan shall provide for the submission of all mapping data for existing facilities along or within six (6) months after the effective date of this Article.

The City may grant extensions of the time periods described above for good cause shown. Notwithstanding the foregoing, new facility mapping submissions shall commence for all new projects immediately after the effective date of this Article. In lieu of submitting a plan, anyone occupying the rights-of-way that already has the required mapping information may submit such information at the time of initial registration.

5. New ROW Occupants. New ROW occupants shall submit complete accurate mapping data for all their equipment at the earlier of registration or the time any rights-of-way construction permits are sought under this Article.
(Added Ord. 2018-07; 2/12/2018)

Section 17-213. Relocation of Equipment and Facilities.

A ROW occupant or permittee must promptly and at its own expense, with due regard for seasonal working conditions, permanently relocate its equipment and facilities in the rights-of-way upon written notification by the Director of Public Works. The Public Works Director shall forward a

recommendation upon careful determination of the best interest of the health, safety and welfare of the public regarding any such relocation. Such relocation shall include restoring the rights-of-way to the same condition it was in prior to said relocation, in accordance with the terms of this Article. A ROW occupant shall, within three (3) months, at its own expense, protect or modify any part of its facility when required by the City by reason of traffic safety, public safety, road construction, change of street grade, installation of water, stormwater or sanitary pipes, traffic-signal devices or any other types of City improvement projects. The Public Works Director may recommend such actions in order to prevent interference by the ROW occupant's facilities with: a present or future City use of the rights-of-way; or a capital improvement project funded and scheduled to be undertaken by the City; or an economic development project in which the City as an interest or investment. The Public Works Director may also recommend such actions: when the public health, safety and welfare require it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the rights-of-way, both vehicular and pedestrian; or when aboveground equipment is located in such a manner as to create an obstruction to a driver's line of sight. The ROW occupant may for due cause make application to the Public Works Director for an extension to complete such relocation as required by this section.

The foregoing does not alter a ROW occupant's prior rights or obligations within an existing easement established prior to the dedication of rights-of-way in establishing the party responsible for the expense of any required relocation of equipment.
(Added Ord. 2018-07; 2/12/2018)

Section 17-214. Pre-Excavation Location of Equipment.

Before a ROW occupant or permittee shall commence to excavate in a roadway, street, alley or other rights-of-way as defined in this Article, such ROW occupant or permittee, unless otherwise exempt by state statute, shall first notify all operators in the City who are on file with the county clerk as to having underground facilities within the county, pursuant to the Underground Facilities Damage Prevention Act, 63 O.S. 1991, Section 142.6, shall locate and mark or otherwise provide the location of the underground facilities of the operator in such a manner as to enable the excavator to determine the precise location of the underground facilities in advance of excavation. In any event, should the excavator in the course of excavation discover and damage an unmarked utility, the City of Tuttle shall be indemnified from liability for any damage that should occur due to the failure on the part of either the excavator or the ROW occupant.
(Added Ord. 2018-07; 2/12/2018)

Section 17-215. Damage to Other Facilities.

Each Row occupant shall comply fully with the Underground Facilities Damage Prevention Act, 63 O.S. 1991, Sections 142.1, et seq., as amended.
(Added Ord. 2018-07; 2/12/2018)

Section 17-216. Abandoned and Unusable Facilities.

1. Discontinuing operations. A ROW occupant that has determined to discontinue its operations in the City must either:

a. Obtain the consent of the City to transfer ownership control of its facilities pursuant to Section 1-222 and ensure that the new owner or controlling entity has applied for registration prior to closing; or

b. Submit to the City, within ninety (90) days of the planned date for discontinuance of operation, a proposal and instruments for transferring ownership of its facilities to the City. If a ROW occupant proceeds under this clause, the City may at is option:

1.) Purchase the facilities; or

2.) Require the ROW occupant, at its own expense, to remove the facilities.

2. Abandonment. Facilities of a ROW occupant who fails to comply with the preceding paragraph and which for twelve (12) months remain unused, shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. Upon thirty (30) days' notice to the occupant, the City may exercise any remedies or rights it has at law or in equity, including but not limited to:

a. Abating the nuisance;

b. Taking possession of the facilities and restoring them to a usable condition;

c. Requiring removal of the facilities at the expense of the ROW occupant; or

d. Removing abandoned facilities in any rights-of-way in conjunction with a proposed construction project.
(Added Ord. 2018-07; 2/12/2018)

Section 17-217. Rights-of-Way Vacation.

In the event that application of any provision of this Article requires the vacation of a street or other public way, such vacation shall be accomplished in accordance with 11 O.S. 1991, Sections 42-101, et seq., as amended, and the Tuttle Subdivision Regulations, as amended.
(Added Ord. 2018-07; 2/12/2018)

Section 17-218. Reservation of Regulatory and Police Powers.

No provision of this Article, nor any action taken by the City pursuant to this Article, shall be deemed to surrender, waive, impair, or lessen the lawful powers and rights to regulate the use or occupancy of the rights-of-way that now or may be hereafter vested in the City under the Constitution and statutes of the state of Oklahoma or under the Amended Charter of the City of Tuttle. By accepting an occupancy permit or a rights-of-way construction permit, a permittee or ROW occupant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the City as exist under applicable law to adopt and enforce general ordinances necessary for the safety and welfare of the public and is deemed to agree to comply with all applicable general laws and ordinances enacted by the City pursuant to such powers. Unless otherwise expressly provided in an occupancy permit or rights0of0way construction permit, any conflict between the provisions of any such authorization and any other present or future lawful exercise of the City's regulatory or police powers shall be resolved in favor of the City.
(Added Ord. 2018-07; 2/12/2018)

Section 17-219. Severability.

If any section, sentence, clause or phrase of this Ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance or any part thereof.
(Added Ord. 2018-07; 2/12/2018)

Section 17-220. Revocation.

If a regulatory body or a court of competent jurisdiction should determine by a final, nonappealable order that any franchise, permit, right or registration issued under this Article or any portion of this Article is illegal or unenforceable, then any such franchise, permit, right or registration granted or deemed to exist hereunder shall be considered as a revocable permit with a mutual right of either party to terminate without cause upon giving sixty (60) days' written notice to the other. The requirements and conditions of such a revocable permit shall be the same requirements and conditions as set forth in the franchise, permit, right or registration, respectively, except for conditions relating to the term of the permit and the right of termination. If a franchise, permit, right or registration shall be considered a revocable permit as provided herein, the permittee must acknowledge the authority of the City Council to issue such revocable permit and the power to revoke it.
(Added Ord. 2018-07; 2/12/2018)

Section 17-221. Transfers.

1. Notification required. No transfer shall occur without prior notice to the Public Works Director. Notice of the transfer must meet the requirements of Section 17-205, as applicable, and provide complete information on the proposed transaction, including the legal, financial, technical and other pertinent qualifications of the transferee as deemed necessary by the Public Works Director.

2. No waiver or release. A transfer of an occupancy permit or a rights-of-way construction permit shall not constitute a waiver or release of any of the rights of the City.

3. Recovery of costs. The City may impose a charge, in addition to any occupancy fee or other compensation authorized by this Article or applicable law, to cover the City's costs in excess of the filing fee in considering an application for a transfer of an occupancy permit or a rights-of-way construction permit.
(Added Ord. 2018-07; 2/12/2018)

Section 17-222. Exemptions.

This Article applies, to the greatest extent permissible under applicable law, to all ROW occupants. If, on the effective date of this Article, a person holds a franchise, or has prior rights under a contract, and the terms of this Article conflict with or impose additional requirements or obligations not contained in the franchise or contract, that person is exempted from such terms of this Article and the terms of the franchise shall control, to the extent required by the franchise or contract and applicable law.
(Added Ord. 2018-07; 2/12/2018)

Section 17-223. Enforcement.

1. Remedies for violations. If a ROW occupant violates any provision of this Article, the City Manager may, after providing notice to the ROW occupant at the address provided in the occupancy permit and a hearing in which the ROW occupant may appear and be heard, take one (1) or more of the following actions:

a. Impose liquidated damages in the amount, if any, provided in the occupancy permit or rights-of-way construction permit, whether per day, incident or other measure of violation. Payment of liquidated damages by the ROW occupant does not relieve the ROW occupant of its obligation to meet the requirements of this Article;

b. Impose penalties pursuant to this Article or Chapter;

c. Reduce the duration of the occupancy permit or rights-of-way construction permit on any basis the City determines is reasonable and affords the ROW occupant reasonable due process; and/or

d. Revoke the occupancy permit or rights-of-way construction permit pursuant to its terms or applicable law.

2. City Manger's discretion. In determining which remedy or remedies are appropriate under Section 17-224(1), the City Manager shall consider the nature of the violation, the person or persons bearing the impact of the violation, the nature of the remedy required in order to prevent further violations and any other matters the City Manager determines are appropriate. In addition to or instead of these remedies, the City Manager may seek legal or equitable relief from any court of competent jurisdiction.

3. Opportunity to cure. Before initiating a remedy under this section, other than revocation of the occupancy permit or rights-of-way construction permit, the City shall give the ROW occupant written notice of the violation claimed and at least twenty (20) working days to correct the violations.
(Added Ord. 2018-07; 2/12/2018)

Section 17-224. Penalties.

The City Manager shall have the authority to assess penalties against a ROW occupant for failure to comply with the terms of its occupancy permit or rights-of-way construction permit or any other portions of this Article. Any such assessment must be provided to the ROW occupant in writing with a notice of violation and provide for a reasonable opportunity to cure the violation, provided that the violation is not a result of inclement weather. If the ROW occupant fails to remedy the deficiency by the end of the twenty (20) day period provided in Section 17-224(3), the penalty amounts shall begin to accrue and shall continue to accrue until the date that the deficiency is corrected.

1. For any violations of the City code, occupancy permit, rights-of-way construction permit or other applicable laws: Five Hundred Dollars ($500.00) a day for each violation for each day the violation continues.
(Added Ord. 2018-07; 2/12/2018)

Section 17-225. Appeals.

An appeal may be taken to the City Manager, or his/her designee, by any person aggrieved, where it is alleged there is an error in any order, requirement, decision or determination made by any person in the enforcement of this Article. The appeal must be presented upon written request to the City Manager, or his/her designee. The City Manager, or his/her designee, shall render a decision within ten (10) working days. A response from the City Manager, or his/her designee, shall be made in writing, and shall be supported by written findings establishing the reasonableness of the decision. Appeal of any decisions made by the Mayor, or his/her designee, shall be made to the City Council.
(Added Ord. 2018-07; 2/12/2018)

Sections 17-226 through 17-399. Reserved for future use.

Article 4. Penalty

Section 17-400. Penalty.

1. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in Section 171, after receiving ten (10) days, notice from the Code enforcement Officer to do so, shall be guilty of an offense. (Updated on July21, 2006 by Ordinance #2006-20)

2. Any violation of this Chapter shall be deemed an offense and, upon conviction thereof, shall be punished by a fine not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of Ordinances. Every day upon which a violation continues shall be deemed a separate offense.
(Amended Ord. 2018-07; 2/12/2018)

CHAPTER 18 – TRAFFIC

Article 1. Oklahoma Highway Traffic Safety Code Adopted

Section 18-1. Oklahoma Highway Traffic Safety Code Adopted.

1. The Oklahoma Highway Traffic, Safety Code (Title 47 of the 1981 Oklahoma Statutes, as amended, and every ten (10) years' recodification thereof) is hereby adopted and incorporated in the Code of ordinances of the City of Tuttle, Oklahoma, as if set out at length herein, for the purposes of establishing locally appropriate rules and regulations for the control of traffic within said Municipality. (47. O.S. 1981, Sections 1101960.)

2. The definitions of words used in this Chapter shall be the same as those definitions in Title 47, Oklahoma Statutes, 1981, Sections 1101 through 1186 (as amended).

3. The office of the City Clerk shall maintain at least three (3) copies of the current Oklahoma Highway Traffic Safety Code adopted by this Code of Ordinances, on file in the office of the City Clerk.

Sections 18-2 through 18-4. Reserved for future use.

Article 2. Traffic Regulations

Section 18-5. City Council May Adopt and Provide for Enforcement of Regulations.

1. The City Council is hereby empowered to adopt and provide for the enforcement of regulations necessary to make the provisions of this Chapter and any other traffic or related ordinances of the City of Tuttle, Oklahoma, effective, and to adopt and provide for the enforcement of temporary regulations to cover emergencies or special conditions.

2. No person shall willfully fail or refuse to comply with any lawful order or direction of the Chief of Police, any police officer, fireman or any other authorized municipal employee.

Section 18-6. Speed Regulations.

1. No person shall drive a vehicle on any street within the corporate limits of the City of Tuttle, Oklahoma, 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).

2. No person shall drive any vehicle upon a street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.
(Amended by Ordinance 2017-11, 7-10-2017)

Section 18-7 School Zone Speed Regulations.

1. No vehicle shall be driven at a greater speed than 15 miles per hour in any designated school zone under the following conditions unless a different speed limit is otherwise designated and posted:

a. when signed with the legend "when flashing" and flashing lights are in operation;

b. when signed with the legend "when children are present"; or

c. when signed with the legend " between the hours of" with the time specified.

2. A child shall be considered present when he or she is within 15 feet of the curb or edge of the street within a school zone and near enough so that a potential hazard exists with motorized traffic.
(Section 18-7 repealed Ord. 2011-05, 2/14/2011, 2017-11, 7-10-2017)

Section 18-8. Authorized Emergency Vehicles.

1. 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:

a. Park or stand (irrespective of the provisions of this Chapter);

b. Proceed past a red or stop signal or sign (slowing down as may be necessary for safe operation);

c. Exceed the maximum speed limits so long as he does not endanger life or property; or

d. Disregard regulations governing direction of movement or turning in specific directions.

2. 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.

3. 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.

4. 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.
(Updated Ord. 2006-19, 7/21/2006)

Section 18-9. Duties of Policemen and Firemen.

1. It shall be the duty of the Chief of Police and any police officers to enforce the traffic regulations of the City of Tuttle, Oklahoma, and all of the State Vehicle Laws applicable to traffic in said Municipality, to make arrests for traffic violations, to investigate accidents, to cooperate with

other Municipal officials in the administration of the traffic laws and in developing ways to improve traffic conditions, and to carry out those duties specifically imposed upon said officers by this Chapter and any other traffic or related ordinances of said Municipality.

2. The Chief of Police and his 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.

3. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic.

Section 18-10. Stopped School Bus.

1. 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.

2. All persons shall stop "upon approaching a stopped school bus (as described in subsection 1, above), regardless of the direction of said approach.

Section 18-11. Accident Reports; Leaving an Accident Scene.

1. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to, or death of, any person, or damage to any vehicle or other property to an apparent extent of more than one hundred dollars ($100.00), shall, as soon as practicable, report such accident to the Chief of Police or to the Police Department. 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.

2. Leaving the scene of an accident, as defined by current State Law, shall be unlawful within the corporate limits of the City of Tuttle, Oklahoma.

Section 18-12. Driving by Unauthorized Persons Prohibited.

1. It shall be unlawful for any person who does not have a valid driver's license, as required by State Law, to operate a motor vehicle within the corporate limits of the City of Tuttle, Oklahoma.

2. It shall also be unlawful and an offense for any person to permit an unlicensed driver to operate a motor vehicle within the corporate limits of the City of Tuttle, Oklahoma.

3. It shall be unlawful and an offense for any person to authorize, or knowingly permit, any vehicle owned by him or under his control, to be driven upon any of the streets or highways of the City of Tuttle, Oklahoma, by any person who is not authorized, under the Laws of the State of Oklahoma, to operate such vehicle.

Section 18-13. Reckless Driving.

It shall be unlawful for any person to drive any vehicle within the corporate limits of the City of Tuttle, Oklahoma, in a careless, negligent or reckless manner, without regard for the safety of persons, property or the lawful use of the streets; such person shall be guilty of reckless driving.

Section 18-14. Driving Under the Influence.

It shall be unlawful for any person who is under the influence of alcoholic beverages, narcotic drugs or other controlled, dangerous substances, to drive, or be in actual physical control of, any vehicle within the corporate limits of the City of Tuttle, Oklahoma.

Section 18-15. Vehicles Not to be Driven on Sidewalk. The driver of any vehicle shall not drive upon any sidewalk or sidewalk area, except at a permanent or temporary driveway.

Section 18-16. Following Too Closely.

The driver of any vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of both vehicles and the traffic upon, and the condition of, the roadway.

Section 18-17. Backing.

1. 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.

2. The driver of any vehicle shall not back the same a greater distance than is necessary to permit it to enter the immediately available proper driving lane; no extended backing shall be permitted.

Section 18-18: Parade Permit.

1. Except for military forces of the United States or military forces of the state, and in the exercise of powers which would preempt local authority, no parade shall occupy, march or proceed along any street within the city limits of Tuttle except in accordance with a permit issued by the city manager.

2. The city manager shall prepare and have available to the public an application form for parades, in which he shall gather such information as may be useful to him in determining the time, place, and manner in which the parade is proposed, and the facilities for security, sanitation, and related matters as will be provided by the parade applicant, and such other information as might be useful in making a determination as to the safety and sanitation involved in the activities proposed.

3. Based on historical experience with the work involved, and the traditions of the city, the city council hereby designates an official parade route through the city consisting of that portion of East Main Street from the east edge of the SE Fourth Street intersection to a point on West Main Street, aligned with the western edge of the Tuttle Schrock Park. Any person or group desiring to conduct a parade along any portion of this route shall apply to the city manager at least 30 days in advance, providing information on (a) the name of the group making said application, (b) the date, time, length and circumstances of the parade, (c)

the expected crowd, the expected number of participants, (d) proof of insurance and other information as may be requested. The city shall issue a permit for such a parade, so long as the parade does not conflict with another parade already permitted and scheduled. Further, the city shall provide appropriate personnel to close Main Street to cross traffic from the start of the parade, until the last recognized body of participants in the parade have passed the traffic intersection in question; provided that parade participants are expected to make an average speed of approximately three miles per hour for the movement of the parade through the permitted route.

4. Any person or group desiring a parade at any other location within the city may apply for a parade permit with the city manager at least 30 days in advance, said application containing the date, time, proposed place, length, circumstances, anticipated crowd, and anticipated number of parade participants and other information as may be requested. Applicants shall explain why alternate routing is necessary, and discuss in their application the anticipated effect of the parade upon traffic on major arterials and collector streets. Proof of insurance shall also be provided. Such an application will be reviewed by the city council and the city staff to determine the costs associated with the parade as proposed, including an independent staff evaluation of the proposal as to its effect on traffic, commercial activity, and related concerns. The parade permit may be granted by the city council, conditioned on the payment, in advance, to the city, of the anticipated costs of the crowd and traffic control as supplied with city personnel and equipment. A permit may also be conditioned on making special arrangements that are dependent on the specific circumstances of the parade permit to allow access for emergency traffic by police, fire and ambulance personnel in response to any public emergency, whenever (a) the proposed parade route passes a police station or fire station or (b) the parade route is anticipated to interfere with public safety access to an area of the city other than the route itself, by virtue of the location of the route, or the duration of the anticipated parade. For any parade anticipated to last longer than 60 minutes, the applicant shall also provide for appropriate sanitary and trash removal facilities associated with the proposed parade.

5. The word "parade" as used in this section shall mean a procession or march for purposes of ceremony, display, or inspection, but shall not include runs or similar events which are focused on exercise, and unlikely to draw a significant audience other than the event participants.
(Added Ord. 2007-9, 10/8/2007)

Sections 18-19. Manually Composing, Sending or Reading Electronic Text Messages.

1. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the City 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.

2. 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:

a. An emergency response operator;

b. A hospital, physician's office or health clinic;

c. A provider of ambulance services;

d. A provider of firefighting services; or

e. A law enforcement agency.

3. For the purpose of this section:

a. "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;

b. "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;

c. "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

d. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.
(Added Ord. 2015-21, 10/26/2015)

Sections 18-20 through 18-29. Reserved for future use.

Article 3. Impoundment of Vehicles

Section 18-30. Purpose and Effect of Impoundment.

Impoundment of vehicles under authority of the provisions of this Article shall be construed as an enforcement procedure for protection of the public peace, safety, welfare and safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares in the City of Tuttle, Oklahoma, from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

Section 18-31. Place of Impoundment.

Every vehicle that is impounded under the provisions of this Article shall be removed to the nearest garage, or other place of safekeeping designated by the City Manager, and shall not be removed to any other place.
(Updated Ord. 2006-18, 7/21/2006)

Section 18-32. Duration of Impoundment.

1. Any vehicle impounded under the authority granted herein shall be stored and held safely until a written order for its release, signed by an authorized officer of the city, has been issued. Such order of release shall be

conditioned upon the payment of an impound fee in the amount of one hundred dollars ($100.00) by the person to whom the release is issued. This impound fee shall be independent of any fines, costs or fees which may be assessed from citations issued to any person for violation of traffic laws or other ordinance violations involving the impounded vehicle.

2. There is hereby created within the police fund, a special account into which all impound fees shall be deposited from which expenditures may be used for enforcement of traffic safety.
(Updated Ord. 2011-08, 3/14/2011)

Section 18-33. Redemption and Release of Vehicle.

1. 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.

2. The Chief of Police or his designee is hereby authorized to release vehicles which have been impounded (and accept agreements and bonds to save the City of Tuttle, Oklahoma, harmless by such releases) to persons other than the registered owner of the vehicle.

3. Any party claiming an interest in an impounded vehicle shall submit (by written instruments on other documents), to the Chief of Police, proof of compliance with the following requirements:

a. Proof of interest;

b. Agreement to save and hold harmless the City of Tuttle, Oklahoma, and all of its employees; and

c. Proof of financial responsibility insurance.
(Updated Ord. 2006-17, 7/21/2006)

Section 18-34. Authority to Impound Vehicles.

1. The Chief of Police of the City of Tuttle, Oklahoma, and members of the Municipal Police Department, are hereby authorized, within the limits set forth in this Chapter, to impound vehicles under the circumstances hereinafter enumerated.

2. No impoundment shall be valid unless made under order of an authorized police officer, and in strict adherence to the procedures established in this Article and by other policies of the City of Tuttle, Oklahoma.

Section 18-35. Causes of Impoundment.

1. A disabled vehicle upon a street or highway may be impounded, under the following circumstances:

a. If left unattended and improperly parked on a street or highway;

b. If left unattended longer than seventy-two (72) hours on the shoulder of any highway; or

c. 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.

2. An unattended vehicle left upon any bridge, viaduct, causeway or within the structure of a grade separation may be impounded.

3. 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.

4. 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.

5. When any derelict vehicle is discovered by the Police Department to have been parked upon any street in the City of Tuttle, Oklahoma, for a period of seventy-two (72) hours, or more, the Police Department is authorized to impound the vehicle, and if the owner of the vehicle may be ascertained by reasonable diligence, the owner shall be notified of the action by the Police Department.

6. A trespassing, unattended vehicle found may be impounded when the required complaint has been properly made and filed. The owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's (or legal occupant's property; if the identity of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe a violation has occurred, the Police Department shall cause the vehicle to be impounded and placed in storage.

7. 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.

8. 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.

9. 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.

10. 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 his own arrangements for the removal of the vehicle within a period of twenty-four (24) hours from the time he is actually notified of its recovery; if the owner is unable or unwilling

to effect the removal within the time specified, the vehicle may be impounded.

Section 18-36. Abandoned, Wrecked or Nonoperating Vehicles; Exceptions; Presumptions; Impoundment.

1. Except as otherwise provided, no person shall abandon any partially dismantled, nonoperating, wrecked or junked vehicle, nor leave such vehicle for such time, and under such conditions, as to cause it to reasonably appear to have been abandoned, upon any private property, dedicated street right-of-way or public easement. Vehicles so abandoned or left shall constitute a public nuisance.

2. Persons excepted from Subsection 1 (above) are those who maintain such vehicles:

a. In enclosed buildings;

b. On the premises of a business enterprise operated in a lawful place and manner, when such vehicles are necessary to the operation of said business; or

c. In an appropriate storage facility or depository which is maintained by or for the City.

3. A rebuttable presumption exists that vehicles have been abandoned when any one (1) of the following conditions exists:

a. Weeds and/or grass undergrowth indicates to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur; or

b. One (1) or more wheels are flat or missing; or

c. Portions of the vehicle which are needed for its operation or control are missing; or

d. Neighboring residents provide written statements as to the length of time such vehicle has been standing in one place without removal, or statements that parts are taken from, or added to, such vehicle, which would indicate a salvage, garage or used parts operation; or

e. Evidence exists that provisions of the Code of Ordinances pertaining to Zoning or to junk or salvage yards, are being violated; or

f. No current license tag is present or visible on the vehicle.

4. Appropriate municipal officials (including, but not limited to, the Mayor, the Chief Police, Code Enforcement the Fire Chief and the City Clerk) may remove and impound, or cause to be removed and impounded, those vehicles which appear to be in violation of this Section.

5. Prior to the removal and impoundment of any vehicle under the provisions of this Article, or any of the appropriate methods of nuisance abatement (see Chapter 12, this Code of Ordinances), the appropriate municipal officials shall attempt to notify, by certified mail, the registered owner of such vehicle, stating that the vehicle appears to be in violation of this Article, and that the owner has forty-eight (48) hours from the receipt of such notice to remove the vehicle. Should the municipal officials be unable to serve notice upon the owner, a notice containing similar provisions shall be affixed to the abandoned vehicle instead, at least forty-eight (48) hours prior to the required time of compliance.
(Updated Ord. 2006-16, 7/21/2006)

Section 18-37. Wrecker Rotation List.

1. The Chief of Police of the City of Tuttle, Oklahoma shall maintain a Wrecker Rotation List of all qualified wrecker or towing service authorized to perform wrecker or towing services within the City of Tuttle, Oklahoma.

2. To qualify for inclusion on the Wrecker Rotation List, a wrecker or towing service must:

a. Be licensed to operate a Wrecker Service within the City limits of the City of Tuttle;

b. Maintain its principal office within the City limits of the City of Tuttle, Oklahoma, or within two (2) road miles from the municipal limits of the City of Tuttle, Oklahoma;

c. Maintain its primary storage facility either within the municipal limits of the City of Tuttle or within a two-mile radius of its principal office;

d. Continuously maintain with the Chief of Police a list of all employees of the wrecker service who will be responding to or working with City calls and/or vehicle storage, and background checks on each, prior to them working with City calls and or vehicle storage; and

e. Provide 24 hour per day service, seven days per week;

3. When a Wrecker or Towing Referral is needed, and the owner of the vehicle has no preference or if the referral is for impoundment, the Police Department dispatcher shall notify the wrecker or towing service next up on for calls on the Rotation List.

4. The Wrecker or Towing Service shall deny the call if it is not able to respond immediately, or call the Police Department, if it is not able to arrive at the scene within 30 minutes, and explain. In the event the call is denied or the Wrecker or Towing service is not able to arrive at the scene within 30 minutes, the next Wrecker or Towing Service listed on the Rotation List shall be called.

5. The Police Department dispatchers shall keep a log of the rotation, including times and owner requests and denials of calls and inability to arrive at the scene within 30 minutes.

6. The Chief of Police may remove a Wrecker or Towing Service from the Rotation List for non-compliance with any provision of this Ordinance.

7. A custodial inventory of all impounded vehicles should be completed jointly, by the impounding officer and the wrecker service.

8. A copy of the police officer's paperwork and the wrecker service paperwork shall be submitted to the police dispatcher.

9. All vehicles towed by the Wrecker or Towing Service shall be maintained at the Primary Storage Facility for a minimum of thirty days, unless earlier legally retrieved by the owner or the owner's agent.

10. It is unlawful for any Wrecker or Towing Service listed on the Rotation List of the City of Tuttle, Oklahoma to provide free or reduced services to any individual employed by the City of Tuttle, Oklahoma, in exchange for future consideration, services or referrals.
(Updated Ord. 2003-17, 9/8/03; Ord. 2006-9)

Sections 18-38 through 18-49. (Reserved for future use.)

Article 4. Vehicle and Equipment Prohibitions

Section 18-50. Injurious or obstructive Vehicles; Oversized Vehicle Permits.

1. No vehicle or object which injures, or is likely to injure, any street within the City of Tuttle, Oklahoma, shall be driven or moved on any street within said Municipality.

2. 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 Police Department. Fees for Oversized permits shall be established by resolution of the City Council.
(Amended by Ordinance 2016-12, 5-9-2016)

Section 18-51. Size and Weight of Vehicles; Truck Routes.

1. No person shall drive or convey through any street any vehicle, the width, height, length, weight or load of which exceeds that authorized by State Laws, except in accordance with a Permit issued by State authority.

2. The City Manager 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 City of Tuttle, Oklahoma.

3. The City Manager 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 City of Tuttle, Oklahoma, shall keep on such route and shall not deviate therefrom, except in case of emergency.

4. Trucks that must deliver in the City Limits must take the shortest section line road path to return to the established truck routes.
(Updated Ord. 2011-19, 9/12/2011)

Section 18-52. Use of Motor Brakes on Vehicles Prohibited.

1. No person shall utilize a motor brake or similar device within the corporate limits of the City of Tuttle.

2. A motor brake is defined as a jake brake or similar device other than conventional disc or drum brakes that are normally used in mountainous terrain to slow large vehicles.

Section 18-53. Excessive Noise from a Motor Vehicle.

1. It shall be unlawful for any person in lawful control of a motor vehicle to cause, suffer or allow any unreasonably loud or excessive noise in such motor vehicle, to include the noise of a radio, car stereo, electronic audio equipment or other similar equipment. A violation of this section shall occur if the noise is clearly audible from a location not less than 50 feet from its source. Violations of this section may be filed only by police officers or code enforcement personnel of the City of Tuttle.

2. Any violation of this Section shall be subject to a fine in accordance with the fine schedule of the City of Tuttle Municipal Court.
(Updated Ord. 1999-11, 11/8/1999; Ord. 2000-03, 2/14/2000; Ord. 2006-15, 7/21/2006)

Sections 18-54 through 18-59. Reserved for future use.

Article 5. Traffic Control Devices

Section 18-60. Installation of Traffic Control Devices.

The City Manager shall have traffic control signs, signals and devices placed and maintained, as required under the Ordinances of the City of Tuttle to make the provisions of such Ordinances effective.

Section 18-61. Specifications for Traffic Control Devices.

All traffic control signs, signals and devices shall conform to the Manual and Specifications approved by the Oklahoma State Highway Department. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the municipality. All traffic control devices so erected and not inconsistent with the provisions of State Law or this Chapter, shall be official traffic control devices.

Section 18-62. Turn Signs and Indicators.

1. The City Council is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event, the same shall be plainly indicated on said signs.

2. 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.

3. 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 18-63. Designation and Marking of One-way Streets.

Whenever the City Council designates any street, alley or part thereof as a one-way street or alley, the City manager shall have signs placed, giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 18-64. Marking of Traffic Lanes.

1. The City Council is hereby authorized to have traffic lanes marked upon the roadway of any street where a regular alignment of traffic is necessary.

2. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lanes, except when lawfully passing another vehicle, preparing to make a lawful turning movement or as otherwise authorized by Ordinance.

Section 18-65. Designation and Marking of Crosswalks.

The City Council shall have the authority to designate, by appropriate devices or lines upon the surface of the roadway, crosswalks at intersections or other places where, in its opinion, there is particular danger to pedestrians crossing the roadway.

Section 18-66. Unauthorized Signs or Devices.

1. 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.

2. 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.

3. 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.

4. Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance, and the City Council is hereby empowered to remove the same, or cause it to be removed.

Section 18-67. Classification of Streets.

1. The City Council may adopt, by Resolution, a Street Classification System for the City of Tuttle, Oklahoma. Whenever such a system is adopted, it shall be the duty of said City Council 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) .

2. The City Council is hereby authorized to determine and designate intersections where a particular hazard exists and to determine:

a. Whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event it shall cause to be erected a stop sign at every such place where a stop is required; or

b. 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.

3. 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.

Sections 18-68 through 18-79. Reserved for future use.

Article 6 Parking, Stopping and Loading

Section 18-80. Stopping or Parking Prohibited in Specified Places.

1. 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:

a. On any sidewalk;

b. In front of, or obstructing any driveway;

c. Within an intersection;

d. Within fifteen (15) feet of a fire hydrant (except in an officially marked parking space);

e. Within or on a crosswalk;

f. Within twenty (20) feet of the driveway entrance to any fire station;

g. Near any street work or excavation, when stopping or parking would obstruct traffic;

h. On the roadway side of any vehicle stopped or parked at the edge or of a street (doubleparking or doublestopping);

i. In any alley where less than ten (10) feet of the roadway will be left available for the movement of vehicular traffic; or

j. At any place where official signs prohibit stopping.

2. The City Council is hereby authorized to establish parking time limits, and to prohibit parking on designated streets and parts of streets by having appropriate signs placed thereon.

3. It shall be unlawful for any person to place or park a motor vehicle in any parking space on (a) private property accessible to the public and where the public is invited, or (b) on public property, that is designated and posted as a reserved area for parking of motor vehicles of physically disabled persons, unless such person has a physical disability 'insignia (consistent with the provisions of Title 47 of Oklahoma Statutes) and such insignia is displayed as provided in said Title 47 of Oklahoma Statutes (or other regulations adopted pursuant thereto).

Section 18-81. Angle Parking.

1. The City Council may determine upon what streets and parts of streets, angle parking shall be permitted, and shall have such streets marked or signed.

2. 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 18-82. Standing or Parking Close to Curb; Brakes.

1. Except as otherwise provided in this Article, every vehicle stopped or parked upon& roadway where there are adjacent curbs, shall be so stopped or parked with vehicle parallel to, and within eighteen (18) inches of the righthand curb; provided, that, every vehicle stopped or parked upon the lefthand side of a one-way street where there are adjacent curbs, shall be parked or stopped with the lefthand wheels parallel to, and within eighteen (18) inches of, the lefthand curb.

2. Adequate brakes shall be set on all parked vehicles

Section 18-83. Parking on Private Property.

1. 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.

2. 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 City of Tuttle, Oklahoma, any landowner or person in charge of the property shall not be liable for any damages which may occur to the trespassing vehicle or trailer under the terms of this Section, while the same is trespassing, while it is being removed from his property or while it is in storage.

Section 18-84. Reserved for Future Use.

(Section 18-84 repealed Ord. 2011-05, 2/14/2011)

Section 18-85. Loading zones.

1. The City Council is hereby authorized to determine the location of passenger and freight curb loading zones, and shall have appropriate signs placed, indicating the same and stating the hours during which the provisions of this Section are applicable. By the same authority, such loading zones may be changed or discontinued.

2. When such a loading zone is established upon the request of any person, firm or corporation, the City Council shall not have signs placed until the applicant has paid to the City Clerk an amount of money estimated by said City Council to be adequate to reimburse the City for all costs of establishing and signing the same. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place, marked as a, freight curb loading zone, during hours when the provisions applicable to such zones are in effect.

Section 18-86. Residential Parking Restrictions.

1. Motor vehicles. No operator or owner of any motor vehicle or trailer, no owner or person exercising dominion over any real property, shall park or allow the parking of, any motor vehicle or trailer upon any residential real property in the City of Tuttle, for period exceeding 4 hours, except upon an allowable unimproved or improved parking surfaces.

2. Definitions. The following words and phrases shall have the following definitions when used in this section:

a. Allowable unimproved parking surface. A permeable surfacing material which provides complete soil stabilization to the soil beneath such surfacing material and which is at all times fully contained, without disruption, within an elevated immovable border and segregated from any lawn, garden and/or shrubbery.

b. Improved parking surface. Constructed and consisting of asphalt or concrete.

c. Non-conforming unimproved parking surface. Any surface, such as a dirt path, that might be used for driving or parking.

d. Turf. A surface layer of earth containing mowed grass with its roots.

3. Exceptions. The provisions of paragraph (1) of this section shall not be applicable in the following instances:

a. To real property under active construction and improvement pursuant to a duly-issued building permit.

b. In any case where an administrative waiver from the provisions of paragraph (1) of this Section has been granted by the City Manager.

c. As to vehicles parked behind the building line.

4. Commercial Vehicles. The parking of all 18-wheelers, buses, dump trucks, recreational vehicles, travel trailers, and other commercial vehicles in excess of one and one-half (1 ½) tons in and near residential areas shall be in accordance of Section 23 of the Zoning Code.

5. Administrative waiver procedures. Any person may apply for, and the City Manager may grant, an administrative waiver from this Section to any property in the City where, due to the particular circumstances of the case, the strict application hereof would result in undue hardship. The City Manager must take into account issues, including safety and impact on the surrounding neighborhood. The decision of the City Manager may be appealed to the City Council.

6. Non-conforming Unimproved Parking Surfaces. Residential properties that are served by non-conforming unimproved parking surface shall be permitted to park on the turf near the non-conforming unimproved parking surface anytime such non-conforming surfaces are unusable due to wet conditions.
(Added Ord. 2011-20, 1/14/2011, Updated Ord. 2012-06, 3/12/2012)

Sections 18-87 through 18-99. Reserved for future use.

Article 7. Bicycles

Section 18-100. Traffic Laws Applicable to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the Laws of this State declaring the rules of the road applicable to vehicles, or by the ordinances of the City of Tuttle, Oklahoma, applicable to the driver of a vehicle, except as to special regulations in this Article and to those provisions of State Law or Ordinances which, by their nature, can have no application.

Section 18-101. Bicycle Equipment.

Every bicycle in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from all distances, up to five hundred (500) feet to the front, and with a red reflector on the rear, of a type which shall be visible from all distances up to three hundred (300) feet to the rear, when directly in front of lawful upper beams of headlamps on a motor vehicle.

Section 18-102. Obedience to Traffic Control Devices.

1. 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.

2. Wherever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

Section 18-103. Riding on Bicycles.

1. No bicycle shall be used to carry more persons at a time than the number for which it is designed and equipped.

2. 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.

3. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and not the roadway.

4. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

5. The operator of a bicycle emerging from an alley, driveway or building shall yield the right-of-way to all approaching pedestrians, and upon entering a roadway, shall yield the right-of-way to all vehicles approaching on such roadway.

6. The City Council is authorized to have signs placed on any sidewalk or traffic way prohibiting the riding of bicycles thereon by any person; when such signs are in place, no person shall disobey the same.

Sections 18-104 through 18-119. Reserved for future use.

Article 8. Pedestrians

Section 18-120. Application of Article.

Pedestrians shall be subject to traffic control signals, but, at all other places, shall be granted those rights and be subject to those restrictions in this Article.

Section 18121. Pedestrians.

1. 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.

2. No pedestrian shall suddenly leave any place of safety, and walk or run into the path of a vehicle.

3. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 18-122. Drivers to Exercise Due Care.

Notwithstanding the foregoing provisions of this Article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or confused or incapacitated person upon a roadway.

Sections 18-123 through 18-129. Reserved for future use.

Article 9. Miscellaneous Provisions

Section 18-130. Obedience to Chapter.

1. It shall be unlawful for any person, firm or corporation to authorize or knowingly to permit any vehicle registered in his or its name, to be driven or be parked in violation of any provisions of this Chapter.

2. The parent or guardian of any child or ward shall not authorize or knowingly child or ward to violate any of the provisions of this chapter.

Section 18-131. Public Officials and Employees.

1. The provisions of this Chapter shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, and any State, County, Municipal or other governmental unit or agency, as well as to other vehicles; it shall be unlawful for any said driver to violate any of the provisions of this Chapter, except as otherwise permitted in this Chapter or by State Laws.

2. This Chapter shall not apply to the military forces of the United States and organizations of the National Guard when performing military duty.

Section 18-132. Necessity of Signs.

No provisions of this Chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an

ordinarily observant person. Whenever a particular Section does not state that signs are required, such Section shall be effective even though no signs are erected or in place.

Section 18-133. Vehicles: Equipment; Licensing; Inspection; Security Verification Form.

1. It shall be unlawful to operate a vehicle which is not equipped as required by law upon any street within the City of Tuttle, Oklahoma. It shall also be unlawful to fail to use such equipment in the manner required by Law, use it in a manner prohibited by Law or to operate a vehicle which has equipment prohibited by Law upon any street within said City.

2. It shall be unlawful to operate a vehicle of any kind upon a street of the City of Tuttle, Oklahoma, unless such vehicle is licensed and displays a valid license plate thereon, as required by State Law.

3. The owner of a motor vehicle registered in this State and operating said vehicle within the boundaries of the City of Tuttle, Oklahoma, shall carry in such vehicle at all times a current owner's Security Verification Form listing the vehicle (or an equivalent form which has been used by the Department of Public Safety), which shall be produced by any driver thereof, upon request, for inspection by any law enforcement officer and, in case of a collision, the form shall be shown, upon request, to any person affected by said collision.

4. The following shall not be required to carry an owner 's or operator's B., 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:

a. Any vehicle owned or leased by the Federal or State Government, or any agency or political subdivision thereof;

b. Any vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior, and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety, which reflect a deposit, bond, selfinsurance, or fleet policy;

c. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation commission;

d. Any licensed taxicab; and

e. Any vehicle owned by a licensed, used motor vehicle dealer

5. The following definitions shall apply to Subsections 4, 5, 7, 8, 9 and 10 (herein):

a. "Compulsory Insurance Law". "Compulsory Insurance Law" is the law requiring liability insurance in conjunction with the operation of a motor vehicle in this State, as found in Article VI, Chapter 7 of Title 47 of the Oklahoma Statutes.

b. "Operator's Policy". An "operator's policy" of liability insurance shall insure the named person against loss from the liability imposed upon him by Law for damages arising out of the operation or use by his of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

c. “Owner's Policy". An "owner's 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 Subparagraph "c" of this Subsection, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by Law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

3. May provide for exclusions from coverage in accordance with existing Laws and

4. Shall be issued by an authorized carrier providing coverage in accordance with Section 7204 of Title 47 of the Oklahoma Statutes.

d. "Security “. “Security” means

1. A policy or bond meeting the requirements of Section 7'204 of Title 47 of the Oklahoma Statutes;

2. A deposit of cash or securities having the equivalency of limits required under Section 7204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

3. Self-insurance, pursuant to the provisions of Section 7503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond.

e. "Security Verification Form". A "Security Verification Form" is a form approved by the State Board of Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma. Said form shall contain the following minimum information:

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.

6. Every operator of a motor vehicle registered in this State, shall, while operating or using such vehicle within the boundaries of the City of Tuttle, Oklahoma, carry

either an operator's or an owner's Security Verification Form issued by a carrier (providing the operator is not excluded from coverage thereon) or an equivalent form issued by the Department of Public Safety, reflecting liability coverage. An owner's Security Verification Form issued to the owner of a motor vehicle may be used as an operator's Security Verification Form by an operator who is not the owner of the motor vehicle, if said operator is not excluded from coverage on the motor vehicle liability insurance policy for the vehicle; any such exclusions from said policy shall be included on the owner's Security Verification Form. An owner or operator who fails to produce for inspection a valid and current Security Verification form (or equivalent form) which has been issued by the Department upon request of any peace officer of the City of Tuttle, Oklahoma, Police Department, shall be guilty of an offense.

7. A sentence imposed for any violation of this Section may be suspended or deferred in whole or in part by the Court.

8. 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.

9. 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.
(Updated Ord. 2006-14, 7/21/2006)

Section 18-134. Inspection of Vehicles.

Police officers shall have authority to inspect and test any vehicle upon the streets of the City at any time, with reasonable cause, to determine whether it is safe, properly equipped and whether its equipment is in proper adjustment and repair.

Section 18-135. 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 (1) person, in which event, a passenger may ride only upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

Section 18-136. Construction Zones.

1. Municipal personnel, contractors or utility companies, while repairing or improving the streets of the City of Tuttle, Oklahoma, or when installing, improving or repairing lines or other utility facilities in the streets, are hereby authorized, subject to control by the City Council 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.

2. When any street has been closed to traffic under the provisions of Subsection 1 (above) and traffic control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle under, over, around or through such traffic control devices or barricades, or otherwise to enter the closed area (except that the provisions of this Subsection shall not apply to persons while engaged in such construction, maintenance and repair, to persons entering therein for the protection of lives or property or to persons having their places of residence or business within such closed area, who may travel through such area at their own risk) .

3. Whenever construction, repair or maintenance of any street, utility line or facility is being performed, and the street is not closed to traffic in accord with this Section, the Municipal personnel, contractor or utility company concerned shall erect warning devices for the public. Every person using such street shall obey such warning devices.

Section 18-137. Persons Working on Streets.

1. Unless specifically made applicable, the provisions of this Chapter, except those relating to reckless driving and driving while intoxicated, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities; provided that, all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen.

2. The provisions of this Chapter shall apply to such persons and vehicles when traveling to or from such work.

Section 18-138. Riding or Clinging to Vehicles.

1. 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.

2. No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 18-139. Dangerous objects in Streets.

It shall be unlawful for any person to place, cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass, stick or other thing which is likely to injure persons, damage property or render a street unsafe for traffic.

Section 18-140. Funerals.

1. 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.

2. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Section 18-141. Eluding a 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 18-142. Following Fire Apparatus Prohibited.

The driver of any vehicle, other than when on official business, shall not follow any fire apparatus traveling in response to a fire alarm, closer than five hundred (500) feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 18-143. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of any Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

Section 18-144. Obstruction of Driver's View.

1. 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.

2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides or to interfere with his control over the driving mechanism of the vehicle.

Section 18-145. Minibikes, Dirt Bikes, Trail Bikes Restricted on Operations.

It shall be unlawful for any person to operate, within the city limits, a minibike, trail bike, dirt bike, or a 3 wheel or 4 wheel ATV within six hundred (600) feet of a residential dwelling without the permission of the owner and 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 City of Tuttle. Provided further, that any such vehicles may be used for non-recreational, agricultural or commercial purposes and such use shall not violate the provisions of this Ordinance.
(Added Ord. 2004-14)

Sections 18-146 through 18-199. Reserved for future use.

Article 10. Penalty

Section 18-200. Penalty.

Any person, firm or corporation who violates any provision of this Chapter, performs any unlawful act as defined in this Chapter or fails to perform any act required in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

CHAPTER 19 – TRANSPORTATION

Article 1. Railroads

Section 19-1. Railroads to improve Certain Streets and Alleys.

1. When a railway occupies or crosses any portion of a 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 (2) feet on either side thereof, in a manner satisfactory to the City Council.

2. 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.

3. When more than one (1) track crosses a street within a distance of one hundred (100) feet (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 City Council.

4. Railroad companies shall keep all such improvements made by them in good state of repair at all times.

Section 19-2. Climbing on Trains.

1. It shall be unlawful for any person to climb upon, hold to, or in any manner attach himself to, any train or railroad car, while such is in motion with the City of Tuttle, Oklahoma, unless such person is acting in the line of duty.

2. 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 19-3. Speed of Trains.

It shall be unlawful for any person to operate or drive a train or railroad car(s) at a speed greater than forty (40) miles per hour within the corporate boundaries of the City of Tuttle, Oklahoma.

Section 19-4. 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 his presence there, to loiter anywhere a railroad yard or upon other railroad premises.

Section 19-5. Blocking of Streets by Trains.

It shall be unlawful for the operator of any train to block any street intersection within the corporate boundaries of the City of Tuttle, Oklahoma, at any time, for more than five (5) minutes; provided, that, this shall not apply to cars in motion, other than those engaged in switching.

Sections 19-6 through 19-19. Reserved for future use.

Article 2. Miscellaneous Provisions

Sections 19-20 through 19-49. Reserved for future use.

Article 3. Penalty

Section 19-50. Penalty.

Any person, firm or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be fined in any amount not exceeding the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day's continuation of any such violation shall be deemed a separate offense.

CHAPTER 20 – WARDS AND BOUNDARIES

Article 1. Ward Boundaries

Section 20-1. Ward Boundaries Established.

The boundaries of the four (4) wards within the City of Tuttle, Oklahoma, shall be as follows:

Ward One (1): IN TOWNSHIP NINE (9) NORTH, RANGE SIX (6) WEST, I.M., GRADY COUNTY, OKLAHOMA: All those portions of Sections One (1) and Two (2) located within the municipal limits of the City of Tuttle, Oklahoma; and All those portions of Section Three (3) laying East of the Centerline of the Railroad located within the municipal limits of the City of Tuttle, Oklahoma; and IN TOWNSHIP TEN (10) NORTH, RANGE SIX (6) WEST, I.M., GRADY COUNTY, OKLAHOMA: All those portions of the South Half of Section Thirty-four (34) laying East of the Centerline of the Railroad located within the municipal limits of the City of Tuttle, Oklahoma; and All those portions of the South Half of Sections Thirty-five (35) and Thirty-six (36) located within the municipal limits of the City of Tuttle, Oklahoma.

Ward Two (2): IN TOWNSHIP NINE (9) NORTH, RANGE FIVE (5) WEST, I.M., GRADY COUNTY, OKLAHOMA: The Northwest Quarter and the West Half of the Northeast Quarter of Section Five (5) and the North Half of Section Six (6); and IN TOWNSHIP NINE (9) NORTH, RANGE SIX (6) WEST, I.M., GRADY COUNTY, OKLAHOMA: All that portion of Section Three (3) laying West of the Centerline of the Railroad located within the municipal limits of the City of Tuttle, Oklahoma; and IN TOWNSHIP TEN (10) NORTH, RANGE FIVE (5) WEST, I.M., GRADY COUNTY, OKLAHOMA: All of Sections Seventeen (17), Eighteen (18), Nineteen (19), Twenty-nine (29), Thirty (30), Thirty-one (31) and Thirty-two (32) and located within the municipal limits of the City of Tuttle, Oklahoma; and the West Half of the Southwest Quarter of Section Twenty-eight (28); and IN TOWNSHIP TEN (10) NORTH, RANGE SIX (6) WEST, I.M., GRADY COUNTY, OKLAHOMA: All those portions of Sections Thirteen (13), Fourteen (14) and Twenty-two (22) located within the municipal limits of the City of Tuttle and the North Half and that portion of the South Half of Section Thirty-four (34) laying West of the Centerline of the Railroad; and all of Sections Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), and the North Half of Section Thirty-five (35) and the North Half of Section Thirty-six (36).

Ward Three (3): IN TOWNSHIP NINE (9) NORTH, RANGE FIVE (5) WEST, I.M., GRADY COUNTY, OKLAHOMA: The North Half of Section Four (4), and the East Half of the Northeast Quarter of Section Five (5); and IN TOWNSHIP TEN (10) NORTH, RANGE FIVE (5) WEST, I.M., GRADY COUNTY, OKLAHOMA: All that portion of Section Twenty-one (21) located within the municipal limits of the City of Tuttle, Oklahoma; and the North Half and the Southeast Quarter and the East Half of the Southwest Quarter of Section Twenty-eight (28) and All of Section Thirty-three (33) and The South Half and the Northwest Quarter and the West Half of the Northeast Quarter of Section Thirty-four (34).

Ward Four (4): IN TOWNSHIP NINE (9) NORTH, RANGE FIVE (5) WEST, I.M, GRADY COUNTY, OKLAHOMA: All those portions of Sections One (1), Two (2) and Three (3) located within the municipal limits of the City of Tuttle, Oklahoma; and IN TOWNSHIP TEN (10) NORTH, RANGE FIVE (5) WEST, I.M., GRADY COUNTY, OKLAHOMA: All those portions of Sections Twenty-two (22) and Twenty-three (23) located within the municipal limits of the City of Tuttle, Oklahoma and the East Half of the Northeast Quarter of Section Thirty Four (34) and All of Sections Twenty-five (25), Twenty-six (26), Twenty-seven (27), Thirty-five (35) and Thirty-six (36).
(Updated Ord. 2010-20, 8/9/2010; Ord. 2021-09, 9/13/2021)

Sections 20-2 through 20-4. Reserved for future use.

Article 2. Corporate Boundaries

Section 20-5. Corporate Boundaries Map.

1. A map depicting the current corporate boundaries of the Town of Tuttle, Oklahoma, shall be maintained and displayed in the Office of the Town Clerk.

2. This map shall reflect all current annexation and deannexation Ordinances and orders, all plat and/or street vacation orders, all official street names, and shall represent the official map of the corporate boundaries of the Town of Tuttle, Oklahoma.

3. This map may be combined with the official Zoning Districts Map (See Article 3 of this, Chapter). All dedicated streets and alleys shall be shown on this map; vacated streets and alleys shall not be shown on said map, but shall be redrawn by the methods provided by Oklahoma Statutes.

4. This map shall be available for public inspection.

Sections 20-6 through 20-9. Reserved for future use.

Article 3. Zoning District Boundaries

Section 20-10. Zoning District Boundaries.

1. A map showing the boundaries of all current Zoning Districts within the entire corporate boundaries of the Town of Tuttle, Oklahoma, shall be maintained in the office of the Town Clerk, if a Zoning ordinance is in effect within said municipality.

2. This map shall reflect all current Zoning ordinance provisions (See Chapter 15, this Code of Ordinances) and all current Ordinances rezoning land, and shall represent the official Zoning Districts Map for the Town of Tuttle, Oklahoma.

3. This map may be combined with the official map of the corporate limits of the Town of Tuttle, Oklahoma. (See Article 2 of this Chapter.)

4. This map shall be available for public inspection.

CHAPTER 21 – FLOODS AND DRAINAGE

Article I – Flood Damage Prevention

Section 21-1. Statutory Authorization.

The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §§1601—1618, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Tuttle, Oklahoma, ordains the following:
(Added Ord. 2012-03, 02/13/2012)

Section 21-2. Findings of Fact.

1. The flood hazard areas of the City of Tuttle are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood 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.
(Added Ord. 2012-03, 02/13/2012)

Section 21-3. 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:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

7. Insure that potential buyers are notified that property is in a flood area.
(Added Ord. 2012-03, 02/13/2012)

Section 21-4. Methods of Reducing Flood Losses.

1. In order to accomplish its purposes, this ordinance uses the following methods;

2. 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;

3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

5. Control filling, grading, dredging and other development which may increase flood damage;

6. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
(Added Ord. 2012-03, 02/13/2012)

Section 21-5. 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.

1. "Accessory structure." Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

2. "Area of shallow flooding" means a designated AO, or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1%) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

3. "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO or A1-99.

4. "Base flood" means the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

5. "Base flood elevation" means the elevation in feet above mean sea level of the Base Flood or 1% chance flood.

6. "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

7. "Board" means the Oklahoma Water Resources Board.

8. "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.

9. "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, vegetation removal, clearing and grubbing, paving, excavation, retaining walls, drilling operations, or storage of equipment or materials. The following does not constitute development: Lawn and yard care, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces.

10. "Elevated building" means a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor 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 A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

11. "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."

12. "Existing 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 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 the effective date of the floodplain management regulations adopted by a community.

13. "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).

14. "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.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

15. "Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

16. "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

17. "Floodplain administrator" means a person accredited by the Board and designated by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.

18. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

19. "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.

20. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) 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.

21. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

22. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

23. "Floodway (regulatory 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.

24. "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.

25. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

26. "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 or 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.

27. "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.

28. "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.

29. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

30. "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".

31. "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.

32. "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 a community's Flood Insurance Rate Map are referenced.

33. "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 a community and includes any subsequent improvements to such structures.

34. "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 be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

35. "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 temporary living quarters for recreational, camping, travel, or seasonal use.

36. "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 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.

37. "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.

38. "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.

39. "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."

40. "Variance" is a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

41. "Violation" means the failure of a structure or other development to be fully compliant with this community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

42. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
(Added Ord. 2012-03, 02/13/2012; Ord. 2014-07, 02/10/2014)

Section 21-6. General Provisions.

1. Lands to which this ordinance applies. This floodplain management ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Tuttle, Oklahoma.

2. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Grady County and Incorporated areas" dated April 3, 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of these regulations. However the current Tuttle Flood Damage Prevention Ordinance shall remain in effect until April 3, 2012, when this updated ordinance shall go into effect.

3. Establishment of development permit. A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

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.

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.

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.

7. Warning and disclaimer or 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 community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.
(Added Ord. 2012-03, 02/13/2012)

Section 21-7. Administration.

1. Designation of the floodplain administrator. The Tuttle Emergency Management Director or their designee shall hold the position as Floodplain Administrator for the City of Tuttle to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

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. Maintain and hold open for public inspection all records pertaining to the provisions of these regulations.

b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

c. Review, approve or deny all applications for development permits required by adoption of these regulations.

d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval are required.

e. 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) the Floodplain Administrator shall make the necessary interpretation.

f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

g. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

h. Require the applicant and/or developer to provide the base flood elevation data in order to administer the provisions of §21-06 of this ordinance.

i. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

j. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first complies with 44 CFR, Chapter 1, Section 65.12.

k. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601—1618, as amended.

l. After a disaster or other type of damage occurrence to structures in the City of Tuttle determine if the residential and non-residential structures and manufactured homes have been substantially damaged and enforce the substantial improvement requirement.

3. Permit procedures.

a. 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:

i. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

ii. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

iii. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of §21-08 (2)(b).;

iv. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

v. Maintain a record of all such information in accordance with §21-07 (2)(a).

b. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:

i. The danger to life and property due to flooding or erosion damage;

ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iii. The danger that materials may be swept onto other lands to the injury of others;

iv. The compatibility of the proposed use with existing and anticipated development;

v. The safety of access to the property in times of flood for ordinary and emergency vehicles;

vi. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

vii. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

viii. The necessity to the facility of a waterfront location, where applicable;

ix. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

x. The relationship of the proposed use to the comprehensive plan for that area.

4. Variance procedures.

a. The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

b. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

c. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

f. 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 subsection 3.b.

of this section have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

g. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (§21-03).

h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

i. 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.

j. Prerequisites for granting variances:

i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

ii. Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances.

iii. A written notice will be provided to any person granted a variance to build a structure below the base flood elevation. This notice will inform the variance applicant that the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation.

k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

i. The criteria outlined in §21-07 (4)(a through i) 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.

l. Any person seeking a variance shall file a petition with the floodplain board.

m. A copy of any variance issued shall be sent to the OWRB within in fifteen (15) days of issuance.
(Added Ord. 2012-03, 02/13/2012)

Section 21-8. Provisions for Flood Hazard Reduction.

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 and hydrostatic loads, including the effects of buoyancy;

b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of 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.

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 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 as proposed in subsection 4.a., is satisfied.

b. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. The Floodplain Administrator shall maintain a record of all flood proofing certifications that includes the specific elevation

(in relation to mean sea level) to which each structure has been flood proofed.

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:

i. 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.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Manufactured homes.

i. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I beam elevated at one foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces and a licensed installer shall install the home and place the required placard on the dwelling.

ii. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the I beam of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Also, a licensed installer shall install the home.

iii. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph d of this section be elevated so that the bottom of the I-beam of the manufactured home is at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement support the manufactured home chassis and also installed by a licensed installer that complies with state law.

e. Recreational Vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

i. Be on the site for fewer than one hundred eighty (180) consecutive days,

ii. Be fully licensed and ready for highway use, or

iii. Meet the permit requirements of §21-07 (3), and the elevation and anchoring requirements for "manufactured homes" in subsection d. of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

f. Accessory Structure.

i. Structure is low valued and represents a minimal investment.

ii. Structure shall be small and not exceed six hundred (600) square feet in size.

iii. Structure shall be unfinished on the interior.

iv. Structure can be used only for parking and limited storage.

v. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).

vi. Service facilities such as electrical and heating equipment must be elevated to or above the BFE or flood proofed.

vii. Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.

viii. Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials.

ix. Structure is firmly anchored to prevent flotation, collapse, and lateral movement.

x. Floodway requirements must be met in the construction of the structure.

xi. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.

xii. Structure is to be located so as not to cause damage to adjacent and nearby structures.

3. Standards for subdivision proposals.

a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this section.

b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of §21-07 (3); §21-08 (3); and the provisions of §21-06 (2) of this ordinance.

c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to [ADMINISTRATION] 2., or [ADMINISTRATION] 2.h.of this ordinance.

d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

e. All subdivision proposals 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.

4. Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard established in §21-06 (2), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flows may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

b. All new construction and substantial improvements of non-residential structures;

i. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

ii. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

c. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in §21-08, are satisfied.

d. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

5. Floodways. Located within areas of special flood hazard established in §21-06 (2), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory 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 community during the occurrence of the base flood discharge.

b. If subsection 5.a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §21-08.

c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community complies with all of 44 CFR Chapter 1, Section 65.12.

6. Severability. If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.
(Added Ord. 2012-03, 02/13/2012)

Section 21-20. 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. 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 in accordance with the City of Tuttle Schedule of Fines for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of Tuttle, Oklahoma or the City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.
(Added Ord. 2012-03, 02/13/2012)

Sections 21-21 through 21-30 Reserved for future use.

Article II – Stormwater Drainage

Section 21-31. General.

1. Drainage facilities shall be designed to provide a sufficient stormwater drainage system for the conveyance of stormwater runoff received from upstream and from the subject property with due allowance having been made for continued conveyance of stormwater runoff from adjacent properties as the drainage basin develops.

2. The drainage system including streets, bridges, culverts, open channels, detention/retention facilities, etc., shall be designed to carry all probable storm recurrence intervals up to and including the 100-year storm event.

3. A dedicated drainage easement shall encompass all land lying below the water surface elevation generated by the 100-year storm event and resulting stormwater runoff. Such easements in developments shall

have a maintenance program carried out by the property owners association. The Planning Commission, at its discretion, may require these dedicated drainage easements to be platted as Common Area.

4. Site improvement shall provide for the grading of all building pads to an elevation where the lowest finished floor elevations shall be a minimum of one foot above the 100-year storm event. In all developments, surface water from each dwelling lot will flow away from each dwelling in a controlled manner to an approved collection or disposal location.

5. Improvements shall be designed such that there is no increase in flow leaving the site or in the depth of flooding downstream.

6. Existing Drainage Structures: Existing structures within and adjoining a proposed development shall be evaluated in terms of hydraulic capacity and structural soundness. Those structures found to be structurally inadequate shall be modified or completely removed and replaced by the developer. Structures found to be hydraulically inadequate for flow and/or for protecting property as a result of the changing runoff characteristics shall be replaced or modified by the developer to provide the required capacity and/or protection.

7. Utilities: All utilities located within the floodplain or any other open channel or swale shall be designed to prevent infiltration of flood water and to protect against washouts. Location of the utilities shall not restrict flood flows.

8. Plans for the proposed drainage system shall include property lines, lot and block numbers, dimensions, right-of-way and easement lines, floodplains, street names, paved surfaces (existing or proposed), contract limits, location, size and type of inlets, manholes, culverts, pipes, channels and related structures, outfall details, miscellaneous riprap placement, 20 foot or better contour lines, flow arrows, title block.

9. Profiles shall indicate the proposed system (size and material) with elevations, flow lines, gradients, left and right bank channel profiles, station numbers, inlets, manholes, ground line and curb line elevations, typical sections, riprap construction, filling details, open drainage features, pipe crossing, design flow capacities, and title block.

10. Official floodplain designations and delineations of the floodplains and floodways denoting limits of permissible developments shall be shown on all preliminary plans and final plats submitted for approval wherever such plans and plats contain a floodplain segment. In any case in which official floodplains are not delineated, they shall be determined on the basis of these standards and shall be shown on all preliminary plans and final plats submitted for approval.

11. The limits of the floodplains shown on regulatory floodplain maps are close approximations based on extrapolations made between widely-spaced cross sections. Therefore, the actual limits of the floodplain shall be determined by extracting base flood elevations from the stream profile and determining where each elevation intersects the adjacent existing topography. If a conflict exists between the overlay of the regulatory floodplain map and the existing topography, a submittal of a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) by the Developer/Owner to the Federal Emergency Management Agency (FEMA) is required when the FEMA Flood Insurance Rate Map (FIRM) conflicts with proposed lots or other proposed structures or improvements.

12. Computations and plans to support all drainage designs shall be submitted to the City Engineer for review. The computations and plans shall be in such form as to provide the basis for timely and consistent review and will be made a part of the permanent record for future evaluation. The computations and plans shall be accompanied by the certification of a registered professional engineer licensed to practice in the State of Oklahoma. Before final acceptance, the submitting engineer shall provide an “as built” plan based on field survey data of the streets, storm sewer, detention facilities, and all other conveyances of stormwater; a revised set of drainage calculations that correspond with the “as-built” plans; and a letter of certification stating that the “as-built” site complies with all governing ordinances of the City of Tuttle.
(Added Ord. 2012-04, 03/12/2012, Amended Ord. 2013-01, 1/14/2013)

Section 21-32. Drainage Report.

For all areas not otherwise designated in a floodway or floodway-fringe area, the developer shall be responsible for having an engineer (registered in Oklahoma) prepare a Drainage Report for the area of the proposed subdivision, and all areas affected by runoff resulting from development of the proposed subdivision. The Drainage Report shall show compliance with this section and shall clearly indicate the existing and proposed runoff from the subdivision and state whether or not peak release rates comply with these Regulations.
(Added Ord. 2012-04, 03/12/2012)

Section 21-33. Determination of Storm Runoff.

Numerous methods of runoff computation are available on which the design of storm drainage and flood control systems may be based. The Rational Method will be accepted as adequate for drainage areas up to 40 acres. For larger areas, the U.S. Army Corps of Engineers Hydraulic Engineering Center HEC-1 or other engineering programs or methods acceptable to the City’s Engineer shall be used. Any hydrological soil group data to be used when computing runoff shall be determined from the most current edition of the Grady County, Oklahoma Soil Survey provided by the United States Department of Agriculture Natural Resources Conservation Service.

Rational Method

1. Runoff Coefficient “C”. The runoff coefficients shall be chosen to represent the integrated effects of infiltration, detention storage, evaporation, retention, flow routing and interception. The “C” values are provided in the table below, Runoff Coefficients for Use in the Rational Formula.

Runoff Coefficients for Use in the Rational Formula

LAND USE	BASIN SLOPE	
Slope <2%	Slope >= 2%	
Single Family Residence < 2 Acre	.55	.65

Single Family Residence >= 2 Acre	.45	.55
Multi Family	.60	.70
Apartments	.75	.85
Commercial	.90	.95
Parks, Golf Courses	.35	.45
Historic Conditions .25	.35	

2. Rainfall Intensity (I). The average rainfall rate in inches per hour considered for a particular drainage basin or sub-basin and selected on the basis of design rainfall duration and design frequency or occurrence.
Rainfall Intensity Formula:
I = a/ (td +b)c
Where
I = Average Rainfall, Intensity, inches/hour
Tc = Rainfall Duration (or Time of Concentration), minutes = To+Tf
a, b, c = Variable values from the following table:

ZONE II RAINFALL FREQUENCY

2 YEAR	5 YEAR	10 YEAR	25 YEAR	50 YEAR	100 YEAR
a= 56.43	a=72	a=82	a=95	a=108	a=120
b=11.5	b=15	b=15	b=15	b=15	b=15
c=0.810	c=0.80	c=0.80	c=0.80	c=0.80	c=0.80

The time of concentration is the time required for the entire watershed to contribute runoff to the point of interest. Street flow shall be considered as being in an open paved channel.

An acceptable formula for use in determining overland flow travel time is:

To=Time = K(L0.37/S0.20)

L = Length of Flow in Feet

S = Average Slope in Feet/Foot

K = Constant for Character Surface

Values of K:

Pavement	0.37
Bare Soil	0.60
Poor Grass	0.90
Average Grass	1.00
Dense Grass	1.13

An acceptable formula for determining channel flow time is:

Time = K(L0.77/S0.385)

Tf =Values of K:

Curbed street	0.0035
Concrete Lined Channel	0.006
Sodded Swale	0.008
Bar Ditch	0.012

Mannings' Equation is acceptable for analyzing open channel flows in prismatic channels without backwater control and for analyzing free water surface conduit flows.

3. Drainage Area. The size and shape of the watershed must be determined. Drainage areas shall be determined through the use of planimetric topographic maps, supplemented by field surveys. A drainage area map shall be provided for each project. The drainage area contributing to the system being designed and drainage sub-area(s) contributing to each inlet point shall be identified. The outlines of the drainage divides must follow actual lines rather than artificial land divisions.
(Added Ord. 2012-04, 03/12/2012)

Section 21-34. Flow in Streets.

1. Flow in gutters which are on straight or parabolic crown pavement may be determined by using Manning's Formula for channel flow or acceptable nomographs.

2. Minimum gutter slope on residential street shall not be less than 0.005 ft/ft (0.5%). Maximum gutter slope should not be more than .08 ft/ft (8.0%). In a gutter which has a radius of 100' or less, the design flow depth shall not exceed 70% of the curb height.

3. No lowering of the standard height crown or splitting of curb heights shall be allowed for the purpose of hydraulic design.

4. All street sections shall have a positive crown except alleys.

5. The flow depth in the gutter of arterial streets shall not exceed 4" for the 100-year storm event for a standard 8" barrier curbed street. The flow depth in the gutter of other classification of streets shall not exceed 5" for the 100-year storm event for streets with standard 6" barrier curbs or standard 6" mountable curbs. For streets with nonstandard curbs, the maximum 100-year storm event water surface elevation in the street shall be limited to provide the same inches of freeboard between the water surface elevation and the top of the curb that is required in the first part of this paragraph.

6. Where two (2) or more streets intersect, the flow shall be intercepted by appropriate storm sewer techniques prior to the intersection of said streets such that the depth of flow within the intersection will not exceed 4" in depth for the 100-year storm event.

7. A minimum of 70% of the flow in a residential street shall be removed to a storm sewer or drainage system prior to reaching the point of curvature of a cul-de-sac or a "T" or "L" shaped-intersection, or the end of the street or cul-de-sac for drainage areas exceeding two and one half (2.5) acres in size.

8. The City may set minimum finished floors or freeboard requirements on proposed structures deemed at risk of flooding such as those proposed at a "T" street

intersection that has a steep slope or a large drainage basin.
(Added Ord. 2012-04, 03/12/2012)

Section 21-35. Enclosed Storm Sewer.

The use of the Manning Equation or the use of appropriate charts or nomographs in the design of storm sewers will be considered acceptable. Investigations of the capacity of all existing structures on the waterway shall be made.

In addition, runoff from storms exceeding the design storm shall be anticipated by the developer and disposed of with minimum damages to surrounding property. The storm sewer must be accessible for maintenance.

1. Pipes which are a part of the storm sewer shall have a minimum diameter of eighteen (18) inches.

2. Enclosed storm drains shall be designed for open-channel flow.

3. Minimum Grades. The slope shall be such to maintain a minimum velocity of 2.5 fps.

4. General rules to be observed:

a. Do not discharge a larger pipe into a smaller one.

b. At change in pipe size, match top of pipe.

c. A one (1) foot freeboard shall be maintained below the proposed finish grade through the storm sewer system. The submittal of energy calculations shall be required on any reach of a system which exceeds 500 linear feet, on the total system that exceeds 1,500 linear feet, and/or on a reach of a system which has an elevation change exceeding ten (10) feet.

5. Manhole Locations. Manholes shall be located at intervals not to exceed 350 feet for pipe sizes 42” or less. Above 42”, manholes shall be located as determined by the City. Manholes shall be located at conduit junctions, changes of grade, changes of alignment, and changes in conduit size.

6. Pipe Connections. The use of one material to extend a storm sewer constructed of a different material shall not be allowed except at manholes, junction boxes, or inlets.

7. Pipe Laid on Curves. Degree of curvature shall be as per manufacturer’s recommendations.

8. All storm sewer outlets shall have erosion protection provided by headwalls, flared end sections, curtain walls, or other approved outlet protection.

9. All storm sewer pipe under pavement shall be “O-ringed” reinforced concrete pipe.

10. Water-tight seals shall be required for storm sewer pipe in the right-of-way.

11. A minimum of (2’) two foot of cover is required for storm sewer pipe.

12. All storm sewers shall be analyzed for the existence of tailwater conditions during the 100-year storm event. If tailwater present, the storm sewer shall be designed to adequately compensate for this situation. The calculations or other documentation demonstrating that the tailwater check has been made shall be submitted.

13. Easements. A drainage easement of satisfactory width for construction and maintenance shall be provided for all storm sewers with the minimum width of the easement being (15’) fifteen feet.

14. Inlet System.

a. Inlet location shall not interfere with vehicular or pedestrian traffic.

b. Inlets shall intercept water before it reaches a pedestrian crosswalk or street intersection.

c. Inlets shall not be located in a curb radius.

d. All hoods in a sump condition shall have 8” openings with the gutter lowered to accommodate the inlet. Transition section shall be 10’ in each direction.

e. Where a curbed street crosses a bridge or reinforced concrete box structure, gutter flow shall be intercepted and not allowed to flow onto the structure.

f. Inlets on non-arterial streets shall be installed at all low points with sufficient inlet design to ensure the ponding depth does not exceed 5” in a 100-year storm event for a standard 6” barrier curbed or standard 6” mountable curbed street. For non-arterial streets with nonstandard curbs, the maximum 100-year storm event water surface elevation in the street at all low points shall be limited to provide the same inches of freeboard between the water surface elevation and the top of the curb that is required in the first part of this section. For arterial or section line streets, ponding depth shall not exceed 4” in a 100-year storm event.

g. All storm sewer systems located at a low point (sump) shall provide for an emergency overflow channel with a designated drainage easement sufficiently sized to contain within its boundaries the 100-year storm event runoff under the assumed conditions that the sump position storm sewer inlets/grates are 100% blocked, and in addition provide sufficient working room for future maintenance.

h. Any inlet grates over which a bicyclist can ride shall be of a design considered bicycle safe, as well as ADA compliance.
(Added Ord. 2012-04, 03/12/2012)

Section 21-36. Open Channels.

1. All land adjoining open natural or improved storm drainage channels having an elevation below the 100-year flood elevation of the channel shall be dedicated drainage easement for the purpose of providing a zone of protection to all property owners. To facilitate future maintenance, the entire width of the channel and channel banks shall be covered by the same drainage easement. Such channels in developments shall have a maintenance program carried out by the property owners association. The Planning Commission, at its discretion, may require these dedicated drainage easements to be platted as Common Area.

2. All drainage easements platted for the purpose of conveying stormwater above ground shall remain clear of obstructions and encroachments. Prohibited obstructions and encroachments shall include, but are not limited to, fences that block or inhibit the flow of water such as those made of brick or wood panels, swimming pools, driveways, mechanical and electrical equipment, storage sheds, and retaining walls.

3. Any channel improvements shall be approved by the City prior to the commencement of any work thereon. Where safety issues are identified, additional requirements may be imposed for mitigation by the Planning Commission.

4. Whenever channel improvements are carried out, sodding, backsloping, cribbing and other bank protection shall be designed and constructed to control siltation and erosion for the anticipated conditions and flow resulting from a 100-year frequency rainfall.

5. Drainage easements sufficient in width to provide a buffer and provide working room for construction and access for channel maintenance shall be provided.

6. For an unimproved channel, the width of the drainage easement shall be wide enough to satisfy item (5) above as well as to provide enough area to flatten the slope of the bank of the channel 4:1 (horizontally:vertically) to allow for the remediation of any future bank erosion.

7. All drainage swales, channels, berms and other drainage improvements shown on the approved plans shall be constructed prior to the acceptance of the Final Plat.

8. Channels should be trapezoidal in shape and on as flat a grade as possible without causing ponding.

9. The use of Manning's Equation in the calculations of hydraulic characteristics of open channel flows in prismatic channels without backwater control will be acceptable. When analyzing natural channels or when analyzing any overland conveyance system that has downstream control that could affect the 100-year event water surface elevations, the use of the HEC-RAS (U.S. Army Corps of Engineers Hydrologic Engineering Center River Analysis System) modeling program or other approved water surface profile modeling program shall be required. The "n" value(s) used for channel shall be based on the individual channel characteristics. When submitting calculations, include the source for the "n" value.

10. Constructed Channel Geometry. The minimum bottom width shall be 2' with side slopes not steeper than 4:1 (horizontally:vertically) for sodded sections and a minimum bottom width of 2' with side slopes of not steeper than 1:1 for paved sections.

11. Flow Velocities in Channels. Velocities shall not exceed 6 fps for sections sodded in grass. Velocities in concrete lined or paved sections shall not exceed 15 fps. The dissipation of energy shall be required at the confluence of improved channels with natural channels through the use of energy dissipaters, stilling basins, etc.

12. All channels altered or improved from the natural state and all drainage swales shall be sodded to prevent erosion. Sodding shall be required in the bottom of the channel and on side slopes.

13. Concrete Flumes. Concrete flumes shall be allowed as overflow protection for storm sewer systems and in lieu of enclosed pipe to drain areas not exceeding two (2) acres in size. All concrete flumes shall extend to the rear of adjacent lots, have scour protection at their point of discharge, and shall discharge into a dedicated drainage area or channel without creating drainage or erosion problems.

14. Concrete flumes that serve as overflow protection at a sump-position storm sewer system shall be designed for the 100-year storm event flow under the conditions that all upstream inlets and grates are experiencing 50% clogging and the sump position inlets/grates are totally clogged. The weir length of the entrance to the flume shall be sufficiently sized to convey that flow from the street gutter to the flume without allowing overtopping of the street curb or exceeding street water depth design criteria.

15. Concrete flumes that serve as the primary conveyance avenue in a sump position shall be designed for the 100-year storm event flow under the conditions that all upstream inlets and grates are clogged. The weir length of the entrance to the flume shall be sufficiently sized to convey that flow from the street gutter to the flume without allowing overtopping of the street curb or exceeding street water depth design criteria.

16. A flume on grade where the gutter velocity for the 100-year storm event exceeds 5 fps shall not be allowed as an acceptable method to remove flow from the street due to the high likelihood that the flume entrance will be bypassed by the flow.

17. The weir length of the entrance to a flume on a grade shall be designed and accounted for when calculating the amount of flow intercepted by the flume.

18. Bar Ditches. All bar ditches and driveway culverts shall be designed by the engineer to convey the 100-year storm event. The minimum acceptable driveway culvert diameter is 18". The maintenance of the bar ditch is the responsibility of the property owner. It is encouraged that the bar ditches in residential developments have a maintenance program carried out by the property owners association.

19. Reinforced concrete box structures shall have an apron reinforced with rebar. The apron shall be tied to the box structure with rebar and have a toe wall. Adequately sized riprap shall protect the end of the apron and toe wall from scour during the 100-year storm event. Energy dissipaters also shall be used where riprap alone is inadequate to reduce discharge velocities. Sandstone boulders or blocks shall not be used as riprap or energy dissipaters. The reinforced concrete box structure shall be designed to have a minimum freeboard at its inlet from the 100-year storm event water surface elevation to its low chord equal to 15% of the box culvert rise or 2', whichever is less, to help compensate for potential blockage from debris during flooding. The use of Manning's Equation for sizing reinforced concrete box structures at street crossings shall not be acceptable.

20. Span bridges shall be designed to have a minimum freeboard at the inlet from the 100-year storm event water surface elevation to its low chord equal to 15% of the structure's rise or 1', whichever is less. The use of

Manning's Equation for sizing span bridges at street crossings shall not be acceptable.

21. All other culverts shall be designed to have a minimum freeboard at the inlet from the 100-year storm event water surface elevation to its low chord equal to 15% of its rise of 2', whichever is less. The use of Manning's Equation for sizing culverts at street crossings shall not be acceptable.
(Added Ord. 2012-04, 03/12/2012, Updated Ord. 2013-01, 1/14/2013)

Section 21-37. Sump Position Flood Protection.

1. In a location where the storm sewer improvements already have been constructed, the structure shall have its minimum finished floor including electrical and mechanical equipment servicing the structure, but excluding ductwork, 2' above the highest elevation of either the top of the curb elevation at the sump inlets or flume or 2' above the top of the curb elevation of the overflow flume at its entrance. In lieu of this subsection, Section 21 21 shall be allowed.

2. If the applicant so chooses, he shall provide to the City a hydrologic and hydraulic drainage study and model prepared by a registered professional engineer licensed to practice in the State of Oklahoma using HEC-RAS or other program acceptable to the City's Engineer. The model shall be based on surveyed data accompanied by a grading plan, proposed site plan, and any proposed drainage structures or alterations of existing structures. The model shall demonstrate that even though the proposed structure would not be compliant with the minimum finished floor elevation required in Section 21 20, the following design criteria shall be met:

a. The proposed structure shall have at least 2' of freeboard on all sides from the 100 year storm event water surface elevation on and/or immediately adjacent to the lot and the proposed finished floor of the structure including all mechanical and electrical equipment servicing the structure, but excluding ductwork. A proposed structure with a basement walk-out shall be reviewed by the City's Engineer to determine if the 2' freeboard requirement shall apply to it; the decision shall be based on the proposed building plans, site plan, location of the sump position, and the likelihood of flooding.

b. At no location would the 100-year storm event flood water come in contact with the proposed structure of its mechanical and electrical equipment.

c. This modeling shall be done with runoff quantities calculated as specified previously under the conditions that all of the upstream inlets and grates are 50% clogged, while any existing inlets and/or grates at the sump position are totally clogged. The model shall demonstrate where and at what depth the flow overtops any curbs and the flow path(s) the runoff will take via flumes, swales, and overland in the vicinity of the property. Flow velocities also shall be provided.

3. If the above are adequately demonstrated, the City shall be allowed to approve the building of the proposed structure in accordance with the submitted model and plans. The City may require a drainage easement or other remedies to help ensure that the structure shall be safe from flooding. The City may schedule the items for discussion at a regularly scheduled Council meeting.

4. For new developments and site plans, the sump position locations shall be designed so that when all upstream inlets and grates are 50% clogged, the sump position inlets and/or grates, or flume if no storm sewer is present, shall handle the 100-year storm event without exceeding depth-in-street design criteria. Clogging factors shall be applied to the sump position inlets and/or grates during their design. All flume entrances shall have sufficient weir length.

5. In addition, an emergency overflow flume shall be provided for sump position inlets and/or grates. The overflow flume shall be sized to handle the 100-year storm event under the conditions that the existing inlets and/or grates at the sump position are 100% blocked and all upstream inlets and grates are partially clogged per design standards. The flume entrance shall have sufficient weir length to capture this flow and the flow shall remain within the flume to the back of the lot(s). A sufficiently sized drainage easement, minimum 15', shall be provided.

6. If all the above conditions are met, a proposed structure in a sump position shall be built as follows:

a. Where a storm sewer system with the emergency overflow flume exists, a minimum of 1' of freeboard shall be required from the finished floor of the structure's leading edge closest to the sump position to the top of the flume curb immediately adjacent to it.

b. Where a flume serves as the primary method of stormwater conveyance, a minimum of 2' of freeboard shall be required from the finished floor of the structure's leading edge closest to the sump position to the top of the flume curb immediately adjacent to it.

7. In both situations, the electrical and mechanical equipment servicing the structure shall conform to the freeboard requirement; the ductwork is excluded.

8. The developer is encouraged to submit as-built survey data and corresponding drainage calculations to the City upon completion of the development's infrastructure as soon as possible so that the Staff can verify that the sump positions meet the design criteria. By doing so, delays in issuing Building Permits at these sump positions will be minimized.

9. For rural developments or site plans, the applicant for a proposed sump position structure shall submit to the City a proposed grading plan signed and sealed by a registered professional engineer licensed to practice in the State of Oklahoma. The grading plan shall include the proposed site plan including driveway, topographic data, bar ditches, channels, swales, creeks, easements, proposed grading, proposed swales, minimum finished floor elevations, and any additional drainage improvements required to ensure that the structure shall be safe from flooding.
(Added Ord. 2012-04, 03/12/2012)

Section 21-38. Detention Facilities.

1. Design of stormwater storage facilities shall include an analysis of the stormwater storage outflow hydrograph for both pre- and post-developed conditions.

2. Modeling of and routing of outflow hydrographs downstream shall be required under criteria above and will

be accomplished through the use of computer programs designed specifically for hydrology and hydraulics.

3. The length of a stream reach requiring modeling shall be either (1) to a point where no increase in peak flow is demonstrated or (2) to a point where an increase in peak flow does not increase the depth of flooding.

4. The storm events to be modeled shall be the 2, 5, 10, 25, 50 and 100-year storm events.

5. In the event peak flow studies indicate a development will increase runoff or depth of flooding, then storage facilities or alternative methods of stormwater runoff control will be required.

6. The City Council shall review all stormwater storage studies and shall implement the conditions of this section of these drainage standards.

7. Storage may be accomplished by the detention or retention of water in reservoirs, parks, side channels, or ponds either on or off-site.

8. In the event a complete drainage study by a licensed professional engineer demonstrates through that an increase in downstream flooding would occur if on-site stormwater detention was provided or that there would be no detrimental effect to all upstream, adjacent, and downstream properties if stormwater detention was not provided, the requirement for stormwater storage may be waived by the City Council.

9. An engineer submitting a request to waive the stormwater storage requirement shall be required to produce a detailed drainage study containing any information necessary for the City to make a determination. No limits of the extent of a study should be assumed by an engineer as none are provided.

10. The detention facility shall be designed based upon the maximum allowable release rates. The release rates shall be established based upon natural state runoff characteristics from the development site. A continuous probability or recurrence interval criterion shall be used in designing the outlet control structure. As a minimum the outlet control structure shall be designed for the 2, 5, 10, 25, 50 and 100-year recurrence intervals.

11. When a combination of storage facilities are used to control runoff, the system as a whole shall be designed with discharge rates in accordance with (10) above.

12. All storage facilities shall be provided with a paved or otherwise scour-protected emergency spillway sized to handle the 100-year event storm with 1’ of freeboard and provide scour protection at its downstream end. Earth embankments shall have side slopes not steeper than 4:1 (horizontally:vertically). Proper materials shall be specified with the corresponding optimum compaction according to standards to provide stability and minimum seepage.

13. The outlet to a detention pond should extend to the storm sewer, creek, or other suitable location covered by a drainage easement.

14. The engineer shall take into account the flow that would be discharged through the emergency overflow spillway during the 100-year storm event with total blockage of all other outlets of the detention pond when designing the emergency spillway, and shall provide a safe means to convey said water without adversely affecting downstream properties.

15. The storage volume of a storage facility shall be oversized 10% to allow for sedimentation.

16. All storage ponds shall be provided with a concrete paved trickle channel from the inlet to the outlet structure to transmit low flows.

17. Suitable access shall be provided to all storage areas for maintenance purposes.

18. Maintenance of storage facilities shall be provided by the Property Owners Association.

19. Earth dams or other earth embankments shall be designed by a licensed professional engineer in accordance with accepted engineering practices to assure that dam or embankment failure will not occur. Design criteria used by the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, in the selection of materials and construction procedures will be acceptable.

20. Parking lot storage shall be considered the last alternative of providing required detention. The use of parking lots for storage shall be well designed to minimize the potential damage and/or threat to pedestrians, emergency responders and vehicles, and parked vehicles. In no case shall the depth of ponding in a parking lot exceed twelve inches (12”).

21. Structures adjacent to a detention and/or retention shall have their finished floors (excluding ductwork) set at a minimum of two feet (2’) above the 100-year storm event water surface elevation in the facility, and in all cases a minimum of one foot (1’) of freeboard shall be provided from the finished floor of the structures to the top of the projected 100-year water surface elevation in the emergency spillway calculated under the conditions that all other outlets of the pond are blocked.

22. All detention bypass areas on the development must be identified. Increased runoff from bypass areas shall not detrimentally affect adjacent and downstream properties.

23. All storage facilities shall be provided with landscaping which includes the planting of appropriate trees and shrubs. The use of evergreen and wetlands adaptable plantings should be incorporated to improve the water quality of the storage runoff.

24. Outlet control facilities shall include headwalls, slopewalls, energy dissipaters, and any additional outlet erosion and scour control measures approved by the City. The outlet facilities, as a visible part of any storage facility, shall include landscape plantings to improve aesthetics and provide a more pleasant and appealing appearance.

Section 21-50. Definitions.

(See Chapter 21, Article I, Section 21-05).
(Added Ord.2014-07, 02/10/2014)

CHAPTER 22 – TAXATION

Article 1. In General

Section 22-1. City of Tuttle Sales Tax Ordinance of 2019.

1. Citations and Codification. This Ordinance shall be known and may be cited as the City of Tuttle Sales Tax Ordinance of 2019, and the same shall be codified and incorporated into the Code of Ordinances of the City of Tuttle, Oklahoma (the "City").

2. Tax Imposed. There is hereby imposed an excise tax of one-half of one percent (0.5%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

3. Purpose of Revenues. It is hereby declared to be the purpose of this Ordinance to provide revenues to be used to fund reconstruction, improvement, rehabilitation, resurfacing, and repairing of non-section line streets, including sidewalks, street enhancement improvements, and drainage improvements, all for the use and benefit of the City and any public trust having the City as beneficiary thereof, and/or for the payment of debt service in connection with obligations heretofore issued or to be issued by the City and any public trust having the City as beneficiary thereof to finance or refinance said capital expenditures and related costs.

4. Effective Date and Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after April 1, 2020, subject to approval by a majority of the qualified electors of the City voting on the same in the manner prescribed by law, and said tax shall terminate and shall cease to be levied after March 31, 2030.

5. No Repeal of Tax. This Ordinance and the excise tax levied pursuant hereto shall not be repealed by the City Council of the City or by referendum of the registered qualified voters of the City in the event the proceeds of the referenced excise tax are being used or have been pledged by the City or any public trust having the City as beneficiary for the purpose of paying debt service on obligations issued by the City or any public trust having the City as beneficiary.

6. Subsisting State Permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

7. Payment of Tax. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form prescribed for payment of the state sales tax under the State Tax Law of the State of Oklahoma.

8. This Tax in Addition to Taxes Currently Levied; Administrative Procedures. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City pursuant to existing ordinances (the "Prior Ordinances"); provided, however, that those provisions of said Prior Ordinances relating to Definitions; Tax Collector Defined; Classification of Taxpayers; Subsisting State Permits; the portion of Tax Rate – Sales Subject to Tax, pertaining to Sales Subject to Tax (not rate of Tax); the provisions of said Prior Ordinances regarding Exemptions and Other Exempt Transfers; the provisions of said Prior Ordinances regarding Tax Due When – Returns – Records; the portions of said Prior Ordinances regarding tax constituting debt; Vendor's Duty to Collect Tax; Returns and Remittances – Discounts; Interest and Penalties – Delinquency; Waiver of Interest and Penalties; Erroneous Payments – Claim for Refund; Fraudulent Returns; and Records Confidential shall apply to the excise tax levied and assessed by this Ordinance. For purposes of this Ordinance, references in Prior Ordinances, to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

9. Amendments. The people of the City of Tuttle, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the Oklahoma Sales Tax Code, as amended, except that the rate of the tax herein provided for shall not be changed without approval of the qualified electors of the City as provided by law.

10. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of the City Ordinances.

11. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.
(Added Ord. 2019-14; 8/26/2019)

Sections 22-2 through 22-30 Reserved for future use.

Article 2. Sales Tax

Sections 22-31 through 22-70 Reserved for future use.

Article 3. Use Tax

Section 22-71. Excise Tax On Storage, Use Or Other Consumption Of Intangible Personal Property Levied.

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate equal to the prevailing total of all sales taxes levied by the municipality on the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible personal property intended solely for use outside the municipality, but which is stored within 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 tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.
(Added Ord.2010-37, 10/11/2010)

Section 22-72. Automatic Change In Use Tax Rate Upon Change In Sales Tax Rate.

The rate of excise tax levied pursuant to this Ordinance shall automatically adjust to match the prevailing sales tax rate levied by the municipality, such change in use tax rate to be effective on the date the change in the prevailing sales tax rate takes effect, and such change in use tax rate not requiring further approval of the governing body of the municipality.
(Added Ord.2010-37, 10/11/2010)

Section 22-73. Exemptions.

The provisions of this Ordinance shall not apply:

1. In respect to the use of any 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;

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

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

4. 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 for the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term “manufacturing plants” shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

5. In respect to the use of tangible personal property now specifically exempted from taxation under the Sales Tax Code of the municipality;

6. 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;

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

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

9. In respect to the use of rail transportation cars to haul coal to coal-fired plants located in this municipality which generate electric power.

Section 22-74. Time When Due – Returns – Payment.

The tax levied by this Ordinance is due and payable at the time and in the manner and form prescribed for payment of state use tax under the Oklahoma Use Tax Code of the State of Oklahoma.
(Added Ord.2010-37, 10/11/2010)

Section 22-75. 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.
(Added Ord.2010-37, 10/11/2010)

Section 22-76. Collection Of Tax By Retailer Or Vendor.

Every retailer or vendor maintaining places of business both within and without the State of Oklahoma, and making sales of tangible personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this Ordinance from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all its agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this City.
(Added Ord.2010-37, 10/11/2010)

Section 22-77. Collection Of Tax By Retailer Or Vendor Not Maintaining A Place Of Business Within State Or Both Within And Without State-Permits.

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible personal property at such out-of-state place of business for use in this municipality. Such retailer or vendor may be issued without charge, a permit to collect such taxes, by the Tax

Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible personal property sold to his knowledge for use within this municipality. Such authority and permit may be cancelled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this 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 municipality sales tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.
(Added Ord.2010-37, 10/11/2010)

Section 22-78. Revoking Permits.

Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Ordinance or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in 68 O.S. 2001, 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 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 Ordinance, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.
(Added Ord.2010-37, 10/11/2010)

Section 22-79. Remunerative Deductions Allowed Vendors Or Retailers Of Other States.

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of State Use Taxes.
(Added Ord.2010-37, 10/11/2010)

Section 22-80. Interest And Penalties-Delinquency.

Section 217 of Title 68 O.S. 2001 is hereby adopted and made a part of this Ordinance, 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 Ordinance. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this Ordinance 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 Ordinance.
(Added Ord.2010-37, 10/11/2010)

Section 22-81. 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 municipality tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. 2001, Section 220, and to accomplish the purposed of this section the applicable, provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance.
(Added Ord.2010-37, 10/11/2010)

Section 22-82. Erroneous Payments – Claim For Refund.

Refund of erroneous payment of the municipality use tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in 68 O.S. 2001, Section 227, and 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 Ordinance.
(Added Ord.2010-37, 10/11/2010)

Section 22-83. Fraudulent Returns.

In addition to all civil penalties provided by this Ordinance, the willful 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 Ordinance shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than one hundred dollars ($100.00) and costs. Each day of noncompliance with this Ordinance shall constitute a separate offense.
(Added Ord.2010-37, 10/11/2010)

Section 22-84. Records Confidential.

The confidential and privileged nature of the records and files concerning the administration of the municipality use tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. 2001, Section 205, of the State Use Tax Code, and each sub-section thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipality use tax as is herein set forth in full.
(Added Ord.2010-37, 10/11/2010)

Section 22-85. Provisions Cumulative.

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipality's Ordinances.
(Added Ord.2010-37, 10/11/2010)

Section 22-86. Provisions Severable.

The provisions hereof are hereby declared to be severable, and if any section, paragraph sentence or clause of this Ordinance 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.
(Added Ord.2010-37, 10/11/2010)

Section 22-87. Definitions.

The definitions of words, terms and phrases contained the Oklahoma Use Tax Code, 68 O.S. 2001, Section 1401, are hereby adopted by reference and made a part of this Ordinance. In addition thereto, the following words and terms shall be defined as follows

1. "City" or "municipality" shall mean the City of Tuttle, Oklahoma.

2. "transaction" shall mean sale.
(Added Ord.2010-37, 10/11/2010)

Section 22-88. Tax Collector Defined.

The term "tax collector" as used herein means the department of the municipality government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied.
(Added Ord.2010-37, 10/11/2010)

Section 22-89. Classification Of Taxpayers.

For the purpose of this Ordinance, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.
(Added Ord.2010-37, 10/11/2010)

Section 22-90. Subsisting State Permits.

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this Ordinance hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipality permit for the same purpose.
(Added Ord.2010-37, 10/11/2010)

Section 22-91. Purposes Of Revenues.

It is hereby declared to be the purpose of this Ordinance to provide revenues for the support of the functions of the municipal government of the City, and any and all revenues derived hereunder may be expended by the governing body of the City for any purpose for which funds may be lawfully expended as authorized.
(Added Ord.2010-37, 10/11/2010)

Section 22-92. Citation And Codification.

This Ordinance shall be known and may be cited as "City of Tuttle Use Tax Ordinance" and shall be codified as Article 2 of Chapter 22 of the Ordinances of the City.
(Added Ord.2010-37, 10/11/2010)

Section 22-93. Effective Date; Supersedance Of Prior Ordinances.

This Ordinance shall become effective on and after October 11, 2010. This Ordinance shall supersede and replace in all respects any prior ordinance(s) of the City levying a use tax in the manner set forth in Section 1 of this Ordinance.
(Added Ord.2010-37, 10/11/2010)

Sections 22-94 through 22-399 Reserved for Future Use.

Article 4. Gross Receipts Tax

Section 22-400. Telephone Exchange Fee.

1. The previous Telephone Exchange Fee is hereby repealed and replaced with a rights-of-way occupancy fee, inspection fee, and service charge, along with other rules, permits, and regulations established for the use of rights-of-ways in the City of Tuttle. Said regulations and fees for telecommunications services rendered wholly within the limits of the city, as established in Chapter 17, Article 2 of the Tuttle Code of Ordinances, are to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of a telecommunications services provider in the city.

2. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Telecommunications means the transmission, between or among points specified by the user of information of the user's choosing without change in the form or content of the information as sent and received.

Telecommunications service means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of facilities used.
(Amended Ord.2018-07, 2/12/2018)

Section 22-401. Power to Levy and Assess Tax; Tax in Lieu of Other Taxes.

The City Council, 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 natural and liquefied petroleum gas in the City of Tuttle, Oklahoma, 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 City of Tuttle, Oklahoma.
(Amended Ord.2018-07, 2/12/2018)

Section 22-402. Application of Tax.

The tax authorized to be levied under Section 1-180 (above) of this Article shall be levied at the time this Article shall take effect and shall apply to all persons, firms, associations or corporations engaged in the business of furnishing power, light, heat, electricity, water or both natural and liquefied petroleum gas in the City of Tuttle, Oklahoma; it shall not apply to any person, firm, association or corporation operating under a valid franchise from the City of Tuttle, Oklahoma, and said exception shall be so stated in said valid franchise.
(Amended Ord.2018-07, 2/12/2018)

Section 22-403. Tax Levied for Twenty (20) Years; Payable Quarterly; Disposition.

This tax that is now levied under Section 1-180 if this Article shall be levied for a term of not less than two (2) years and shall continue in effect until further amended or repealed; it shall be payable quarterly to the City Clerk of the City of Tuttle, Oklahoma and placed in the General Fund of said City.

(Amended Ord.2018-07, 2/12/2018)

Section 22-404. 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 taken against.
(Amended Ord.2018-07, 2/12/2018)

Section 22-405. Lien for Tax.

The Tax so imposed shall constitute a first and prior lien on all the assets located within the City of Tuttle, Oklahoma, of any person, firm or corporation engaged in the business of selling natural and liquefied petroleum gas.
(Amended Ord.2018-07, 2/12/2018)

Section 22-406. Annual Fee Assessed on Investor-Owned Utility or Rural Electric Cooperatives.

1. Pursuant to the authority granted municipalities pursuant to Section 158.43 of Title 17 of the Oklahoma Statutes, the City of Tuttle does hereby assess an annual fee upon all investor-owned utilities and rural electric cooperatives that have entered into an agreement approved by the Oklahoma Corporation Commission with another retail electric supplier within an “affected area” of the City or that have been assigned territory by the Oklahoma Corporation Commission pursuant to Section 158.43 of Title 17 of the Oklahoma Statutes.

2. The annual fee assessed by Subsection (1) of this section shall be remitted to the City beginning 30 days after the effective date of this ordinance.

3. The annual fee assessed by Subsection (1) of this section is hereby set at 4.875% of gross proceeds or gross receipts of each investor-owned utility or rural electric cooperative to which it applies.

4. Pursuant to Section 158.43 of Title 17 of the Oklahoma Statutes, the annual fee assessed by Subsection (1) of this section shall be collected from the customers of all retail electric suppliers on the gross receipts from all retail sales made within the “affected areas” within the municipal corporate limits and shall be remitted by the retail electric suppliers to the City. The fee shall not be collected from any customer that is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S>C., Section 201(c)(25)(C)(iii).

5. For purposes of this subsection, “affected area” means an area located within the Tuttle city limits, which as a result of annexation, has two or more retail electric suppliers, excluding the Grand River Dam Authority but including investor-owned utilities, rural electric cooperatives, municipalities that provide electricity either directly or through a trust authority, or other political entity and any other retail supplier of electricity, that have been authorized to serve consumers in that annexed area.

CHAPTER 23 – RESERVED

CHAPTER 24 – PARKS AND RECREATION

Sections 24-1 through 24-19. Reserved for future use.

Section 24-20. Parks & Recreation Advisory Board.

1. There is hereby created a Parks and Recreation Advisory Board (Hereinafter referred to as "PRAB"), consisting of five (5) members as follows:

a. Four citizen members appointed by the Mayor and confirmed by the City Council. Members shall be residents of the City of Tuttle, or must reside within 2 miles outside of the city boundary and in Grady County. At least two of the citizen members must be residents. The terms of each member shall expire on June 30 of the year their term ends. Positions 1 and 2 terms expires June 30, 2018 and every 2nd year thereafter, Positions 3 and 4 terms expires June 30, 2019 and every 2nd year thereafter; and

b. A member of the City Council for a term of one year beginning in May of each year.

The City Manager, or his designee, shall be an ex-officio member of the Board.

2. The PRAB shall act in an advisory capacity to the City Council and the City Manager relating to the care, management, and control of all parks and grounds used for park and recreation purposes.

3. Members of the PRAB shall serve without compensation. Necessary expenses may be paid, upon appropriate approval in accordance with established city policies, from the City Treasury as a legal Municipal expense.

4. The PRAB shall, initially and thereafter at its first meeting after June 30th of each year, elect from its membership a Chair and Vice-Chair, for terms of one (1) year each. The City Manager shall appoint a staff designee to serve as the Secretary.

5. The PRAB shall meet at least once a quarter.

6. The office of any of said appointed Board Members who shall not attend meetings of the PRAB for three (3) consecutive meetings or more than half of all meetings in a four-month period, after having been notified in writing thereof without reason satisfactory to the City Council, shall be declared to be vacant. Said vacancy shall be recorded in the minutes of the City Council, and said vacancy shall be filled in the same manner as in the original instance for the unexpired terms.

(Ordinance 2017-08, 6-12-2017; Amd. Ordinance 2020-16, 9/14/2020)

Section 24-21. Permanent Parks User Committee.

Repealed.

(Ordinance 2017-08, 6-12-2017; Repealed Ordinance 2020-16, 9/14/2020)