

Print Preview

PREFACE

The Municipal Code of the City of Moore, OK began in-house in 2020 with the assistance of Municipal Code Corporation. This City Code shall be cited as Moore City Code or “MCC” as an acronym. MCC references found within the code maintain a structure by subject matter using a decimal and hyphenated numbering system which identifies the chapter and section (**example: 1-101.01**). This complete set of numbers is designed to aid in searching and/or referencing the Municipal Code, and to assist in subsequent codification as new ordinances are added to the Municipal Code.

- The first number in the sequence designates the **PART** level
- The second series of numbers (**1-101**) designates the **CHAPTER** level
- The third series of numbers (**1-101**) designates the **Section** level
- If a fourth series exists comprising letters or numbers beyond the section level, it designates a **Subsection** level.

To outline, give structure, and more granularly reference the legislation herein, the following list order (or pattern of ascending alphanumeric characters) is used: **(a), (1), a, 1, i**. Drafting legislation with this list order better reconciles the content in local software and hard copies, with the content in this online code. The legislative history beneath a legislation’s content identifies the specific legal sources, and may be provided to substantiate the online code.

The Municipal Code is supplemented from time to time with amendments and additions made by Moore, Oklahoma. The specific legal sources that comprise this Municipal Code have been adopted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online Municipal Code and the official hard copy, the official hard copy governs. Municipal Code Corporation, provides a searchable database of the Municipal Code for easy reference and convenience. NOTICE: THE MUNICIPAL CODE MAY NOT REFLECT ALL OR THE MOST CURRENT VERSION OF LEGISLATION ADOPTED BY THE CITY COUNCIL THAT HAS YET TO BE UPDATED ONLINE. IN THE EVENT OF CONFLICT BETWEEN THE MUNICIPAL CODE AND A WRITTEN ORDINANCE, THE ORDINANCE TYPICALLY GOVERNS. ALSO, THE MUNICIPAL CODE MAY NOT REFLECT RULES OR OTHER REGULATIONS PROMULGATED UNDER THE AUTHORITY OF THE CODE, INCLUDING TECHNICAL SPECIFICATIONS. FOR MORE INFORMATION CONTACT THE CITY CLERK.

CHARTER PREAMBLE

ARTICLE I INCORPORATION, FORM OF GOVERNMENT, POWERS

ARTICLE II THE COUNCIL

ARTICLE III CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

ARTICLE IV DEPARTMENT OF FINANCE, FISCAL AFFAIRS

ARTICLE V MUNICIPAL COURT

ARTICLE VI ELECTIONS

ARTICLE VII RECALL

ARTICLE VIII OFFICERS AND EMPLOYEES GENERALLY

ARTICLE IX GENERAL AND MISCELLANEOUS PROVISIONS

ARTICLE X AMENDMENT AND SEPARABILITY OF CHARTER

ARTICLE XI SUCCESSION IN GOVERNMENT

PREAMBLE

We, the people of the City of Moore, exercising the powers of home rule granted to us by the constitution and laws of the State of Oklahoma, in order to provide for more efficient, adequate, and economical government, do hereby ordain, ratify, and establish this Charter of the City of Moore, Oklahoma.

ARTICLE I INCORPORATION, FORM OF GOVERNMENT, POWERS [Section 1-1 Incorporation, Annexation, Merging](#)

[Section 1-2 Form Of Government](#)

[Section 1-3 Powers Of The City](#)

[Section 1-1 Incorporation, Annexation, Merging](#)

When this charter goes into full effect, the Town of Moore, Oklahoma, shall become a city, and within the corporate limits as now established or as hereafter may be established, shall be a municipal body politic and corporate in perpetuity under the name of the "City of Moore." The city shall be the legal successor of the town; and as such, it shall succeed to and possess all the property and rights belonging to the town, and shall be liable for all debts and other obligations for which the town is legally bound at the time of the succession in government.

The City of Moore, Oklahoma, may not be annexed by any other city or be merged into a combined city-county government or other governmental unit unless a majority of the qualified electors of the City of Moore voting on the question at an election approve such annexation or merging. [Section 1-2 Form Of Government](#)

The municipal government provided by this charter shall be known as a "council-manager government." All powers of the city shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe by ordinance.

[Section 1-3 Powers Of The City](#)

The city shall have all powers, functions, rights, privileges, franchises, and immunities granted to cities by the state constitution and law, and all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the state constitution or law, the city shall have all municipal powers, functions, rights, privileges, franchises, and immunities of every name and nature whatsoever.

The city shall have power to adopt a corporate seal and to alter it at pleasure, to sue and to be sued, and to make contracts. It shall have power to acquire property within or without its corporate limits for any city purpose, including public utilities, works, and ways, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease condemnation, or other legal means; and to hold, maintain, improve, enlarge, manage, control, operate, lease, sell, convey, or otherwise dispose of, such property as its interests may require, including public utilities, works, and ways. It shall have power to incur indebtedness and to issue bonds within the limitations prescribed by the state constitution. It shall have power to accept and administer federal and state grants-in-aid and to do everything necessary to accomplish the purpose or purposes for which such grants may be made. It shall have power to ordain and to enforce local legislation for the proper organization and functioning of the city government, for the preservation and enforcement of good government and order, for the protection of health, life, morals, and property, for the prevention, summary abatement, and removal of nuisances, and otherwise for the promotion of the common welfare. It shall have power to grant, extend, and renew franchises in accordance with the state constitution.

The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated or mentioned herein or implied hereby, the city shall have all powers which, under the state constitution and law, it would be competent for this charter specifically to enumerate or mention.

Provisions of state law relating to matters which may be regulated by cities operating under charters, shall be in effect only insofar as they are applicable and are not superseded by this charter or by ordinance. **ARTICLE II THE COUNCIL** [Section 2-1 Councilmen: Number, Qualification](#)

[Section 2-2 Mayor And Vice Mayor](#)

[Section 2-3 Councilmen: Compensation](#)

[Section 2-4 Council Powers](#)

[Section 2-5 Council Not To Interfere In Appointments And Removals](#)

[Section 2-6 City Clerk To Be Clerical Officer Of Council](#)

[Section 2-7 Council: Meetings](#)

[Section 2-8 Councilmen: Absences To Terminate Membership](#)

[Section 2-9 Councilmen: Removal](#)

[Section 2-10 Council Vacancies](#)

[Section 2-11 Council: Quorum, Rules, Yeas And Nays](#)

[Section 2-12 Ordinances: Enacting Clause](#)

[Section 2-13 Ordinances: Passage, When In Effect](#)

[Section 2-14 Ordinances: Emergency](#)

[Section 2-15 Ordinances: Adoption By Reference](#)

[Section 2-16 Ordinances: Codification](#)

[Section 2-1 Councilmen: Number, Qualification](#)

There shall be a council of seven members, which shall consist of a councilman at large and two councilmen from each of the three wards of the city as the wards are constituted in this charter or as they may hereafter be constituted by ordinance. Only qualified electors of the city who are freeholders in the city shall be qualified for the office of councilman at large. Only qualified electors residing in the city and at the time of their election, in their respective wards, who are freeholders in the city, shall be qualified for the offices of councilmen from the wards. Candidates for councilpersons shall be nominated and elected by the qualified electors of their respective wards, of which wards said candidates must be at all times during the term of office a resident. No councilman may hold any office or position in the city government by appointment by the city manager or by any subordinate of the city manager. If a councilman is convicted of a crime involving moral turpitude, his office shall become immediately vacant at the expiration of the period during which he may appeal or, in case of appeal, when the case is finally determined.

(Res. No. 195 (87), 1-5-1987) [Section 2-2 Mayor And Vice Mayor](#)

Beginning with the primary and/or general elections for the City of Moore, Oklahoma, on the third Tuesday in March 1970, and thereafter, according to the charter for the City of Moore, Oklahoma, there shall be nominated or elected a mayor of the City of Moore. Said mayor shall be the councilman at large. The mayor and councilman at large shall have all the duties and responsibilities now possessed by those enumerated in the charter of the City of Moore, Oklahoma, for the councilman at large.

At the first meeting after the time prescribed for the beginning of the terms of newly elected councilmen, or as soon thereafter as practicable, the council shall elect from its membership a vice mayor, who shall serve until the time prescribed for the beginning of the terms of newly elected councilmen.

The mayor shall preside at meetings of the council. He shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties except that he shall sign such written obligations of the city as the council may require. As a councilman, he shall have all powers, rights, privileges, duties, and responsibilities of a councilman, including the right to vote on questions.

The vice mayor shall act as mayor during the absence, disability, or suspension of the mayor, or, if a vacancy occurs in the office of mayor, until another mayor is elected for completion of the

unexpired term and qualifies. If the office of vice mayor becomes vacant, the council shall elect from its membership another vice mayor for completion of the unexpired term. [Section 2-3 Councilmen: Compensation](#)

Each councilman shall be paid one hundred dollars (\$100.00) per month beginning in April 1999, but shall not be paid for any other services rendered the city. The mayor or councilman at large shall be paid the sum of three hundred dollars (\$300.00) per month for each and every month or any part thereof that he holds office. The councilmen and the mayor may be reimbursed for expenses incurred in the discharge of their official duties.

(Res. No. 116(81), Â§ 1, 2-2-1981; Res. No. 432(99), 1-7-1999) [Section 2-4 Council Powers](#)

Except as otherwise provided in this charter, all powers of the city, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power, subject to the provisions of this charter:

1. To appoint and remove the city manager;
2. By ordinance to enact municipal legislation;
3. To raise revenue and make appropriations, and to regulate bond elections, the issuance of bonds, sinking funds, the refunding of indebtedness, salaries and wages, and all other fiscal affairs of the city;
4. To inquire into the conduct of any office, department, or agency of the city government, and investigate municipal affairs;
5. To appoint or elect and remove the members of the personnel board, the members of the planning commission, the members of the board of adjustment, and other quasi-legislative, quasi-judicial, or advisory officers and authorities, now or when and if established, or to prescribe the method of remission of fines and costs;
6. To grant pardons for violations of the charter and ordinances, including the remission of fines and costs;
7. To regulate elections, the initiative and referendum, and recall;
8. To regulate the organization, powers, duties, and functions of the municipal court and of the minor violations bureau when and if established;
9. To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by this charter; and to assign additional powers, duties, and functions to offices, departments, and agencies created by this charter. [Section 2-5 Council Not To Interfere In Appointments And Removals](#)

Neither the council, the mayor, nor any of its other members may direct or request the appointment of any person to, or his removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager; and neither the council nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

[Section 2-6 City Clerk To Be Clerical Officer Of Council](#)

The city clerk hereinafter provided for, shall also serve as clerical officer of the council. He shall keep the journal of its proceedings, and shall enroll in a book or books kept for the purpose of all ordinances and resolutions passed by it; shall be custodian of such documents, records, and archives as may be provided by applicable law or ordinance; shall be custodian of the seal of the city; and shall attest, and affix the seal to, documents when required in accordance with applicable law or ordinance.

Section 2-7 Council: Meetings

The council shall hold at least two (2) regular meetings every month, at such time as it may prescribe by ordinance or otherwise. The mayor or any four (4) councilmen may call special meetings. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection, except personnel or executive sessions may be conducted, as may be authorized by the statutes of the State of Oklahoma.

(Res. No. 116(81), Â§ 1, 2-2-1981) **Section 2-8 Councilmen: Absences To Terminate Membership**

If the mayor or any other councilman shall be absent from more than one-half of all the meetings of the council, regular and special, held within any period of six consecutive calendar months, he shall thereupon cease to hold office.

Section 2-9 Councilmen: Removal

The mayor or any other councilman may be removed from office for any cause specified by applicable state law for the removal of officers, and by the method or methods prescribed thereby, and by recall as provided in this charter.

Section 2-10 Council Vacancies

The council, by majority vote of its remaining members, shall fill vacancies in its own membership for the unexpired terms or until successors are elected as provided in this section. If a vacancy occurs before the beginning of a regular filing period for candidates for councilmen, and the unexpired term extends beyond the time when the terms of councilmen elected that year begin, then a councilman for that place shall be elected at the elections of that year to serve the rest of the unexpired term beginning at the time the terms of councilmen elected that year begin.

Section 2-11 Council: Quorum, Rules, Yeas And Nays

A majority of all of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The council may determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal.

Section 2-12 Ordinances: Enacting Clause

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Moore, Oklahoma," and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Moore, Oklahoma."

Section 2-13 Ordinances: Passage, When In Effect

Every proposed ordinance shall be read, and a vote of a majority of all the councilmen shall be required for its passage. The vote on final passage of every ordinance shall be by yeas and nays, and shall be entered in the journal. The mayor shall have no power of veto. Within ten days after its passage, every ordinance shall be published in full or by number and title in a newspaper authorized to publish legal publications. Every ordinance except an emergency ordinance shall become effective thirty days after its final passage and publication unless it specifies a later time; provided that a franchise for a public utility shall not go into effect until the ordinance granting it has been published in full in a newspaper authorized to publish legal publications and has been approved at an election by a vote of a majority of the qualified electors voting on the question.

Section 2-14 Ordinances: Emergency

An emergency ordinance is an ordinance which in the judgment of the council is necessary for the immediate preservation of peace, health or safety, and which should become effective prior to the time when an ordinary ordinance would become effective. Every such ordinance shall contain as a part of its title, the words, "and declaring an emergency" and in a separation section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least six councilmen shall be required for the passage of an emergency ordinance. An emergency ordinance shall take

effect upon passage and publication unless it specifies a later time.

Section 2-15 Ordinances: Adoption By Reference

The council by ordinance may adopt by reference codes, ordinances, standards, and regulations relating to building, plumbing, electrical installations, milk and milk products, and other matters which it has power to regulate otherwise. Such code, ordinance, standard, or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be kept in the office of the city clerk.

Section 2-16 Ordinances: Codification

The permanent, general ordinances of the city shall be codified and published in a book or pamphlet form at least every ten (10) years unless the council, by use of a loose-leaf system, provides for keeping the code up-to-date. The ordinances and parts of ordinances included in the code may be revised, rearranged, and reorganized; and the code may contain new matter, provisions of the state constitution and law applicable to the city, and this charter. A copy of the published code shall be filed in the office of the city clerk after the council adopts the code by ordinance, but the code need not be enrolled in the book of ordinances.

ARTICLE III CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

Section 3-1 City Manager: Appointment, Term, Qualifications, Removal

Section 3-2 Absence Or Disability Of City Manager

Section 3-3 City Manager: Powers And Duties

Section 3-4 Administrative Departments, Offices, And Agencies

Section 3-1 City Manager: Appointment, Term, Qualifications, Removal

There shall be a city manager. The council shall appoint him for an indefinite term by a vote of a majority of all its members. It shall choose him on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the city or state; but, during his tenure of office, he shall reside within the city. A councilman may not be appointed city manager or acting city manager during his term nor within one year after the expiration of his term. The council may suspend or remove the city manager at any time by a vote of a majority of all its members; provided, that the council shall give him a written statement of the reason for his removal at least twenty days before removal, and on request shall give him an opportunity for a public hearing thereon after the expiration of such time before removing him.

Section 3-2 Absence Or Disability Of City Manager

To perform his duties during his temporary absence or disability, the city manager may designate by letter filed with the city clerk a qualified administrative officer of the city to be acting city manager. If the city manager fails to make such designation, the council may appoint an acting city manager to serve during such time.

Section 3-3 City Manager: Powers And Duties

The city manager shall be chief administrative officer and head of the administrative branch of the city government. He shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefor to the council. He shall:

1. Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote, or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city except as he may authorize the head of a department, an officer, or an agency to appoint, lay off, suspend, demote, and remove subordinates in such department, office, or agency;
2. Supervise and control directly or indirectly, all administrative departments, agencies, officers, and employees;
3. Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the

budget which he deems desirable;

4. Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;
5. Keep the council advised of the financial condition and future needs of the city, and make such recommendations to the council on matters of policy and other matters as may seem to him desirable;
6. Have such other powers, duties and functions as this charter may prescribe, and such powers, duties, and functions consistent with this charter as the council may prescribe. [Section 3-4 Administrative Departments, Offices, And Agencies](#)

There shall be a department of finance, a department of law headed by a city attorney, and such other administrative departments, offices, and agencies as this charter establishes and as the council may establish.

[ARTICLE IV DEPARTMENT OF FINANCE, FISCAL AFFAIRS Section 4-1 City Clerk: Office Created, Duties](#)

[Section 4-2 City Treasurer: Office Created, Duties](#)

[Section 4-3 Purchases And Sales](#)

[Section 4-4 Sale Of Property Valued At More Than \\$25,000](#)

[Section 4-5 Public Improvements](#)

[Section 4-6 Fiscal Year](#)

[Section 4-7 Independent Annual Audit](#)

[Section 4-1 City Clerk: Office Created, Duties](#)

There shall be a city clerk, who shall be an officer of the city appointed by the city manager for an indefinite term, and who shall be head of the department of finance. Except as the council by ordinance provides otherwise, the city clerk shall collect or receive revenue and other money for the city, shall deposit the same with the city treasurer or for the city treasurer in an account or accounts maintained by the city treasurer in a depository or depositories, and shall maintain a general accounting system for the city government. He shall have such other powers, duties, and functions as may be prescribed by the charter, by applicable law, or by ordinance.

[Section 4-2 City Treasurer: Office Created, Duties](#)

Within the department of finance, there shall be a city treasurer, who shall be an officer of the city appointed by the city manager for an indefinite term; provided also that the same person may be appointed both city clerk and city treasurer, and that the council by ordinance may provide that the city clerk shall be ex officio city treasurer and that an acting city clerk shall be ex officio acting city treasurer. Subject to such regulations as the council may prescribe, the city treasurer shall deposit funds received for the city in such depositories as the council may designate. He shall have such other powers, duties, and functions as may be prescribed by the charter, by applicable law, or by ordinance.

[Section 4-3 Purchases And Sales](#)

The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase, or issue purchase authorizations for, all supplies, materials, and equipment for the offices, departments, and agencies of the city government. Every such contract or purchase exceeding an amount to be established by ordinance, shall require the prior approval of the council. The city manager also may transfer to or between offices, departments, and agencies, or sell, surplus or obsolete supplies, materials, and equipment, subject to such regulations as the council may prescribe.

Before the purchase of, or contract for, any supplies, materials, or equipment, or the sale of any surplus or obsolete supplies, materials, or equipment, ample opportunity for competitive bidding, under such regulations, and with such exceptions, as the council may prescribe, shall be given; but

the council shall not except an individual contract, purchase, or sale from the requirement of competitive bidding.

The council by ordinance may transfer some or all of the power granted to the city manager by this section to an administrative officer subordinate to the city manager. [Section 4-4 Sale Of Property Valued At More Than \\$25,000](#)

The sale of any property, real or personal, including public utilities, or of any interest therein, the value of which is more than \$25,000, shall be made only (1) by authority of an affirmative vote of a majority of the qualified electors of the city who vote on the question of approving or authorizing the sale at an election, or (2) by authority of a special nonemergency ordinance. Such ordinance shall be published in full in a newspaper authorized to publish legal publications within ten days after its passage, and shall include a section reading substantially as follows: "Section. This ordinance shall be referred to a vote of the electors of the city if a legal and sufficient referendum petition is properly filed within thirty days after its passage; otherwise it shall go into effect thirty days after its passage and publication." The sale of an entire public utility may be authorized only as provided in (1) hereinabove.

[Section 4-5 Public Improvements](#)

Public improvements may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. A contract for public improvements of more than \$1,000 may be awarded only to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected and further notice and opportunity for competitive bidding may be given.

[Section 4-6 Fiscal Year](#)

The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of every calendar year.

[Section 4-7 Independent Annual Audit](#)

The council shall designate a qualified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the department of finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions as of the end of every fiscal year at least, and who shall report to the council and to the city manager. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

[ARTICLE V MUNICIPAL COURT Section 5-1 Municipal Court](#)

[Section 5-1 Municipal Court](#)

There shall be a municipal judge, who shall be an officer of the city appointed by the city manager for an indefinite term. Only the council may suspend or remove the municipal judge or an acting municipal judge, and by a vote of a majority of all its members. The municipal judge shall have original jurisdiction to hear and determine all cases involving offenses against the charter and ordinances of the city; provided that the council by ordinance may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations, such as minor traffic and parking violations, when the accused waives his right to be heard in court, pleads guilty, and pays fines and costs. The municipal judge shall keep a record of all proceedings of the municipal court, of the disposition of all cases, and of all fines and other money collected. The municipal judge may issue warrants of arrest and subpoenas, administer oaths and affirmations, make and enforce all proper orders, rules, and judgments, and punish for contempt.

[ARTICLE VI ELECTIONS Section 6-1 Overlapping Terms Of Four Years; Nominated And Elected At Large; Nonpartisan Elections](#)

[Section 6-2 Primary Election: Filing](#)

[Section 6-3 Primary Election: Time, Etc](#)
[Section 6-4 Primary Election: Who Nominated Or Elected](#)
[Section 6-5 General Election: Time, Who Elected](#)
[Section 6-6 Primary And General Elections: When Not Held](#)
[Section 6-7 Registered Qualified Electors](#)
[Section 6-8 Political Activity Of Officers And Employees](#)
[Section 6-9 State Constitution And Law To Govern](#)
[Section 6-10 Authorizing Absentee Voting](#)
[Section 6-1 Overlapping Terms Of Four Years; Nominated And Elected At Large; Nonpartisan Elections](#)

The councilperson at large shall be elected at the elections herein provided for in even numbered years, and one councilperson from each ward shall be elected at said elections. Beginning in the year 2000 the councilperson shall serve for terms of four years beginning on the first council meeting following the statutory general election date in the respective years when they are elected. If a councilperson-elect fails to qualify within one month thereafter, his office shall become vacant, and the vacancy shall be filled as other vacancies in the council are filled.

All candidates for councilmen [councilman at large] shall be nominated, and all councilmen [the councilman at large] shall be elected, at large, by the qualified electors of the entire city; but candidates for councilmen from the wards must be [nominated and elected by the] qualified electors of their respective wards.

Both the primary and the general election shall be nonpartisan; and no party designation or emblem shall be placed on the ballots.

Nothing in this charter shall prohibit the use of voting machines.

(Res. No. 432(99), 1-7-1999) HISTORY

Amended by Res. 589(05) on 1/18/2005

[Section 6-2 Primary Election: Filing](#)

Any qualified person may have his name placed on the ballot for the primary election as a candidate for councilman or mayor by filing, during the time required by the statutes of the State of Oklahoma, but if not provided for by the legislature, then not more than one month and at least two (2) weeks prior to the primary election, with the secretary of the county election board, a sworn statement of his or her candidacy. The mayor or councilman may be a candidate for re-election but a councilman may not be a candidate for mayor or the other seat or office in the same ward as the councilman serves.

(Res. No. 142(83), Â§ 1, 1-17-1983) [Section 6-3 Primary Election: Time, Etc](#)

A primary election shall be held on the statutory election date in each election year to nominate candidates for councilperson to succeed those whose terms are expiring. If only one person is a candidate for the office to be filled, he shall be not only nominated, but also elected ipsa facto; and his name shall not appear on the primary or general election ballot. Every qualified elector of the city shall be entitled to vote for one candidate for [the office of councilperson at large to be filled; qualified electors within each ward shall be entitled to vote for one candidate for] each office [of councilperson from that respective ward] to be filled. HISTORY

Adopted by Res. 589(05) on 1/18/2005

[Section 6-4 Primary Election: Who Nominated Or Elected](#)

In a primary election, the two candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated. If one of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of failure to nominate one or both candidates for an office because of a tie, the nominee or nominees

shall be determined from among those tying, fairly by lot, by the county election board in a public meeting. If one of the two candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election.

Section 6-5 General Election: Time, Who Elected

A general election shall be held in the city on the statutory general election date to elect the councilperson to succeed those whose terms are expiring. Every qualified elector of the City shall be entitled to vote for one of the two candidates for each office [the office of councilperson at large] to be filled, [and every qualified elector of each ward shall be entitled to vote for one of the two candidates for the office of councilperson from that respective ward to be filled], but may not vote for any other person. The candidate for each office receiving the greater number of votes, shall be elected. In case of a tie, the election shall be determined, fairly by lot, by the county election board in a public meeting.

(Res. No. 432(99), 1-7-1999) HISTORY

Amended by Res. 589(05) on 1/18/2005

Section 6-6 Primary And General Elections: When Not Held

If there are no candidates and no questions to be voted upon at a primary or general election, the election shall not be held.

Section 6-7 Registered Qualified Electors

Only electors residing in this city who have the qualifications prescribed for electors by the state constitution and law, and who are registered as may be required by law, may vote in city elections.

Section 6-8 Political Activity Of Officers And Employees

No officer or employee of the city except the councilmen and personnel who receive no compensation for their services, may work for or against, or attempt to influence, the nomination, election, or defeat of any candidate for councilman, or the recall of any councilman; provided that this shall not prohibit the ordinary exercise of one's right to express his opinions and to vote. Any person who violates this section shall be punished, upon conviction thereof, by a fine not exceeding twenty dollars including costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, he shall be automatically removed by the said conviction of violating this section effective at the expiration of his right of appeal or, in the case of appeal, when the case is finally determined.

Section 6-9 State Constitution And Law To Govern

The provisions of the state constitution and law applicable to city elections, shall govern such elections in this city insofar as they are applicable and are not superseded by this charter or by ordinance.

A proclamation of the mayor calling a special election need not (but may) set forth the names of the precinct officers who are to conduct the election but shall give the locations of polling places.

Section 6-10 Authorizing Absentee Voting

Voting by absentee ballots shall be permitted in all municipal, primary, general or special elections to be held in the City of Moore, Oklahoma, beginning in the year 1982 A.D.

(Res. No. 116(81), Â§ 1, 2-2-1981) **ARTICLE VII RECALL Section 7-1 Recall Authorized**

Section 7-2 Recall Petition

Section 7-3 Recall Election: Council To Order

Section 7-4 Recall Election: How Held

Section 7-5 Person Recalled Or Resigning

Section 7-1 Recall Authorized

The incumbent of any elective city office, including a person appointed to fill a vacancy in any such office, may be recalled from office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided herein; provided, that the recall statement or petition shall be for official misconduct of said official, which shall include, but not be limited to, willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or a conviction of any offense involving moral turpitude committed while in office.

(Res. No. 131(82), Â§ 1, 2-12-1982) **Section 7-2 Recall Petition**

1. To initiate recall proceedings, a written statement in duplicate proposing the recall of the incumbent of an elective office, shall be signed by twenty or more registered qualified electors of the city, and shall be filed with the city clerk after the incumbent has held the office at least four months. The statement shall also contain the reason or reasons for which the recall is sought, in not more than two hundred words. Within five days, the city clerk shall mail a copy of such statement by registered, certified, or similar special mail to the officer at his residential address. Within ten days after the statement is mailed to the officer, the officer may make and file with the city clerk a written statement in duplicate justifying his conduct in office, in not more than two hundred words; and the city clerk on request shall deliver one copy to one of the persons filing the statement proposing the recall.
2. The petition for recall shall include a demand that a successor to the incumbent sought to be recalled be elected, and shall also include before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL," and if the officer has filed a statement as authorized, the statement justifying his conduct in office under the heading "STATEMENT AGAINST RECALL." The two statements shall be in letters of the same size. A copy of the petition shall be filed with the city clerk within one month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.
3. A number of registered qualified electors of the city equal at least to thirty-five percent (35%) of the number of electors who voted in the last general municipal election, must sign the petition. Each signer shall write after his name his address within the city, giving street or avenue and number, if any. Not more than one hundred signatures may appear on a single copy of the petition. Petitions may be circulated only by registered qualified electors of the city; and the person who circulates each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his presence, that each signature on the petition is genuine, and that he believes each signer to be a registered qualified elector of the city.
4. The circulated petition shall be filed with the city clerk not later than one month after the filing of a copy as provided above. Within one month after date of filing of the circulated petition, the city clerk shall examine it and ascertain whether it has been prepared and circulated as required, and whether the required number of registered qualified electors of the city have signed it. He shall then attach his certificate to the petition. If his certificate states that the petition has not been prepared and circulated as required and/or lacks a sufficient number of signatures, the petition shall have no effect unless the decision of the city clerk is appealed from and reversed by the district court. But, if the city clerk's certificate states that the petition has been prepared and circulated as required and has a sufficient number of signatures, he shall submit the petition and certificate to the council at its next meeting. Provided that any qualified elector who has signed said petition or the officer affected may appeal from the decision of the city clerk within five days from the date of such decision to the district court.

Section 7-3 Recall Election: Council To Order

The council, by resolution or ordinance passed within ten days after receiving the petition and certificate of the city clerk or after the decision of the court, shall order and fix the date for a recall election, which shall be held not less than forty days, nor more than fifty days, after passage of the

resolution or ordinance. The city clerk shall cause the resolution or ordinance ordering the election to be published in full in a newspaper authorized to publish legal publications within ten days after its passage; and such publication shall be sufficient notice of the election.

The qualified electors of the city may vote in a recall election on the election of successors to more than one incumbent of an elective office on the same day. [Section 7-4 Recall Election: How Held](#)

The recall election shall be an election to fill the office held by the incumbent sought to be recalled. There shall be no primary. Any qualified person, including the incumbent, may file as a candidate for the office. The candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified. The said successful candidate must qualify within one month thereafter; and if he fails to do so, the office shall be vacant, and the vacancy shall be filled as other vacancies in the council are filled. A candidate thus elected and qualifying shall serve for the unexpired term. If the incumbent is a candidate and receives the greatest number of votes, he shall continue in office without interruption; and recall proceedings may not again be initiated against him within one year after the election.

The provisions of this charter relating to city elections shall also govern recall elections insofar as they are applicable and are not superseded by the provisions of this article. [Section 7-5 Person Recalled Or Resigning](#)

No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, may hold any office or position of employment in the city government within two years after his recall or resignation. [ARTICLE VIII OFFICERS AND EMPLOYEES GENERALLY](#) [Section 8-1 Appointments, Removals, Etc., Personnel Regulations](#)

[Section 8-2 Personnel Board Created](#)

[Section 8-3 Classified And Unclassified Services](#)

[Section 8-4 Removal, Etc., Hearing Before The Personnel Board](#)

[Section 8-5 Qualifications Of Officers And Employees](#)

[Section 8-6 Nepotism](#)

[Section 8-7 Holding More Than One Office](#)

[Section 8-8 Official Bonds](#)

[Section 8-9 Oath Or Affirmation Of Office](#)

[Section 8-10 Who May Administer Oaths And Affirmations](#)

[Section 8-11 Removal, Etc., Of Officers And Employees](#)

[Section 8-12 Acting Officers And Employees](#)

[Section 8-13 Officers To Continue Until Successors Are Elected Or Appointed And Qualify](#)

[Section 8-14 Conflict Of Interests](#)

[Section 8-1 Appointments, Removals, Etc., Personnel Regulations](#)

Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council, consistently with this charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration.

[Section 8-2 Personnel Board Created](#)

There shall be a personnel board consisting of three members appointed by the council for overlapping six-year terms. The term of one member shall begin July 1 in every even-numbered year. The council shall appoint the three original members so that the term of one will expire at that time in each of the first three succeeding even-numbered years. A member may not hold any other office or position in the city government. The council, by a vote of at least five members, after adequate opportunity for a public hearing, may remove a member for the good of the service; and the vote shall be by yeas and nays and shall be entered in the journal. The council shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides

otherwise.

At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice-chairman, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two members may call special meetings.

The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence. The chairman shall have power to administer oaths and affirmations. [Section 8-3 Classified And Unclassified Services](#)

All officers and employees of the city shall be divided into the classified and the unclassified service.

1. The following shall constitute the unclassified service:
 1. The mayor and other councilmen, and the municipal judge;
 2. The city manager, and one secretary to the city manager, if any;
 3. Members and secretary of each board, commission, or other plural authority;
 4. All personnel who serve without compensation;
 5. Persons appointed or employed on a temporary basis to make or conduct a special audit, inquiry, investigation, study, examination, or installation, or to perform a temporary professional or technical service, subject to such exceptions, limitations, and regulations as the ordinances or personnel rules may prescribe; and such other temporary personnel as may be placed in the unclassified service by ordinance or personnel rules.
2. All other officers and employees shall be in the classified service; provided that, when the city has over 30,000 people as shown by any last preceding federal census, any of the following may be placed in the unclassified service by ordinance or personnel rules: One assistant city manager if any; the heads, or directors, of administrative departments; and one secretary for each such head, or director, who has a secretary.
3. Nothing herein shall prohibit including personnel in the unclassified service in the classification plan. [Section 8-4 Removal, Etc., Hearing Before The Personnel Board](#)

The city manager or any other authority who lays off, suspends without pay for more than ten days, demotes, or removes any regular (that is, nontemporary) officer or employee in the classified service after a probationary period of six months, shall, at that time or within two days thereafter, deliver, or have delivered, or mail by registered, certified, or similar special mail, to the officer or employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal. Such officer or employee may appeal in writing to the personnel board. The appeal must be filed with the secretary of the board, or with the city clerk for transmittal to the board, within ten (10) days after receipt of notice of the layoff, suspension, demotion, or removal (which appeal may thus be filed either before or after the time of effectiveness of the layoff, suspension, demotion, or removal). As soon as practicable thereafter, the board shall hold a public hearing on the appeal, or give an adequate opportunity therefor, and shall report in writing its findings and recommendations, in cases of subordinates of the city manager, to the city manager, and in other cases to the respective authorities having power of removal; and the city manager or other authority having power of removal shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided that, if the board finds that the layoff, suspension, demotion, or removal was made for a political reason or reasons or for any other reason or reasons than the good of the service, it shall veto the layoff, suspension, demotion, or removal, and the action by the city manager or other authority shall be nullified thereby.

[Section 8-5 Qualifications Of Officers And Employees](#)

Officers and employees of the city shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for councilmen.

Section 8-6 Nepotism

Neither the city manager, the council, nor any other authority of the city government, may appoint or elect any person related to any councilman, to the city manager, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government; but this shall not prohibit an officer or employee from continuing in the service of the city.

Section 8-7 Holding More Than One Office

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one office in the city government. The city manager may hold more than one such office, through appointment by himself, by the council, or by other city authority having power to fill the particular office, subject to any regulations which the council may make by ordinance; but he may not receive compensation for service in such other offices. Also the council by ordinance may provide that the city manager shall hold ex officio designated offices subordinate to the city manager as well as other designated compatible city offices.

Section 8-8 Official Bonds

The city manager, the city clerk, the city treasurer, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Section 8-9 Oath Or Affirmation Of Office

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed in the city clerk's office.

Section 8-10 Who May Administer Oaths And Affirmations

All officers authorized by federal or state law, the mayor, the city manager, the city clerk, the municipal judge, and such other officers as the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Section 8-11 Removal, Etc., Of Officers And Employees

Except in the case of the municipal judge, the power [to] lay off, suspend, demote, and remove accompanies the power to appoint or elect, and the city manager, the council, or other appointing or electing authority at any time lay off, suspend, demote, or remove any officer or employee to whom he, the council, or the other appointing or electing authority respectively may appoint or elect a successor.

Section 8-12 Acting Officers And Employees

The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, leave, disability, or suspension of such officer or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The council by general ordinance may provide for a deputy to act in such cases. Also an acting municipal judge may be appointed to serve in any case or proceeding for which the municipal judge is disqualified.

Section 8-13 Officers To Continue Until Successors Are Elected Or Appointed And Qualify

Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are

sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

Section 8-14 Conflict Of Interests

Neither any councilman nor the city manager shall sell or barter anything to the city or to a contractor to be supplied to the city; or make any contract with the city; or purchase anything from the city other than those things which the city offers generally to the public (as for example, utility services), and then only on the same terms as are offered to the public. Any such officer violating this section, upon conviction thereof, shall thereby forfeit his office. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the city manager or the council. This section shall not apply in cases in which the city acquires property by condemnation.

The council by ordinance or personnel rules may further regulate conflict of interests and ethics of officers and employees of the city. **ARTICLE IX GENERAL AND MISCELLANEOUS PROVISIONS**

Section 9-1 Gender

Section 9-2 Initiative And Referendum

Section 9-3 Publicity Of Records

Section 9-1 Gender

When the masculine gender is used in this charter, it shall also mean the feminine unless the masculine alone is clearly indicated.

Section 9-2 Initiative And Referendum

The powers of the initiative and referendum are reserved to the people of the city. In the exercise of these powers, the requirements of the state constitution and law shall be observed.

Section 9-3 Publicity Of Records

All records and accounts of every office, department, or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

ARTICLE X AMENDMENT AND SEPARABILITY OF CHARTER Section 10-1 Amendment:

Proposal, Ratification, Approval

Section 10-2 Separability

Section 10-1 Amendment: Proposal, Ratification, Approval

This charter may be amended by proposals therefor submitted by the council, or by the mayor upon initiative petition of the electors as provided by the state constitution, at a general or special election, ratified by a majority of the qualified electors voting thereon, and approved by the governor as provided by the state constitution. If more than one amendment is proposed, all of them except those which are so interrelated that they should be ratified or rejected together, shall be submitted in such manner that the electors may vote on them separately. A proposition to amend this charter may be either in the form of a proposed amendment to a part or parts of the charter or of a proposed new charter.

Section 10-2 Separability

If a court of competent jurisdiction should hold any section or part of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part so held invalid may appear, except to the extent that an entire section or part may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change in the state constitution or law renders a part of this charter invalid or inapplicable, the council by ordinance may take such appropriate action as will enable the city government to function properly. **ARTICLE XI SUCCESSION IN GOVERNMENT**

Section 11-1 Wards (Reserved)

Section 11-2 When Charter Goes Into Effect

[Section 11-3 First Elections Under This Charter](#)

[Section 11-4 Officers And Employees Under The Town Government](#)

[Section 11-5 Ordinances Continued](#)

[Section 11-6 Pending Actions And Proceedings](#)

[Section 11-1 Wards \(Reserved\)](#)

[Section 11-2 When Charter Goes Into Effect](#)

If a majority of the qualified electors of the town voting on the question vote to ratify this charter, the provisions of this charter relating to elections shall go into effect immediately upon approval by the governor as provided by the state constitution, for the purpose of electing the first councilmen; and the charter shall go into full effect at 7:30 o'clock P.M. on the first Monday in May, 1962. The council shall hold its first meeting at that time.

[Section 11-3 First Elections Under This Charter](#)

A primary election shall be held on the third Tuesday in March, 1962, and a general election shall be held on the first Tuesday in April, 1962, to elect a councilman at large and two councilmen from each of the three wards of the city.

In said primary election, every qualified elector of the city shall be entitled to vote for two candidates for councilman from each ward, and the instruction "Vote for two" shall be placed above the names of the candidates for councilman from each ward. The four candidates receiving the greatest number of votes shall be nominated. Provided that, if there are not more than two candidates for councilman from a ward, they shall be elected ipso facto, and their names shall not appear on the primary or general election ballots. Provided further that, if there are not more than four candidates for councilman from a ward, the two who receive the greatest number of votes shall be not only nominated, but also elected ipso facto, and their names shall not appear on the general election ballot.

In the general election on the first Tuesday in April, 1962, every qualified elector of the city shall be entitled to vote for two of the candidates for councilman from each ward unless the councilmen from a particular ward have already been elected as provided hereinabove, and the instruction "Vote for two" shall be placed above the names of the candidates for councilman from each ward. The two candidates receiving the greatest number of votes shall be elected.

The councilman from each ward (whether elected at the primary or the general election) who receives more votes shall serve for a term of two years, and the other councilman from the ward shall serve for a term of one year. Provided that, if, because of a tie or for any other reason, it is not thus determined which of the two shall serve for a term of two years and which shall serve for a term of one year, then such determination shall be made fairly by lot by the county election board in a public meeting.

The provisions of article VI of this charter shall apply to the said elections in 1962 insofar as such provisions are applicable and are not superseded by the provisions of this section. [Section 11-4 Officers And Employees Under The Town Government](#)

It is hereby declared to be the desire of the people of the city that all incumbents of administrative offices and positions of employment under the town government (including the incumbents of the offices of town clerk and town treasurer) shall be continued in the service of the city under this charter if they are qualified and if the good of the service permits; but this general statement of desire shall not limit the power of appointment and removal.

The offices of the town trustees shall terminate when this charter goes into full effect. [Section 11-5 Ordinances Continued](#)

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

Section 11-6 Pending Actions And Proceedings

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency, or officer thereof.

PART 1 GENERAL PROVISIONS CHAPTER 1-1 DEFINITIONS, INTERPRETATION, APPLICABILITY, FINES

CHAPTER 1-2 STANDARD RULES; NOTICES, WARRANTS, INSPECTIONS, FEES, BONDS

CHAPTER 1-3 CORPORATE AND WARD LIMITS

CHAPTER 1-1 DEFINITIONS, INTERPRETATION, APPLICABILITY, FINES Sec 1-101 Designation And Citation Of Code

Sec 1-102 Rules Of Code Construction; Definitions

Sec 1-103 Authority Of Code

Sec 1-104 Conflicting Provisions

Sec 1-105 References Include Amendments; Construction

Sec 1-106 Catchlines And Headings; Construction

Sec 1-107 Code Provisions As Continuance Of Existing Ordinances

Sec 1-108 General And Specific Penalties; Suspension Or Revocation Of License Or Permit

Sec 1-109 Each Day Of Violation Of Code A Separate Offense

Sec 1-110 Prohibited Acts Include Causing, Permitting, Concealing

Sec 1-111 Civil Relief From Violations Of Code Of Ordinances

Sec 1-112 Territorial Applicability

Sec 1-113 Ordinances In Effect In Outlying Territory Of City

Sec 1-114 Official Seal

Sec 1-115 Amendments To Code

Sec 1-116 Code Severability

Sec 1-101 Designation And Citation Of Code

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the "City Code of Moore, Oklahoma," and may be so cited. The Code may also be cited as the "City Code" or in the provisions which follow, as the "Code."

(Prior Code, Â§ 1-1; Code 1999, Â§ 1-101)

State Law reference— Adoption, revision of codes of ordinances, 11 O.S. Â§Â§ 14-108, 14-109. [Sec 1-102 Rules Of Code Construction; Definitions](#)

1. In the construction of this Code and all ordinances, the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

Administrative regulations. The term "administrative regulations" means written orders which are issued by approval of the mayor or city manager.

Bond. The term "bond" means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.

Building. The term "building" means any structure intended to have walls and a roof.

Building official. The term "building official" means the person appointed by the city manager and designated as the city's building official.

Business. The term "business" means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.

Charter. The term "Charter" means the Charter of the City of Moore.

City. The term "city" means the City of Moore, in the County of Cleveland and State of Oklahoma.

City limits. The term "city limits" means within the city and includes not only the corporate limits of the city but also any property which it owns or which is under its jurisdiction.

Clerk. The term "clerk" means the city clerk.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows, except that the term "or" may be read "and," and the term "and" may be read "or" if the sense requires it:

1. "And" indicates that all the connected terms, conditions, provisions or events apply.
2. "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
3. "Either ... or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination. *Council.* The term "council" means the governing body of the city; the city council.

County. The term "county" means Cleveland County, Oklahoma.

Definitions. Definitions given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided.

Designee. The term "designee," following an official of the city, means the authorized agent, employee or representative of such official.

Gender. Words importing the masculine gender include the feminine and neuter as well as the masculine.

Health officer. The term "health officer" means the administrator of the cooperative department of the county and the city.

Keeper. The term "keeper" means one in possession of or who has the care, custody or superintendence of a thing, place or business, whether or not the owner or proprietor, and includes any person, firm, association, corporation, club and copartnership, whether acting by themselves or by a servant, agent or employee.

Law. The term "law" means applicable federal law and court decisions, court decisions and provisions of the constitution and statutes of the state, ordinances and Charter of the city, and, when appropriate, any and all rules and regulations promulgated thereunder.

Manager. The term "manager" means the city manager.

May. The term "may" is permissive and discretionary.

Mayor. The term "mayor" means the mayor of the city.

Month. The term "month" means a calendar month.

Number. Words used in the singular include the plural and the plural includes the singular.

Oath. The term "oath" means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.

Occupant. The term "occupant" means the tenant or person in actual possession.

Operate. The term "operate" means carry on, keep, conduct, maintain, manage, direct or superintend.

Ordinances. The term "ordinances" means the ordinances of the city and all amendments and supplements thereto.

O.S. The abbreviation "O.S." means the latest edition of the Oklahoma Statutes, as now or hereafter amended.

Owner. The term "owner" means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests. When applied to a building or land, the term "owner" means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land.

Person. The term "person" means any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver, or other representative appointed according to law.

Personal property. The term "personal property" means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.

Preceding; following. The terms "preceding" and "following" mean next before and next after, respectively.

Proprietor. The term "proprietor" means an owner of the property or premises, including any person, firm, association, corporation, club, partnership or other group acting as a unit, whether acting by themselves or by a servant, agent or employee.

Public place. The term "public place" means and includes any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office,

or apartment building, or any other place commonly open to the public.

Real property. The term "real property" means land together with all things attached to the land so as to become a part thereof.

Shall. The term "shall" is mandatory.

Sidewalk. The term "sidewalk" means that portion of a street between the curblin and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles.

Signature; subscription. The terms "signature" and "subscription" mean the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.

State. The term "state" means the State of Oklahoma.

Statutes. The term "statutes" means the Oklahoma Statutes as they are now or as they may be amended to be.

Street. The term "street" means all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in the city, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.

Tenant. The term "tenant" means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, buildings or lands, whether alone or with others.

Tense. Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.

Time. The term "time" means the hour of the day according to the official time of the day.

Time of performance. The term "time of performance" means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded.

Treasurer. The term "treasurer" means the city treasurer.

Watercourse. The term "watercourse" means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks.

Week. The term "week" means seven days.

Writing; written. The terms "writing" and "written" mean any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.

Year. The term "year" means a calendar year.

2. Words and phrases are construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law are construed and understood according to such meaning.

(Prior Code, Â§ 1-4; Code 1999, Â§ 1-102) **Sec 1-103 Authority Of Code**

This Code is a revision and codification of the general ordinances of the city which have been enacted and published in accordance with the authority granted in 11 O.S. Â§Â§ 14-108 and 14-109.

(Code 1999, Â§ 1-103) **Sec 1-104 Conflicting Provisions**

1. If the provisions of different parts, chapters, articles, divisions or sections of this Code conflict with or contravene each other, the provisions of each part, chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that part, chapter, article, division or section.
2. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that section.
3. Where any conflict exists between a part, chapter, article, division or section of this Code and any chapter or section of the Charter, the latter shall prevail.

(Code 1999, Â§ 1-104) **Sec 1-105 References Include Amendments; Construction**

1. Any reference in this Code to an ordinance or provision of this Code means such ordinance or provision as may now exist or is hereafter amended.
2. Any references in this Code to parts, chapters, articles, divisions or sections shall be to the parts, chapters, articles, divisions or sections of this Code unless otherwise specified.

(Code 1999, Â§ 1-105) **Sec 1-106 Catchlines And Headings; Construction**

1. All designations and headings of parts, chapters, articles, divisions and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such parts, chapters, articles, divisions or sections, whether printed in capital letters or bold face type. They shall not be deemed or taken to be any part or title of such parts, chapters, articles, divisions or sections; nor, unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Code.
2. The history or source notes appearing in parentheses after sections in this Code have no legal effect and only indicate legislative history. Editor's notes, cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(Prior Code, Â§ 1-2; Code 1999, Â§ 1-106) **Sec 1-107 Code Provisions As Continuance Of Existing Ordinances**

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the city and existing at the effective date of this Code, shall be considered as restatements and continuations thereof and

not as new enactments.

(Code 1999, Â§ 1-107) **Sec 1-108 General And Specific Penalties; Suspension Or Revocation Of License Or Permit**

1. Whenever in this Code, in any ordinance of the city, or in any rule or regulation promulgated pursuant to this Code, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided herein or therefor, the violation of any such provision of this Code or any ordinance or rule shall be punished by a fine not exceeding \$500.00, unless the penalty is limited by state law, in which case the violations shall be punishable by not to exceed the maximum permitted by state law or the amount declared by the city, whichever is greater. Nothing in this section shall be deemed to impose a penalty upon city officers or city employees for failure to perform an official duty unless it is specifically provided that such failure shall be punished as provided in this section.
2. The following specific offenses, unless provided in this Code, shall be punished by a fine not exceeding \$500.00, or 30 days imprisonment, or both such fine and imprisonment:

delim(@@) tab(); lw(35.0n) lw(35.0n). T{ Offense
T} T{ Code Section
T} T{ Sales tax
T} T{ 7-316 T} T{ Hotel tax
T} T{ 7-525 T} T{ Eluding a police officer
T} T{ 10-608 T} T{ Battery on an officer
T} T{ 10-605 T}

3. The following specific offenses, unless otherwise provided in this Code, shall be punished by a fine not exceeding \$800.00.
The court shall remit \$50.00 of each alcohol fine or deferral fee to a fund of the city 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.
4. The suspension or revocation of any license, certificate or other privilege conferred by the city shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.

(Prior Code, Â§ 1-10; Code 1999, Â§ 1-108; Ord. No. 559(91), 6-17-1991; Ord. No. 7(91), 12-16-1991; Ord. No. 20(92), 4-6-1992; Ord. No. 62(93), 10-4-1993; Ord. No. 65(93), 11-15-1993; Ord. No. 69(94), 1-3-1994; Ord. No. 72(94), 1-3-1994; Ord. No. 269(00), 1-18-2000; Ord. No. 482(04), 10-18-2004; Ord. No. 552(06), 9-5-2006)

State Law reference— Penalty for ordinance violations, 11 O.S. Â§ 14-111 HISTORY

Amended by Ord. 896(18) on 12/3/2018

Sec 1-109 Each Day Of Violation Of Code A Separate Offense

Except as otherwise provided:

1. With respect to violations that are continuous with respect to time, each day the violation continues is a separate offense.
2. With respect to other violations, each violation constitutes separate offense.

(Prior Code, Â§ 1-10, in part; Code 1999, Â§ 1-109) **Sec 1-110 Prohibited Acts Include Causing, Permitting, Concealing**

Whenever in this Code any act or omission is made unlawful or prohibited, it shall include causing, allowing, permitting, aiding, abetting or concealing the fact of such act or omission.

(Code 1999, Â§ 1-110) [Sec 1-111 Civil Relief From Violations Of Code Of Ordinances](#)

No penalty imposed by or pursuant to section 1-108 or any other section of this Code or other ordinance of the city shall interfere with the right of the city to apply to the proper courts of the state for a writ of mandamus, an injunction or other appropriate relief in the case of violations of this Code or other ordinances.

(Code 1999, Â§ 1-111) [Sec 1-112 Territorial Applicability](#)

Except as provided otherwise, this Code refers only to the commission or omission of acts within the territorial limits of the city and to that territory outside the city over which the city has jurisdiction, ownership or control by virtue of any constitutional or Charter provision, or any law.

(Code 1999, Â§ 1-112) [Sec 1-113 Ordinances In Effect In Outlying Territory Of City](#)

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

(Prior Code, Â§ 1-7; Code 1999, Â§ 1-113) [Sec 1-114 Official Seal](#)

The seal of the city shall be of circular form and shall have lettered in the upper portion of its outer circumference the words "City of Moore" and in the lower portion of its outer circumference the words "Moore, Oklahoma." The words "Corporate Seal" shall be lettered within the inner circle of the seal. The seal shall be the corporate seal of the city and shall be used for the authentication of all documents required by law to be sealed with the seal of the city.

(Prior Code, Â§ 1-8; Code 1999, Â§ 1-114) [Sec 1-115 Amendments To Code](#)

1. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section ____ of the Moore City Code is hereby amended to read as follow:...." The new provisions shall then be set out in full as desired.
2. In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Moore City Code is hereby amended by adding a section, to be number ____, which section reads as follows:...." The new section shall then be set out in full as desired.

(Prior Code, Â§ 1-11; Code 1999, Â§ 1-115) [Sec 1-116 Code Severability](#)

It is declared to be the intention of the council that the sections, subsections, paragraphs, sentences, clauses and words of this Code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this Code, since the sections or parts of sections would have been enacted by the council without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause or word being incorporated into this Code.

(Prior Code, Â§ 1-13; Code 1999, Â§ 1-116) [CHAPTER 1-2 STANDARD RULES; NOTICES, WARRANTS, INSPECTIONS, FEES, BONDS](#) [Sec 1-201 Acts By Deputy Or Designee](#)

[Sec 1-202 Notices; Service And Proof](#)

[Sec 1-203 Inspections And Right Of Entry](#)

[Sec 1-204 Schedule Of Fees And Charges Created](#)

[Sec 1-205 Bonds, Schedule Created](#)

[Sec 1-201 Acts By Deputy Or Designee](#)

Whenever a power is granted to or a duty is imposed upon a public officer or employee, the power may be performed by an authorized deputy or designee or by any person authorized pursuant to law or ordinances, unless this Code expressly provides otherwise.

(Code 1999, Â§ 1-201) [Sec 1-202 Notices; Service And Proof](#)

1. Unless otherwise specifically provided in this Code or applicable law, whenever a notice is required to be given pursuant to any section of this Code, such notice shall be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last-known business or residence address as the same appears in applicable city records or other records pertaining to the matter for which such notice is served, or by any other method of delivery approved by law. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.
2. Unless otherwise specifically provided, proof of giving any notice may be made by the certificate of any officer or employee of the city or by affidavit of any person over the age of 18 years who actually accomplished personal service in conformity with this Code or other provisions of law applicable to the subject matter concerned, or by a return receipt signed by the recipient notified by United States mail.

(Code 1999, Â§ 1-202) [Sec 1-203 Inspections And Right Of Entry](#)

1. To enforce the provisions of this Code, the city manager or his designee or any other person designated by this Code or otherwise shall have a right of entry on premises for inspection purposes in the manner and to the extent as may be authorized by applicable law. This right of entry shall be a condition of any permit, license, grant or any utility service with or provided by the city. For the purpose of this section, inspection includes records and papers on the premises or of the permittee, licensee, grantee or customer relating to the permit, license, grant or service.
2. Emergency inspections may be authorized if the city manager or his designated representative has reason to believe that a condition exists which poses an immediate threat to life, health or safety. Such procedure shall take place in accordance with applicable law.
3. Where the city manager or other designated representative is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this section.

(Code 1999, Â§ 1-203) [Sec 1-204 Schedule Of Fees And Charges Created](#)

1. There is hereby created a schedule of fees and charges, which shall contain those fees and charges for the various licenses, permits and other fees and charges as designated by the council. Where a fee or charge is authorized to be collected by the city in any ordinance, the amount of the fee or charge shall be set by resolution or motion and entered into the schedule of fees and charges. The schedule shall be kept on file in the office of the clerk, to whom all fees and charges shall be paid unless otherwise provided. A copy may be obtained upon payment of a fee as set forth in the schedule of fees and charges.
2. The schedule of fees and charges hereby created shall also be known and may be cited as the fee schedule.

(Code 1999, Â§ 1-205) [Sec 1-205 Bonds, Schedule Created](#)

There is hereby created a schedule of surety and other bonds required by this Code which shall contain the amounts of those bonds as designated by the council by resolution or motion. The schedule shall be kept on file in the office of the clerk and may be known and cited as the bond schedule.

(Code 1999, Â§ 1-206) **CHAPTER 1-3 CORPORATE AND WARD LIMITS** **Sec 1-301 Map Of The City**
Sec 1-302 Ward Boundaries
Sec 1-301 Map Of The City

The map of the city showing its territorial limits, as maintained in the office of the city clerk, is hereby designated as the official map of the city, and the corporate limits as shown thereon, and as amended, are declared to be the true and correct corporate limits of the city, including all annexations made to the city through and including the date of September 30, 1990.

(Prior Code, Â§ 1-14; Code 1999, Â§ 1-301) **Sec 1-302 Ward Boundaries**

1. The three wards of the city shall consist of the following area, as amended from time to time:
 1. Ward One consists of all that land or area lying within the limits of the city, and within the following described boundaries: the southwest quarter of Section 28, the south half of Section 29, all of Sections 19 and 30, the north half and the west half of the southeast quarter of Section 31 , the north half, the southeast quarter, and the southeast quarter of the southwest quarter of Section 32 , and the northwest quarter of Section 33, all in Township 10 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma; and all of Section 13, all of Section 14 lying south of Main Street and East of Broadway Street, all of Section 23 lying east of Broadway Avenue, all of Sections 24 and 25, and 36, all in Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma.
 2. Ward Two consists of all that land or area lying within the limits of the city, and within the following described boundaries: the west half of the southeast quarter of Section 7, the southeast quarter of the southeast quarter of Section 7, and all of Section 18, all in Township 10 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma; and the south half of Sections 1, 2 and 3, the southeast quarter of Section 9, all of Sections 10, 11, and 12, the northeast quarter of Section 16, that portion of Section 14 lying north of Main Street and east of Interstate35 Street, all in Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma.
 3. Ward Three consists of all that land or area lying within the limits of the city, and within the following described boundaries: all of Section 14 lying south of Main Street and west of Broadway Avenue, , all of Sections 15 and 22, all of Section 23 lying west of Broadway Avenue, all of Sections 26 and 27, the east half of Section 28, the north half of Section 34, and all of Section 35 lying west of Interstate 35, all in Township 10 North, Range 3 West, of the Indian Meridian, Cleveland County, Oklahoma.
2. References to streets, avenues, highways, roads and rights-of-way in subsection (A) of this section shall mean the centerlines thereof; and reference to the boundary of the city limits shall mean the boundary or limits of the city as it now exists or as it may hereafter exist.

(Prior Code, Â§Â§ 2-258, 2-259; Code 1999, Â§ 1-302; Ord. No. 13(92), 1-21-1992; Ord. No. 347(02), 1-7-2002; Ord. No. 708(11), 11-21-2011)

State Law reference— Wards 11 O.S. Â§ 20-101 et seq. **HISTORY**

Amended by Ord. 1000.22 on 3/7/2022

PART 2 ADMINISTRATION AND GOVERNMENT **CHAPTER 2-1 GOVERNMENT ORGANIZATION**

CHAPTER 2-2 RETIREMENT AND PENSIONS

CHAPTER 2-3 CITY RECORDS AND PROPERTY

CHAPTER 2-4 CITY BOARDS AND COMMISSIONS

CHAPTER 2-1 GOVERNMENT ORGANIZATION Sec 2-101 Form Of Government

Sec 2-102 Meetings Of The Council

Sec 2-103 Citizen Participation In Council And Public Works Meetings

Sec 2-104 Mayor's Powers And Duties, Vice-Mayor

Sec 2-105 City Manager Appointment By Council; Powers And Duties

Sec 2-106 City Clerk Appointment; Duties

Sec 2-107 City Treasurer Appointment; Duties

Sec 2-108 City Attorney

Sec 2-109 Administrative Departments, Officers, And Agencies

Sec 2-110 Bonds For City Officers And Employees

Sec 2-111 Removal Of Officers And Employees

Sec 2-112 Compensation Of Officers And Employees

Sec 2-113 Books Delivered To Successor

Sec 2-114 Conduct Of Hearings For City Manager Termination

Sec 2-115 Risk Management Program

Sec 2-116 Personnel Regulations

Sec 2-101 Form Of Government

The city is governed under the council-manager form of government. All powers of the city shall be exercised in the manner prescribed by the city Charter, by this Code, by state statute and in such manner prescribed by ordinances adopted by the city council, only if not in conflict with the city Charter.

(Code 1999, Â§ 2-101) [Sec 2-102 Meetings Of The Council](#)

1. Regular meetings of the city council shall be held at 6:30 p.m. on the first and third Monday of each month unless the Monday is a holiday or a day formally recognized as a holiday by the city council. Meetings that fall on a Monday which are a formal holiday shall be held on the next business day thereafter, at the same times and specified location.
 1. No regular meeting of the city council shall continue past 10:00 p.m. unless extended by a majority vote of the city council pursuant to the guidelines set forth below. Under no circumstances shall a regular meeting of the city council extend past 12:00 midnight.
 2. Regular scheduled meetings of the city council may be continued past 10:00 p.m. by majority vote of the city council under the following provisions:
 1. To ensure that the city meets its financial obligations council may extend a meeting to consider items on the "claims list" and consent docket;
 2. A regularly scheduled meeting may be extended past 10:00 p.m. to allow the city council to consider any agenda item which is of critical importance to the operation of municipal government or is an item which significantly affects the health, safety, and welfare of the community. To enable the city council to efficiently and properly conclude its business after 10:00 p.m. the council should consider only those items which are necessary, or those items sponsored or requested by private individuals;
 3. Regular meetings of the city council which extend beyond the 10:00 p.m. curfew may be recessed and reconvened to a date and time certain. The recessed meeting should be reconvened within seven days following the suspended meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the reconvened meeting;

4. Nothing in this policy shall prevent council from exercising other aspects of Robert's Rules of Order or any council policies or procedures that may hereinafter be enacted in conducting its business. (For example, council may vote to table any number of agenda items to the following regularly scheduled meeting instead of having to hold a reconvened or recessed meeting.)
2. The mayor with the assistance of the city manager and city staff shall, no later than five days prior to each regular council meeting of the city council, prepare and deliver to each councilmember's home address, an agenda comprised of matters to be presented to, considered by, discussed or resolved at or acted upon by the council at its next regular meeting, and shall include thereon all matters of city business to come before the council. No matter shall be presented to or discussed at any meeting of the council except matters so placed on the agenda and matters so necessarily concerned or directly connected therewith. Provided, an entirely new matter may be so presented, discussed and acted upon in accordance with the provisions of the Oklahoma Open Meeting Act (25 O.S. Â§ 301 et seq.). No claim shall be acted upon or allowed by the council unless it has been listed within the agenda delivered to the council as prescribed herein. Payment of emergency claims, not included in the agenda, may be submitted and paid upon six affirmative votes or a three-quarter majority of the councilmembers present.
3. The council may meet in executive or closed session as authorized by the Oklahoma Open Meeting Act (25 O.S. Â§ 301 et seq.).

(Prior Code, Â§Â§ 2-16—2-19; Code 1999, Â§ 2-102; Ord. No. 56(93), 7-6-1993; Ord. No. 94(94), 9-19-1994; Ord. No. 107(94), 12-19-1994; Ord. No. 126(95), 6-5-1995; Ord. No. 132(95), 10-2-1995) [Sec 2-103 Citizen Participation In Council And Public Works Meetings](#)

1. It is the policy of the city that participation of residents of the city and other interested persons be encouraged in the meetings of the city council. The rights of freedom of speech and to petition the city's governing bodies for redress of grievances shall not be abridged, and no regulation of time, place or manner of such participation shall be construed to regulate speech on the basis of content.
2. There shall be no restriction on the rights of residents of the city to verbally address the city council, nor upon the legal representatives of such residents, except as follows:
 1. Any resident or legal representative may speak on any agenda item or upon any proper item of discussion permitted by the Oklahoma Open Meeting Act for five minutes only. The city council may call for the pending question with a two-thirds majority of all members present and voting. The city council may vote by a simple majority of all members present and voting to end an item set for discussion only, in the event that the city council determines that any further discussion would be cumulative;
 2. Nonresidents of the city and their legal representatives may speak for five minutes only on any agenda item or upon any proper item of discussion in which they are directly interested, or upon which proposed action or discussion they would or may experience a legally recognized harm, subject to the limitations on debate/discussion set forth in subsection (B)(1) of this section;
 3. Time spent by councilmen who verbally respond to resident or nonresident participants under this section shall not count against the five-minute time limit;
 4. During new matters, emergency matters and discussion only items, the five-minute time shall apply regardless of the number of issues the speaker wishes to address. Speaking time may not be loaned or shared;

5. The city council, by a majority vote, may permit additional discussion by technical experts, consultants and professionals who are in favor of or opposed to any proposed action by the city council upon terms that are neutral and which are in furtherance of open debate;
 6. Those who wish to be heard at city council meetings shall fill out a "Request to be Heard" form for each agenda item to be discussed or commented upon. The form is to be adopted by order of the city manager or by resolution, giving name, address and the agenda item the person wishes to comment on. Completed forms will be given to the city clerk or the assistant or deputy thereof, prior to the beginning of each meeting. Blank forms, sufficient in number, shall be available inside the city council chambers prior to each meeting;
 7. Any person shall be permitted to submit written materials or documents to the city council;
 8. This subsection (B) shall not apply to those officers, agents, servants or employees of the city or the public works authority who have been requested by the city manager, mayor or city council to speak on a specific agenda item.
3. No person, whether a city resident, nonresident, a legal representative or otherwise, may, alone or in concert with others, willfully disturb, disrupt or interfere with any meeting of the city council or the public works authority by:
 1. Engaging in violent, tumultuous or threatening behavior;
 2. Using abusive or obscene language or making an obscene gesture;
 3. Failure to yield the floor or podium when the speaker is requested to do so by the presiding officer of the meeting pursuant to a lawful order, such as in cases when the speaker's time is expired, or the question successfully called for the requisite number of councilmen; or
 4. Failure to state, when requested by the presiding officer of the meeting, the speaker's own name and address for the record of the meeting.
 4. A digest stating in laymen's terms the requirements for participation in city council meetings shall be available to the public prior to each city council meeting.
 5. Violation of this section shall be an offense, punishable as provided in section 1-108.
 6. The provisions of this section shall be enforced by the senior city law enforcement officer present at the meeting, including the public works authority, with or without the direction of the presiding officer.

(Code 1999, Â§ 2-103; Ord. No. 450, 6-20-1988; Ord. No. 55(93), 6-21-1993) [Sec 2-104 Mayor's Powers And Duties, Vice-Mayor](#)

The mayor and vice-mayor shall have all the powers and duties prescribed by the Charter, and state law, and as may be prescribed by ordinance only if not in conflict with the Charter.

(Prior Code, Â§Â§ 2-51, 2-53, in part; Code 1999, Â§ 2-104) [Sec 2-105 City Manager Appointment By Council; Powers And Duties](#)

The city manager shall be appointed by the city council and shall be the administrative officer and head the administrative branch of the city government and shall exercise the powers and duties granted him by the city Charter.

(Code 1999, Â§ 2-105) [Sec 2-106 City Clerk Appointment; Duties](#)

1. The city clerk shall have the custody of the records, books and papers of the city and shall perform all other duties pertaining to the office as required by law.

2. The clerk shall keep and preserve in his office the corporate seal of the city, all records and public papers and documents of the city, not belonging to any other officer. He shall perform such other duties as may be imposed upon him by ordinance or law.
3. The city manager, or the city clerk when empowered by the city manager, may designate some person as deputy clerk of the city and shall prescribe the duties of such deputy clerk from time to time. The deputy clerk shall perform all of the duties of the city clerk upon the death, disability or resignation or illness of the clerk. Such deputy clerk shall perform the duties only until the selection of a successor to the clerk, or until return or recovery of the clerk. The deputy clerk shall render such aid and assistance and perform such duties in the conduct of the clerk's office as may be required by the clerk. The deputy clerk shall take and subscribe to the oath and in all respects qualify for such office in the same manner as the city clerk.

(Prior Code, Â§Â§ 2-81, 2-82, 2-85; Code 1999, Â§ 2-106) [Sec 2-107 City Treasurer Appointment; Duties](#)

1. The city treasurer shall receive all monies due the city from any and all sources, except as are received by other officers and by them paid to the city treasurer, and pay out the same on order of the city council, drawn, signed and attested in accordance with law.
2. The treasurer shall keep his records in accordance with an accounting system acceptable for governmental accounting and financial recordkeeping.
3. The treasurer shall deposit daily all funds coming into his hands for the city in such depositories as the council may designate; and shall disburse such funds in the manner provided by applicable laws or ordinances. He shall have such other powers, duties and functions as may be prescribed by the Charter, by applicable law or by ordinance.

(Prior Code, Â§Â§ 2-106—2-108, in part; Code 1999, Â§ 2-107) [Sec 2-108 City Attorney](#)

1. The office of city attorney is created. The attorney shall be a person licensed to practice law in the state, appointed by the city manager.
2. The city attorney shall advise the council and all city officers in the performance of their duties. He is authorized to appear, prosecute and defend all actions where the city is a part. He shall perform such other professional services as may be required of him by the city manager or council, for such compensation as shall be fixed by the city manager.
3. The city attorney shall be entitled to engage in the private practice of law to the extent that the same does not interfere with or conflict with his duties as city attorney. The attorney may be retained on a part-time or consulting basis as the city manager determines.

(Prior Code, Â§Â§ 2-71—2-73; Code 1999, Â§ 2-108) [Sec 2-109 Administrative Departments, Officers, And Agencies](#)

There shall be such administrative departments, officers, and agencies as the council may establish.

(Code 1999, Â§ 2-109) [Sec 2-110 Bonds For City Officers And Employees](#)

The city manager, the clerk, the treasurer, the alternate treasurer and such officers and employees as are designated by the city council shall, before entering upon the discharge of their duties, execute and file with the city clerk surety bonds issued by a surety company authorized to operate in the state conditioned upon the faithful performance of their duties. The city shall pay the premium on such bonds.

(Prior Code, Â§Â§ 2-36, 18-18; Code 1999, Â§ 2-110) [Sec 2-111 Removal Of Officers And Employees](#)

Except in the case of the municipal judge, the power to lay off, suspend, demote and remove accompanies the power to appoint or elect. The city manager, the council or other appointing or electing authority at any time may lay off, suspend, demote or remove any officer or employee to whom he, the council or the other appointing or electing authority respectively may appoint or elect a successor.

(Prior Code, Â§ 2-37; Code 1999, Â§ 2-111) [Sec 2-112 Compensation Of Officers And Employees](#)

Compensation of officers and permanent employees of the city shall be paid on the basis of annual salaries, on a schedule as specified by the city council. The compensation of the city manager shall be established by the city council.

(Prior Code, Â§ 2-38; Code 1999, Â§ 2-112) [Sec 2-113 Books Delivered To Successor](#)

All books, vouchers, monies or other property belonging to the corporation in charge or possession of any officer of the same shall be delivered to his successor when qualified.

(Prior Code, Â§ 2-39; Code 1999, Â§ 2-113) [Sec 2-114 Conduct Of Hearings For City Manager Termination](#)

1. This section applies to the procedures to be followed at the public hearing afforded by section 3-1 of the city Charter.
2. The municipal judge shall appear at the public hearing and preside at the hearing. He shall make all rulings regarding the admission of evidence and on procedures and other rulings which he may deem reasonable and necessary to conduct a fair public hearing. He shall see that the city manager and the city council are afforded procedural due process and to do all things necessary to conduct the public hearing in a proper and orderly fashion.
3. The municipal judge is hereby directed to employ an official court reporter to appear at the public hearing and to administer the oath to witnesses, take custody of exhibits and to report the entire public hearing and to do all things necessary to preserve the entire public hearing record.
4. The city attorney or some other attorney that may be selected by a majority of the city councilmen shall appear at the public hearing to present evidence to support the reason as given for the termination of the city manager at the public hearing.
5. The city clerk shall issue all subpoenas for the compulsory attendance of witnesses and the production of exhibits required by the city manager or the attorney selected by the city council to present evidence of the reasons to terminate the city manager. The city clerk shall also appear and keep minutes of the public hearing.
6. The chief of police of the city or a police officer of the department chosen by the city manager or chosen by the attorney for either side and at least two members of the city council shall, only after the receipt of a request for a public hearing from the city manager, investigate any and all matters or information that may be requested. The requested information must clearly be relevant evidence and must relate to a reason for termination. Any information secured during the investigation shall not be released except at the public hearing, but shall be released only to the party requesting the investigation.
7. The public hearing shall commence and be held at all times in the city council chambers of the city or at such other place as may be determined by the council, but may only be held within the corporate limits of the city.
8. The evidence to support the reasons to terminate the city manager shall first be introduced. The city manager may then present his evidence. Each attorney may cross examine the other witnesses and both sides shall have the right of rebuttal. Any members of the city

council may examine any offered exhibit or any witness at any time and may present any relevant evidence that he may have.

9. The city manager shall file his request for a public hearing with the city clerk and forward a copy thereof, along with the reasons for termination, to the city attorney and mayor. After receiving the request for public hearing, the mayor shall cause the public hearing to commence within 20 days after receipt of the request for public hearing. The public hearing shall conclude within 30 days after the date of commencement, unless extended by agreement of the parties. At the public hearing, the rules of evidence used in administrative hearings shall be used and adhered to and all procedures shall afford both the council and the city manager a fair hearing and proper procedural due process.
10. City employees shall receive additional compensation for any overtime or for extra duties not regularly performed as may be required at or in preparation of the public hearing herein.
11. At the conclusion of the public hearing, the council shall decide and determine if the city manager shall be retained, terminated or suspended. No finding of facts, conclusions of law or any written reports, orders or decision shall be filed.

(Code 1999, Â§ 2-114; Ord. No. 409, 7-21-1986) [Sec 2-115 Risk Management Program](#)

1. There is hereby established a risk management and risk reduction program to be implemented by the city risk management board ("board"), which board is established for this purpose by the public works authority. It is the policy of the city to provide for comprehensive risk management and risk reduction through a self-insurance plan administered by the board on behalf of the public works authority. The city council explicitly delegates to the board the obligation to defend city employees pursuant to the Governmental Tort Claims Act (51 O.S. Â§ 151 et seq.).
2. All officers and employees of the city are hereby authorized to accept appointments to, and to cooperate with, the board. Such participation or cooperation shall be as provided for in the rules, regulations or bylaws pertaining to the board insofar as such participation or cooperation is not inconsistent with obligations arising under this Code or city Charter.
3. In addition to the delegation of certain duties of the city arising under the Governmental Tort Claims Act (51 O.S. Â§ 151 et seq.), the officers and employees of the city may be provided, and may participate in, such other self-insurance programs which may be established from time to time by the board, including, but not limited to, medical, dental, vision, property, workers' compensation, retirement, or disability coverages. The city and the board may pay all or a portion of the costs for the risk management and risk reduction program in accordance with the applicable provisions of this Code as well as state and federal law. In accordance with the requirements of the risk management and risk reduction program the city, the public works authority or the board may pay a portion or all of the costs of the risk management and risk reduction program from any fund, and may deduct from the wages or salary of any such officer or employee upon written authority signed by such officer or employee for the payment of costs required under the program.
4. To the extent that the board enacts and implements programs, rules, regulations or bylaws which are inconsistent with the personnel rules of the city with respect to workers' compensation, safety administration or accident review, such duties and responsibilities shall be deemed to be delegated to the board directly in connection with the board's responsibility for the administration of such coverages and risk management concerns. Any personnel rule inconsistent with a rule, regulation or bylaw of the board shall be deemed to be amended to delete inconsistent provisions as of the effective date of the action of the board.

(Code 1999, Â§ 2-115; Ord. No. 466, 10-3-1988) [Sec 2-116 Personnel Regulations](#)

The city council may adopt personnel rules and regulations and position classification and pay plan and amend them from time to time. A copy of the current city personnel rules and regulations and classification and pay plan are on file in the office of the city clerk.

(Code 1999, Â§ 2-116) **CHAPTER 2-2 RETIREMENT AND PENSIONS ARTICLE 2-2A SOCIAL SECURITY**

ARTICLE 2-2B FIREFIGHTERS PENSION AND RETIREMENT SYSTEM

ARTICLE 2-2C POLICE PENSION AND RETIREMENT SYSTEM

ARTICLE 2-2D EMPLOYEES RETIREMENT SYSTEM

ARTICLE 2-2A SOCIAL SECURITY Sec 2-201 City Officers And Employees Under Federal Social Security

Sec 2-201 City Officers And Employees Under Federal Social Security

1. It is hereby declared to be the policy of the city to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this section, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old-age and survivors insurance as authorized by the federal Social Security Act, and amendments thereto. In pursuance of this policy, the city shall take such action as may be required by applicable state or federal laws or regulations.
2. The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state department of human services as agent or agency, to secure coverage of employees and officials as provided in subsection (A) of this section.
3. Withholdings from salaries or wages of employees and officials for the purpose provided in subsection (A) of this section are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations.
4. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state or federal agency designated by said laws or regulations.
5. The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.
6. There is hereby excluded from this section 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.
7. There is hereby excluded from this section any authority to make an agreement with respect to any position or any employee or official, compensation for which is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

(Prior Code, Â§Â§ 2-176—2-181; Code 1999, Â§ 2-201)

State Law reference— Social security for public officers and employees, 51 O.S. Â§ 121 et seq.

ARTICLE 2-2B FIREFIGHTERS PENSION AND RETIREMENT SYSTEM Sec 2-211 System Created

Sec 2-212 System To Be Operated In Accordance With Law

Sec 2-211 System Created

There is hereby created, for the purpose of providing pension retirement allowance and other benefits for firefighters of the city, a firefighters pension and retirement system. It is declared to be the official policy of the city to participate in the pension system as provided by state law.

(Prior Code, Â§ 9-36; Code 1999, Â§ 2-211)

State Law reference— Firefighter's pension system, 11 O.S. Â§ 49-101 et seq. [Sec 2-212 System To Be Operated In Accordance With Law](#)

1. The firefighters pension and retirement system as established by 11 O.S. Â§ 49-100.1 et seq., is hereby adopted by reference.
2. The local board of trustees of the firefighters pension and retirement system, servicing the firefighters of the city, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby.

(Prior Code, Â§ 9-36, in part; Code 1999, Â§ 2-212) [ARTICLE 2-2C POLICE PENSION AND RETIREMENT SYSTEM](#) [Sec 2-221 System Created](#)
[Sec 2-222 System To Be Operated In Accordance With Law](#)
[Sec 2-221 System Created](#)

There is hereby created, for the purpose of providing pension retirement allowance and other benefits for police officers of the city, a police pension and retirement system. It is declared to be the official policy of the city to participate in the pension system as provided by state law.

(Prior Code, Â§Â§ 18-26—18-33, in part; Code 1999, Â§ 2-221)

State Law reference— Police pension system, 11 O.S. Â§ 50-100.1 et seq. [Sec 2-222 System To Be Operated In Accordance With Law](#)

1. The police pension and retirement system as established by 11 O.S. Â§ 50-100.1 et seq., is hereby adopted by reference.
2. The local board of trustees of the police pension and retirement system, servicing the police officers of the city, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby.

(Prior Code, Â§Â§ 18-26—18-37; Code 1999, Â§ 2-222) [ARTICLE 2-2D EMPLOYEES RETIREMENT SYSTEM](#) [Sec 2-231 Definitions](#)
[Sec 2-232 Established; Effective Date](#)
[Sec 2-233 Execution And Ratification Of System Instrument](#)
[Sec 2-234 Board Of Trustees](#)
[Sec 2-231 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:

System means the employees retirement system established by this article.

System instrument means Exhibit A, as attached to the ordinances adopting and amending and referred to in this article.

(Code 1999, Â§ 2-231) [Sec 2-232 Established; Effective Date](#)

For the purpose of encouraging continuity and meritorious service on the part of city employees and thereby promoting public efficiency, there is hereby authorized, created, established, approved and adopted, effective upon the date established by the city council, the funded pension plan designated "Municipal Employees Retirement System of the City of Moore, Oklahoma," and all amendments thereto, an executed counterpart of which is marked "Exhibit A" and attached to and made a part of the ordinances adopting the system, and all amendatory ordinances, on file in the office of the city clerk.

(Code 1999, Â§ 2-232) [Sec 2-233 Execution And Ratification Of System Instrument](#)

The mayor and city clerk are hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the system instrument, and to do all other acts and things necessary, advisable and proper to put the system and related trust into full force and effect, and to make

such changes therein as may be necessary to qualify the same under sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached to the ordinances adopting the system as Exhibit A, and duly executed as aforesaid simultaneously with the passage of the ordinances, is hereby ratified and confirmed in all respects.

(Code 1999, Â§ 2-233)

State Law reference— Municipal employee retirement system, 11 O.S. Â§ 48-101 et seq. [Sec 2-234 Board Of Trustees](#)

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

(Code 1999, Â§ 2-234) [CHAPTER 2-3 CITY RECORDS AND PROPERTY ARTICLE 2-3A ACCESS TO CITY RECORDS](#)

[ARTICLE 2-3B USE OF CITY PROPERTY](#)

[ARTICLE 2-3A ACCESS TO CITY RECORDS Sec 2-301 Appointment Of Official Custodians](#)

[Sec 2-302 Designation Of Additional Record Custodians](#)

[Sec 2-303 Duties Of Custodians](#)

[Sec 2-304 Requests To Be Directed To Custodians](#)

[Sec 2-305 Procedures Regarding Both Inspection And Copying Of Open Public Records](#)

[Sec 2-306 Procedures Regarding Inspection Of Open Public Records](#)

[Sec 2-307 Procedures Regarding Copies Of Open Public Records](#)

[Sec 2-308 No Fee For Inspection](#)

[Sec 2-309 Copying Fee](#)

[Sec 2-310 Fee For Mechanical Reproduction](#)

[Sec 2-311 Search Fee](#)

[Sec 2-312 Prepayment Of Fees](#)

[Sec 2-301 Appointment Of Official Custodians](#)

The following city official is hereby appointed as official custodian for purposes of the Oklahoma Open Records Act and is charged with responsibility for compliance with that Act with respect to the following listed public records:

City clerk: All public records kept and maintained in the city clerk's office and all other public records not provided for elsewhere in this chapter.

(Code 1999, Â§ 2-301)

State Law reference— Open Records Act, 51 O.S. Â§ 24A.1 et seq. [Sec 2-302 Designation Of Additional Record Custodians](#)

1. Each of the official custodians appointed in section 2-301 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act (51 O.S. Â§ 24A.1 et seq.).
2. Whenever an official custodian shall appoint another person as a record custodian, he shall notify the city clerk of such designation and the city clerk shall maintain a register of all such designations.

(Code 1999, Â§ 2-302) [Sec 2-303 Duties Of Custodians](#)

All city officials and employees appointed or designated under this article shall protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the city; provide assistance and information upon request; ensure efficient and timely action and response to all applications for inspection of public records; and carry out the procedures adopted

by the city for inspecting and copying open public records.

(Code 1999, Â§ 2-303) **Sec 2-304 Requests To Be Directed To Custodians**

1. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
2. Whenever any city official or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record which record the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

(Code 1999, Â§ 2-304) **Sec 2-305 Procedures Regarding Both Inspection And Copying Of Open Public Records**

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;
2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
4. All inspections and copying of open public records shall be performed by, or under the supervision of, the record custodian responsible for such records;
5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;
6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;
7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian or city clerk;
8. The record custodian or city clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in section 2-312;
9. No record search or copying fee shall be assessed against officers or employees of the city who make requests which are reasonably necessary to the performance of their official duties;
10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;
11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and

12. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

(Code 1999, Â§ 2-305) [Sec 2-306 Procedures Regarding Inspection Of Open Public Records](#)

The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

1. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records;
2. All request forms must be completed by the party requesting the record. In all cases, the party so requesting must sign his individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;
3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and
4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the city manager.

(Code 1999, Â§ 2-306) [Sec 2-307 Procedures Regarding Copies Of Open Public Records](#)

The following procedures apply regarding copies of records:

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;
2. All request forms must be completed by the party requesting the copies. In all cases, the party so requesting must sign his individual name to the form. Written requests shall be made on the form provided by the record custodian;
3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records; and
4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

(Code 1999, Â§ 2-307) [Sec 2-308 No Fee For Inspection](#)

Where a request has been made for the inspection of an open public record, no fee shall be charged.

(Code 1999, Â§ 2-308) [Sec 2-309 Copying Fee](#)

A fee per page as set by the council by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.

(Code 1999, Â§ 2-309) [Sec 2-310 Fee For Mechanical Reproduction](#)

For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the city, including the cost of labor, materials and equipment.

(Code 1999, Â§ 2-310) [Sec 2-311 Search Fee](#)

A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the city of producing the record, including the cost of labor, materials and equipment.

(Code 1999, Â§ 2-311) [Sec 2-312 Prepayment Of Fees](#)

A record custodian may demand prepayment of a fee whenever the estimated amount exceeds \$20.00. The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

(Code 1999, Â§ 2-312) [ARTICLE 2-3B USE OF CITY PROPERTY](#) [Sec 2-321 Definitions](#)

[Sec 2-322 Unauthorized Use Of City Or Department Stationery](#)

[Sec 2-323 Unauthorized Use Of City Equipment](#)

[Sec 2-324 Theft From City By Altering Computer Data](#)

[Sec 2-325 Unauthorized Entry Into City's Computer](#)

[Sec 2-326 Unauthorized Use Of Postage Meters](#)

[Sec 2-327 Penalty](#)

[Sec 2-321 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:

Computer means any electronic device used for storing information and supplying information. Unless the context indicates a limited meaning is intended, the term "computer" shall include not only the device enclosed in a casing but also all cards, tapes, disks and other devices used to store or retrieve information, and all hardware and software. The term "computer" shall also include a computer system.

Computer program means any set of instructions intended to cause a computer to perform a particular operation or service of operations. A computer program may be in written form or electronic form.

Employee means an employee of the city or an employee of any public trust of which the city is a beneficiary.

Official means any person elected to serve on the city council, or any person appointed to serve on a board, commission or public trust wherein the city is a beneficiary.

Person means any person, firm or corporation, except that provisions of imprisonment for punishment for violation of this article shall apply to natural persons only.

Stationery means any paper, letter, form or envelope bearing writing, markings, or symbols identifying the city, the city public works authority or any department thereof as the originator.

Trust means the city public works authority or any other public trust of which the city is a beneficiary.

(Code 1999, Â§ 2-321; Ord. No. 49(93), 2-16-1993) [Sec 2-322 Unauthorized Use Of City Or Department Stationery](#)

No elected official, city employee, private citizen, corporation, employee or official of a public trust of which the city is a beneficiary shall use city, trust or department stationery for personal correspondence or private use, nor shall such stationery be used to promote any private or public purpose without the authority of the city council, public trust, or city manager acting within their official duties.

(Code 1999, Â§ 2-322; Ord. No. 49(93), 2-16-1993) [Sec 2-323 Unauthorized Use Of City Equipment](#)

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This provision shall not be deemed to prohibit an

official or employee from requesting, using or permitting the use of such publicly owned or publicly supported property, vehicle, equipment, material, labor or service which is the general practice to make available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

(Code 1999, Â§ 2-323; Ord. No. 49(93), 2-16-1993) [Sec 2-324 Theft From City By Altering Computer Data](#)

No person, official or employee shall knowingly alter any data stored or intended to be stored on any computer or stored on any card, tape, disk, or other item used with a computer, where such alteration results in any person or account receiving a credit to which the person or account is not entitled. No person, official or employee shall knowingly alter any data stored or intended to be stored on any computer or stored on any card, tape, disk or other item used with a computer, where such alteration results in a falsified reduction or increase in a debt owed by any person, firm or corporation.

(Code 1999, Â§ 2-324; Ord. No. 49(93), 2-16-1993) [Sec 2-325 Unauthorized Entry Into City's Computer](#)

No unauthorized person shall obtain access by direct access, telephone connection, or other electronic means to any computer operated by the city or public trust of which the city is a beneficiary, or on behalf of the city, or to any computer software or computer equipment operated by the city or trust or on behalf of the city. As used in this section, the term "unauthorized person" shall mean any person, whether a city or trust officer or employee or a member of the public, not assigned to do work involving such access to the computer. Any other person entitled to information that is stored in a computer may obtain such information by requesting the same, whereupon a person authorized by the city to have access to the computer shall obtain the information, and deliver the same orally or by exhibiting a visual display. Any such information shall be delivered in writing at the request of the person entitled thereto.

(Code 1999, Â§ 2-325; Ord. No. 49(93), 2-16-1993) [Sec 2-326 Unauthorized Use Of Postage Meters](#)

It is prohibited and declared to be a punishable offense for any person, without lawful authority, to use a postage meter that is owned, operated, or has been installed by the city or any public trust of which the city is a beneficiary, for his own personal use or the use of any person not entitled thereto. Each city department or trust entity which has installed a postage meter machine shall place notice in the location where the machine is located that:

1. The mail carried by such postage is the official city mail; and
2. There is a penalty of the unlawful use of such postage meter for private purposes.

(Code 1999, Â§ 2-326; Ord. No. 49(93), 2-16-1993) [Sec 2-327 Penalty](#)

Any person, official, employee, firm or corporation violating any provision in this article shall, upon conviction, be punished as provided in section 1-108. In addition to any criminal penalty imposed, any employee of the city or trust shall, upon conviction, forfeit their office or position.

(Code 1999, Â§ 2-327; Ord. No. 49(93), 2-16-1993) [CHAPTER 2-4 CITY BOARDS AND COMMISSIONS](#) [Sec 2-411 Personnel Board, Membership, Temporary Replacement](#)
[Sec 2-412 Procedure For Filling A Temporary Position](#)
[Sec 2-411 Personnel Board, Membership, Temporary Replacement](#)

The city Charter establishes the personnel board and requires three members appointed by the council for overlapping six-year terms. It is anticipated that, on occasion, an appointed member of the personnel board may need to recuse or remove himself from a particular hearing because of a conflict of interest. When such occasion arises, the council may appoint a temporary replacement to ensure that there are three non-biased members to hear all cases. The temporary replacement

shall be only for a particular case and should be a person who demonstrates the requisite impartiality toward the issue to be decided. Council may consider selecting and employing a person from a public or private agency which offers such services.

(Code 1999, Â§ 2-411; Ord. No. 15(92), 3-2-1992) [Sec 2-412 Procedure For Filling A Temporary Position](#)

Upon receipt of notice from a member of the personnel board that a conflict may exist in any pending personnel board matter, the city clerk shall promptly notify the mayor and city manager who shall, at the next immediate council meeting or at a special council meeting called for such purpose, cause an item to be placed on the meeting agenda requesting that council appoint a temporary replacement to the personnel board.

(Code 1999, Â§ 2-412; Ord. No. 15(92), 3-2-1992) [PART 3 ALCOHOLIC BEVERAGES](#)
[CHAPTER 3-1 ALCOHOLIC BEVERAGES](#)
[CHAPTER 3-2 LOW-POINT BEER](#)
[CHAPTER 3-3 PROHIBITING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES](#)

State Law reference— Alcoholic beverages and low-point beer, 37 O.S.

[CHAPTER 3-1 ALCOHOLIC BEVERAGES Sec 3-101 Definitions](#)

[Sec 3-102 Amount Of Tax](#)

[Sec 3-103 Application For Certificate Of Zoning And Code Compliance](#)

[Sec 3-104 Manufacture And Sale; State License Required](#)

[Sec 3-105 Keeping Or Maintaining Place In Violation Of Law Prohibited](#)

[Sec 3-106 Transportation Of Intoxicating Beverages In Vehicles; Exception](#)

[Sec 3-107 Sale To Minors, Incompetent Or Intoxicated Persons Prohibited; Minors On Premises](#)

[Sec 3-108 Employment Of Minors Prohibited](#)

[Sec 3-109 Minors In Possession Of Intoxicating Beverages In Public Prohibited](#)

[Sec 3-110 Misrepresentation Of Age](#)

[Sec 3-111 Sale In Containers, From Licensed Establishments](#)

[Sec 3-112 Sales On Credit](#)

[Sec 3-113 Other Prohibitions; Prizes, Happy Hours, Solicitation, Nudity](#)

[Sec 3-114 Consumption Of Intoxicating Alcoholic Beverage In Public Places](#)

[Sec 3-115 Location Of Retail Package Store And Mixed Beverage Establishments; Exceptions](#)

[Sec 3-116 Hours Of Operation](#)

[Sec 3-117 Sale Or Delivery Prohibited On Certain Days](#)

State Law reference— Oklahoma Alcoholic Beverage Control Act, 37 O.S. Â§ 501 et seq.; city powers generally as to alcoholic beverages, 37 O.S. Â§ 503.

[Sec 3-101 Definitions](#)

1. Definition of terms used in this chapter shall be in conformity with those provided in 37A O.S. Â§ 1-103.
2. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Beer and wine license means a license for the retail sale of beer containing more than 3.2 percent of alcohol by weight and wine which means and includes any beverage containing more than one-half of one percent of alcohol by volume and not more than 24 percent alcohol by volume.
Caterer license authorizes the licensee, whose business is to provide food, supplies, and services at a social gathering, to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food.
Complimentary beverage license authorizes the licensee to provide, free of charge for on

premises consumption only, no more than two alcoholic beverages containing spirits, 12 ounces of wine, or 24 ounces of beer per day to a guest or client who is 21 years of age or older. This license shall only be issued to businesses which involve retail sales or provide services to its clients including, but not limited to, furniture stores, art studios, nail salons, hair salons, cigar stores, clothing stores, bridal shops or business support services.

Mixed beverage club means any establishment in a county which has authorized the retail sale of alcoholic beverages by the individual drink to be one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage caterer or special event license; it includes any association, person, firm or corporation key club, bottle club, locker club, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home.

Mixed beverage license authorizes the licensee to purchase alcoholic beverages in retail containers from the holder of a wholesaler or Class B wholesaler licensee and to sell, offer for sale and possess mixed beverages as well as beer and/or wine for on-premises consumption only.

Special event license authorizes the licensee to sell and distribute alcoholic beverages for consumption on the premises for which the license has been issued for a period not to exceed the number of days permitted by applicable ABLE license of the licensee.

(Prior Code, Â§ 3-2; Code 1999, Â§ 3-101) HISTORY

Amended by Ord. 844(17) on 1/17/2017

Amended by Ord. 903(19) on 4/15/2019

Amended by Ord. 915(19) on 6/3/2019

Sec 3-102 Amount Of Tax

1. There is hereby levied and assessed an annual occupation tax on every business or occupation relating to alcoholic beverages as specifically enumerated herein and pursuant to the provisions of 37 O.S. Â§ 554.1 in the amount as set by the city council by motion or resolution.
2. The occupation tax for a brewer and a Class B wholesaler shall be reduced by 75 percent if the brewer or Class B wholesaler is also the holder of a license from the state to manufacture or wholesale any low-point beer as provided in 37 O.S. Â§ 518.
3. The occupation tax levied herein shall be paid in advance to the city clerk who shall issue a receipt therefor.
4. The occupation tax levied herein shall expire on June 30 annually. The amount of any occupation tax levied shall be computed pro rata upon the months remaining in the year ending June 30 following. Such taxes paid on or before the 15th day of any month shall be on the basis of the first day of the month, and such taxes paid after the 15th day of the month shall be on the basis of the first day of the next succeeding month.
5. Any state licensee carrying on his occupation in more than one location in the corporate limits of the city shall be subject to the tax hereinabove specified for each location.
6. The occupation taxes prescribed herein shall be reduced to the extent necessary to conform to applicable state law reducing the state license fee to such person, but only to such extent as may be required to conform to applicable state law, it being the intention that this chapter shall levy the maximum tax allowable for the occupations on which there is hereby levied an occupation tax.
7. Upon payment of the occupation tax, the city clerk shall issue a receipt, signed by the city clerk, to the state licensee paying such occupational tax. The city clerk shall also record the

name of the licensee and the address where the licensee engages in his occupation. Such record shall be duly filed and kept in the permanent files of the city for at least five years. Thereafter, upon resolution by the council, it may be destroyed.

8. Any state licensee shall post his tax receipt in a conspicuous place on the premises wherein he carries on his occupation.
9. The occupation tax shall cover only the person paying the tax and no other or a successor thereof, and shall not be refundable.
10. The city clerk shall make and transmit to the alcoholic beverage laws enforcement ("ABLE") commission an annual report showing the number and class of licenses subject to the tax and the amount of money received therefrom.
11. All sums due from any person by reason of occupation taxes imposed by this chapter and all penalties accruing from such person by reason of failure to pay such tax shall be recoverable at the suit of the city, brought against such person in any court of competent jurisdiction. In any suit, in addition to the tax and penalties, the plaintiff shall recover interest, at the rate of ten percent per annum, upon all sums due by way of tax and penalty from the date of accrual thereof, and all costs of collection, judicial or otherwise, including reasonable attorney's fees, all to be determined by the court. Prosecution for an offense against the city, arising out of the failure to pay a tax levied by this chapter, regardless of the outcome thereof or its continued pendency, shall not constitute a defense or bar in any manner to the collection of the tax and penalties, if any are due, as herein provided.

(Prior Code, Â§Â§ 3-38, 3-39, 3-41, 3-45; Code 1999, Â§ 3-102)

State Law reference— State license fee amounts, 37 O.S. Â§ 518. [Sec 3-103 Application For Certificate Of Zoning And Code Compliance](#)

1. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the city required by 37 O.S. shall apply at the office of the city clerk by:
 1. Filing a written application on forms prescribed by that office; and
 2. Paying a verification and certification fee in the amount as set by the council at the time of filing.
2. Upon receipt of an application for a certificate 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 and any health, fire, building or other safety codes applicable to it.
3. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued by the ABLE commission.
4. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety and health codes, a certificate of compliance shall be issued by the ABLE commission.
5. The above certificates of compliance shall be signed by the mayor or by the city clerk or deputy city clerk.

(Prior Code, Â§Â§ 3-42, 3-43; Code 1999, Â§ 3-103) [Sec 3-104 Manufacture And Sale; State License Required](#)

No person shall produce, manufacture or sell any alcoholic beverages, or rectify any beverage, without having in his possession a valid license issued by the ABLE commission.

(Prior Code, Â§ 3-3; Code 1999, Â§ 3-104) [Sec 3-105 Keeping Or Maintaining Place In Violation Of Law Prohibited](#)

No person shall keep or maintain, or aid, assist or abet in keeping or maintaining, a place where alcoholic beverages are possessed, manufactured, sold, bartered or given away in violation of any of the provisions of this chapter or any public place where persons are permitted to resort for the purpose of drinking alcoholic beverages.

(Prior Code, Â§ 3-6; Code 1999, Â§ 3-105) **Sec 3-106 Transportation Of Intoxicating Beverages In Vehicles; Exception**

1. No person shall knowingly transport alcoholic beverages in any vehicle upon any public highway, street or alley unless in the original container which is unopened, the seal unbroken and the original cap in place.
2. Subsection (A) of this section shall not apply if the opened container is in the rear trunk or compartment or the spare tire compartment in a vehicle commonly known as a station wagon or panel truck, or in any outside compartment which is inaccessible to the driver or any passenger while the vehicle is in motion.

(Prior Code, Â§ 3-17; Code 1999, Â§ 3-106)

State Law reference— Similar provisions, 37 O.S. Â§ 537. **Sec 3-107 Sale To Minors, Incompetent Or Intoxicated Persons Prohibited; Minors On Premises**

1. No person shall:
 1. Knowingly sell, furnish or give any alcoholic beverage to any person who is under the age of 21 years, or sell, furnish or give any alcoholic beverages to any person who is insane, mentally deficient or intoxicated;
 2. If he is under the age of 21 years, enter, be or remain on the premises of a retail package store, or allow such a person to be, enter or remain in the store. â
2.
 1. If the premises of a licensee of the alcoholic beverage laws enforcement (ABLE) commission contains a separate or enclosed lounge or bar area, which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption, notwithstanding that as an incidental service, meals or short order foods are made available therein, no person under 21 years of age shall be admitted to such area, except for members of a musical band employed or hired as provided section 3-108 when the band is to perform within such area, or persons under 21 years of age who are on the licensed premises for the limited purpose of performing maintenance, construction, remodeling, painting or other similar services relating to the building or equipment installation, repair or maintenance on the premises during those hours when the licensed establishment is closed for business. The provisions of this section shall not prohibit persons under 21 years of age from being admitted to an area which has as its main purpose some objective other than the sale or mixing or serving of said beverages, in which sales or serving of said beverages are incidental to the main purpose, as long as the persons under 21 years of age are not sold or served alcoholic beverages. The incidental service of food in the bar area shall not exempt a licensee from the provisions of this section. The ABLE commission shall have the authority to designate the portions of the premises of a licensee where persons under 21 years of age shall not be admitted pursuant to this section. When determining a licensee's main purpose, low-point beer sales shall be counted separately, and it shall not be considered a food or an alcoholic beverage.
 2. A new licensee that claims as its main purpose some objective other than the sale of alcoholic beverages may be granted a separate or enclosed lounge or bar area for a period of 90 days. At the end of that 90-day period, the licensee shall have the burden of showing that the business continues to qualify for a separate or enclosed bar area. If the licensee fails to satisfy this burden, then that licensee's main purpose shall automatically convert to the sale of

alcoholic beverages.

3. Except as otherwise provided, an admission charge shall not be considered in any calculation designed to determine the main purpose of an establishment pursuant to subsection (B) of this section. As used in this section, the term "admission charge" means any form of consideration received by an establishment from a person in order for that person to gain entrance into the establishment.
4. The provisions of subsection (C) of this section shall not apply:
 1. If only persons 18 years of age or older are permitted to enter the licensed premises; provided, however, if the licensee is claiming an exception from the requirements of subsection (C) of this section pursuant to this subsection and fails to restrict the entry by persons under age 18 into the licensed premises, the ABLE commission shall designate that only persons 21 years of age or older are allowed on the licensed premises;
 2. If the licensed premises are owned or operated by a service organization or fraternal establishment which is exempt under section 501(c)(19), (8), or (10) of the Internal Revenue Code; or
 3. To a public event held in a facility owned or operated by any agency, political subdivision or public trust of the state.

(Code 1999, Â§ 3-107)

State Law reference— Similar provisions, 37 O.S. Â§Â§ 537(A)1, (A)2, 598. [Sec 3-108 Employment Of Minors Prohibited](#)

No licensee of the ABLE commission shall employ any person under the age of 21 in the selling or handling of alcoholic beverages, provided that a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ servers who are at least 18 years of age, except persons under 21 years of age may not serve in designated bar or lounge areas, and a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under 21 years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any ABLE commission officer or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.

(Prior Code, Â§ 3-18; Code 1999, Â§ 3-108)

State Law reference— Similar provisions, 37 O.S. Â§ 537(B)(2). [Sec 3-109 Minors In Possession Of Intoxicating Beverages In Public Prohibited](#)

No person under 21 years of age shall be in possession of any alcoholic beverage while such person is upon any public street, road, highway or in any public place.

(Prior Code, Â§ 3-4; Code 1999, Â§ 3-109) [Sec 3-110 Misrepresentation Of Age](#)

No person shall misrepresent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him alcoholic beverages.

(Prior Code, Â§ 3-14; Code 1999, Â§ 3-110) [Sec 3-111 Sale In Containers, From Licensed Establishments](#)

1. No person shall sell or deliver alcoholic beverages at a retail alcoholic beverage store other than:
 1. In retail containers;
 2. At ordinary room temperatures;

3. In the original package; and
4. For consumption off the premises.
No person shall open or consume, or permit another person to open or consume, a retail container of alcoholic beverage on the premises of a retail package store. Except as otherwise permitted in this chapter, no person shall drink any alcoholic beverage in public except on the premises of a licensee who is authorized to sell or serve alcoholic beverages by the individual drink.
2. No person shall purchase any alcoholic beverage at retail or wholesale from any person other than a dealer licensed by the ABLE commission.

(Prior Code, Â§Â§ 3-9, 3-10; Code 1999, Â§ 3-111) [Sec 3-112 Sales On Credit](#)

Except as may be authorized by state law, no person shall sell any alcoholic beverage on credit at any retail package store.

(Prior Code, Â§ 3-20; Code 1999, Â§ 3-112) [Sec 3-113 Other Prohibitions; Prizes, Happy Hours, Solicitation, Nudity](#)

1. No licensee shall:
 1. Give any alcoholic beverage as a prize, premium or consideration for any lottery, game of chance or skill or any type of competition; or
 2. Advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of alcoholic beverages, including:
 1. Deliver more than two drinks to one person at one time;
 2. Sell or offer to sell to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
 3. Sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
 4. Sell or offer to sell drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 5. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or
 6. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
2. No licensee shall:
 1. Allow any person on the premises where low-point beer or alcoholic beverages are sold or dispensed for consumption on the premises of the licensee where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic area, buttocks or genitalia;
 2. Permit any person to perform acts of, or acts which simulate sexual acts;
 3. Permit any person to use artificial devices or inanimate objects to depict any lewd activities; or
 4. Permit the showing of films, still pictures, electronic reproduction or other visual reproduction depicting any of the prohibited acts in this section.

3. No licensee shall permit any drink solicitation, or request from a patron to purchase any low-point beer or intoxicating alcoholic beverage for consumption on the premises of the licensee, as that term is defined in this chapter.

(Prior Code, §§ 3-5, 3-9, 3-10, 3-13, 3-22, 3-23; Code 1999, § 3-113)

State Law reference— Similar provisions, 37 O.S. § 537. [Sec 3-114 Consumption Of Intoxicating Alcoholic Beverage In Public Places](#)

No person within the city shall drink intoxicating liquor in any public place, unless authorized by the Alcoholic Control Beverage Act, nor shall any person be intoxicated in a public place within the city.

(Prior Code, §§ 3-25, 16-38; Code 1999, § 3-114) [Sec 3-115 Location Of Retail Package Store And Mixed Beverage Establishments; Exceptions](#)

1. No person shall own, operate, maintain or have any interest in any retail package store which is located at a place in the city which is forbidden as a location for such store by state laws or city ordinances.
2. It shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club which has been licensed by the alcoholic beverage laws enforcement commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or retail package store, to be located within 300 feet of any public or private school or church property primarily and regularly used for worship services and religious activities; however, a college or university located within an improvement district created pursuant to 11 O.S. § 39-103.1 may waive the 300-foot requirement by providing written notice to the establishment seeking the license and to the alcoholic beverage laws enforcement commission. Provided, a college or university prior to waiving the 300-foot requirement found in this subsection shall publish a notice of its intention to waive such requirement in a legal newspaper of general circulation within the state at least 30 days but no more than 40 days prior to providing any written notice, waiving the 300-foot requirement, to the establishment seeking the license or to the alcoholic beverage laws enforcement commission. As used in this subsection, the term "legal newspaper of general circulation within the state" means a newspaper meeting the requisites of a newspaper for publication of legal notices as prescribed in 25 O.S. § 106 in a majority of the counties in the state. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such mixed beverage establishment, beer and wine establishment, bottle club, or retail package store which has been licensed to sell alcoholic beverages. The provisions of this section shall not apply to mixed beverage establishments, beer and wine establishments, or bottle clubs, which have been licensed to sell alcoholic beverages for on-premises consumption or retail package stores prior to November 1, 2000; provided, if at the time of application for license renewal the licensed location has not been in actual operation for a continuous period of more than 60 days, the license shall not be renewed. If any school or church shall be established within 300 feet of any retail package store, mixed beverage establishment, beer and wine establishment, or bottle club subject to the provisions of this section after such retail package store, mixed beverage establishment, beer and wine establishment, or bottle club has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than 60 days. When any mixed beverage establishment, beer and wine establishment, or bottle club subject to the provisions of this section which has a license to sell alcoholic beverages for on-premises consumption or retail package store changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he is otherwise qualified.

(Prior Code, Â§ 3-12, in part; Code 1999, Â§ 3-115)

State Law reference— Similar provisions, 37 O.S. Â§ 518.3. [Sec 3-116 Hours Of Operation](#)

1. No package store licensee shall sell or keep a package store premises open for the purpose of selling any alcoholic beverages at any hour other than between the hours of 8:00 a.m. and midnight, Monday through Saturday, and noon to midnight on Sundays and shall not be open on Thanksgiving Day or Christmas Day. Package store licensees shall be permitted to sell alcoholic beverages on the day of any general, primary, runoff primary or special election whether on a national, state, county or city election, provided that the election day does not occur on any day on which such sales are otherwise prohibited by law.
2. No holder of a retail wine license or a retail beer license shall sell any beer or wine other than between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday. Retail wine and retail beer licensees shall be permitted to sell beer and wine on the day of any general, primary, runoff primary or special election whether on a national, state, county, or city election.
3. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed drink beverage licensee or bottle club between the hours of 2:00 a.m. and 8:00 a.m. No licensee shall permit any person, who has in his possession an open container, having as its contents an intoxicating alcoholic beverage, to remain in a mixed beverage establishment between the hours of 2:15 a.m. to 8:00 a.m. No person, having in his possession an open container, having as its contents an intoxicating alcoholic beverage, shall remain in a mixed beverage establishment between the hours of 2:15 a.m. to 8:00 a.m. For the purpose of this section, an open container shall mean any receptacle containing low-point beer or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.
4. Any person selling or keeping a package store open to sell any alcoholic beverage during any day or hours not authorized, and any person selling or permitting the sale of alcoholic beverages at a grocery store, convenience store or drug store during any day or hours not authorized shall be guilty of a misdemeanor for first violation and upon a conviction shall be fined not more than \$500.00.

(Prior Code, Â§ 3-19; Code 1999, Â§ 3-116) HISTORY

Amended by Ord. 899(19) on 3/4/2019

Amended by Ord. 940(20) on 4/6/2020

[Sec 3-117 Sale Or Delivery Prohibited On Certain Days](#)

No wine or spirits wholesaler licensee shall sell or deliver, and no wine or spirits retail licensee shall receive any amount of spirits or wines to any licensee on Sunday or on New Year's Day, the Fourth of July, Thanksgiving Day or Christmas Day.

(Prior Code, Â§ 3-24; Code 1999, Â§ 3-117) HISTORY

Amended by Ord. 899(19) on 3/4/2019

[CHAPTER 3-2 LOW-POINT BEER Sec 3-201 Definitions](#)

[Sec 3-202 State Licenses](#)

[Sec 3-203 Retail Dealer's License Required; License Fees](#)

[Sec 3-204 Application For License](#)

[Sec 3-205 Expiration Of License](#)

[Sec 3-206 Minors On Premises Prohibited; Exceptions](#)

[Sec 3-207 Sale Of Low-Point Beer To Minors Prohibited](#)

[Sec 3-208 Employment Of Persons Under 18 Years; Exceptions](#)

[Sec 3-209 Sale Of Low-Point Beer Prohibited During Certain Hours; Exception](#)

[Sec 3-210 Transportation Of Low-Point Beer In Moving Vehicle](#)

Sec 3-211 Minors In Possession Of Low-Point Beer Prohibited While In Public
Sec 3-212 Consumption Of Low-Point Beer In Public Places; Penalty; Exception
Sec 3-213 Misrepresentation Of Age By False Or Altered Documentation
Sec 3-214 Inspections, Sales Tax Records
Sec 3-215 Glass Area And Lighting Requirements

State Law reference— Low-point beer, 63 O.S. Â§ 163.1 et seq.

Sec 3-201 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Low-point beer means beverages containing more than one-half of one percent alcohol by volume, and not more than 3.2 percent 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.

Minor means a person who, in accordance with state law, has not yet attained the age at which the consumption of low-point beer is permitted.

Retail dealer means and includes any and all persons who sell, distribute or dispense any low-point beer at retail to the public for consumption or use, whether consumed on the premises or not. A dealer who is engaged in wholesaling low-point beer for resale shall not be exempt from the provisions of this chapter if he also sells, distributes or dispenses such beverages direct to the public for consumption or use.

(Prior Code, Â§ 3-106; Code 1999, Â§ 3-201) [Sec 3-202 State Licenses](#)

No person shall engage in the business of selling, offering for sale or distributing any low-point beer, at retail, for consumption or use, without first having obtained a state license to do so, and in cases where such beverages are consumed on the premises, a license as provided by the statutes of the state.

(Prior Code, Â§ 3-127; Code 1999, Â§ 3-202) [Sec 3-203 Retail Dealer's License Required; License Fees](#)

1. No person shall sell, distribute or dispense any low-point beer at retail to the public without first having obtained a license to do so from the city, and making payment in advance to the city clerk in the amount as provided herein.
2. The annual fee for a license under this chapter shall be as established by resolution.
3. No license issued hereunder is transferable.
4. Licenses required by this chapter shall be issued by the city clerk upon payment of the required fee and compliance by the applicant with all applicable ordinances of the city, and upon a satisfactory showing that the applicant has obtained such state and county permits as are required by law.

(Prior Code, Â§Â§ 3-126, 3-128, 3-129; Code 1999, Â§ 3-203) [Sec 3-204 Application For License](#)

An applicant for a retail dealer's license or renewal of such license shall deposit the required fee with the city clerk and submit an application on the form provided by the clerk.

(Code 1999, Â§ 3-204) [Sec 3-205 Expiration Of License](#)

The licenses provided for in this chapter shall expire annually on June 30, and the fee therefor shall not be prorated.

(Prior Code, Â§ 3-130; Code 1999, Â§ 3-205) [Sec 3-206 Minors On Premises Prohibited; Exceptions](#)

1. It shall be unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of said license holder, to permit any person under 21 years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises, which has as its main purpose the selling or serving of low-point beer for consumption on the premises. The provisions of this section shall not prohibit persons under 21 years of age from being admitted to an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose, as long as persons under 21 years of age are not sold or served said beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this subsection.
2. If the premises of a holder of a license to sell low-point beer contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer for consumption on the premises, no minor shall enter, attempt to enter, or remain in the area. The provisions of this subsection shall not prohibit minors from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the main purpose, if the minors are not sold or served or do not consume low-point beer anywhere on the premises; however, the incidental service of food in the bar area shall not exempt minors from the provisions of this subsection.

(Prior Code, Â§ 3-108; Code 1999, Â§ 3-206)

State Law reference— Similar provisions, 37 O.S. Â§Â§ 241, 243, 246. [Sec 3-207 Sale Of Low-Point Beer To Minors Prohibited](#)

It is unlawful for any person who holds a license to sell and dispense low-point beer, or any agent, servant or employee of the license holder, to sell, barter or give to any minor any low-point beer.

(Prior Code, Â§ 3-111; Ord. No. 486, 6-5-1989; Code 1999, Â§ 3-207)

State Law reference— Similar provisions, 37 O.S. Â§ 241. [Sec 3-208 Employment Of Persons Under 18 Years; Exceptions](#)

1. It is unlawful for any person under 18 years of age to be employed or permitted to work, in any capacity whatsoever, in a place where low-point beer is sold or dispensed for consumption on the premises.
2. It is unlawful for any minor to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of low-point beer. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of the beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell low-point beer for consumption on the premises from the provisions of this subsection.
3. A parent in regard to the employment of his own child is exempted from the provisions of this section, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages.
4. The provisions of subsection (A) of this section shall not apply to any business or establishment where sales of the beverages do not exceed 25 percent of the gross sales of the business or establishment.

(Code 1999, Â§ 3-208)

State Law reference— Similar provisions, 37 O.S. Â§ 243. [Sec 3-209 Sale Of Low-Point Beer Prohibited During Certain Hours; Exception](#)

1. No retailer licensed to sell low-point beer shall sell such beverages for consumption on the premises between the hours of 2:00 a.m. Sunday morning and 7:00 a.m. Monday morning or between the hours of 2:00 a.m. and 7:00 a.m. on any other day.
2. No retail dealer of any business selling low-point beer, as that term is defined in this chapter, for consumption on the premises, nor any operator, agent, or employee of the retail dealer, shall permit any person, who has in his possession an open container having as its contents a low-point beer, to remain on the premises between the hours of 2:15 a.m. to 7:00 a.m. Mondays through Saturdays, or on Sundays after 7:00 a.m. No person, having in his possession an open container having as its contents a low-point beer, shall remain on the premises between the hours of 2:15 a.m. to 7:00 a.m. Mondays through Saturdays, or on Sundays after the hour of 2:15 a.m. For the purpose of this section, an open container shall mean any receptacle containing low-point beer or intoxicating alcoholic beverage, to include the original container of the beverage where the original seal has been broken or opened.

(Code 1999, Â§ 3-209)

State Law reference— City powers to regulate hours, Sunday hours, 37 O.S. Â§ 213. [Sec 3-210 Transportation Of Low-Point Beer In Moving Vehicle](#)

No person shall knowingly transport in any moving vehicle upon a public highway, street or alley within the city any low-point beer except in the original container which shall have not been opened and from which the original cap or seal shall have not 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.

(Prior Code, Â§ 3-113; Code 1999, Â§ 3-210)

State Law reference— Similar provisions, 37 O.S. Â§ 537. [Sec 3-211 Minors In Possession Of Low-Point Beer Prohibited While In Public](#)

No person under 21 years of age shall:

1. Consume; or
2. Possess with the intent to consume;

low-point beer, as defined in 37 O.S. Â§ 163.2, in any public place. Any person violating any of the provisions of this section shall be guilty, upon conviction, of a misdemeanor and punished as provided in section 1-108 or by appropriate community service not to exceed 20 hours. Provided, the provisions of this section shall not apply when such persons are under the direct supervision of their parent or lawful guardian, but in no instance shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense low-point beer as provided in 37 O.S. Â§ 163.11.

(Prior Code, Â§ 3-112; Code 1999, Â§ 3-211; Ord. No. 31(92), 7-20-1992) [Sec 3-212 Consumption Of Low-Point Beer In Public Places; Penalty; Exception](#)

1. No person shall consume, or possess with intent to consume, low-point beer in any public place, or upon any public street.
2. Any person violating the provision of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in section 1-108, or by appropriate community service not to exceed 20 hours.
3. The provisions of this section shall not prohibit a person who is of age from consuming such beverages in any place licensed to dispense beer as provided for in 37 O.S. Â§ 163.11.

(Code 1999, Â§ 3-212; Ord. No. 31(92), 7-20-1992)

State Law reference— Similar provisions, 37 O.S. Â§ 246. [Sec 3-213 Misrepresentation Of Age By False Or Altered Documentation](#)

No person shall represent his age either orally or in writing or by presenting false or altered documentation of age for the purpose of inducing any person to sell him low-point beer.

(Code 1999, Â§ 3-213) [Sec 3-214 Inspections, Sales Tax Records](#)

1. Every person subject to the provisions of this chapter shall, at the request of the city, produce such state sales tax records as the city might request within ten working days of such request, and the application for the acceptance of any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to produce such state sales tax records.
2. The police department may make inspections of all places of business where low-point beer is sold, distributed, or dispensed at retail, for the purpose of enforcing the law and for ascertaining whether the operators thereof are complying with the requirements of the law relating to the handling of low-point beer.

(Code 1999, Â§ 3-214) [Sec 3-215 Glass Area And Lighting Requirements](#)

1. All buildings and structures used or occupied as a place where low-point beer is offered for sale for consumption on the premises shall be so designed, constructed and maintained as to contain in the face of such building fronting upon the nearest public way to which such building is adjacent and used as the most public entrance a plate glass area forming both the interior and exterior wall equivalent to 75 percent of the total area of the face of such building computed on a square footage basis between floor level and ceiling height.
2. All plate glass required by this section shall be maintained in a clear, unpainted and unobstructed condition, so as to permit clear visibility of the interior of such building from without the same. All areas of such building designed for use by the retail customers of such establishment shall be lighted with incandescent or fluorescent lights providing a minimum of 25 footcandles of light at all locations within the area. All such establishments containing less than the required percentage of glassed area on the face of the building as of the date of passage of this section shall keep and maintain all of the existing glassed area on the face of the building in a clear, unpainted and unobstructed condition and shall not enlarge or extend the building without compliance with the provisions of this section.

(Prior Code, Â§ 3-109, 3-110; Code 1999, Â§ 3-215) [CHAPTER 3-3 PROHIBITING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES](#) [Sec 3-301 Permitting Or Allowing Gathering Where Minors Are Consuming Alcoholic Beverages](#)
[Sec 3-301 Permitting Or Allowing Gathering Where Minors Are Consuming Alcoholic Beverages](#)

1. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. The term "alcoholic beverage" includes intoxicating beverages and low-point beer as defined herein.

Gathering means 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.

Intoxicating beverage includes beverages containing more than 3.2 percent alcohol by weight.

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. *Low-point beer* means and includes beverages containing more than one-half of one percent alcohol by volume, and not more than 3.2 percent 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.

Minor means any person under 21 years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

Premises means any residence or other private property, place, or premises, including any commercial or business premises.

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;
 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.
2. *Consumption of alcohol by minor in public place, place open to public, or place not open to the public.* Except as permitted by state law, it is unlawful for any minor to consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of an alcoholic beverage that minor is being supervised by his parent or legal guardian.
 3. *Hosting, permitting, or allowing a party, gathering, or event where minors consume alcoholic beverages prohibited.*
 1.
 1. 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.

2. 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 (C)(1)a of this section.
2. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his 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 to dispense alcoholic beverages.
4. *Penalty.* Any person violating the provisions of this section shall be punished pursuant to the terms of section 1-108.
5. *Reservation of legal options.* Violations of this section may be prosecuted by the city criminally, civilly, and/or administratively as provided by this 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.
6. *Local authority.* This section shall not apply where prohibited or preempted by state or federal law.

(Code 1999, Â§ 3-301; Ord. No. 601(07), 11-19-2007) **PART 4 ANIMALS CHAPTER 4-1 GENERAL PROVISIONS**

State Law reference— City powers to regulate animals, 11 O.S. Â§ 22-115 et seq.
CHAPTER 4-1 GENERAL PROVISIONS ARTICLE 4-1A ANIMAL REGULATIONS
ARTICLE 4-1B REGISTRATION AND VACCINATION OF ANIMALS
ARTICLE 4-1C IMPOUNDMENT REGULATIONS
ARTICLE 4-1D CRUELTY TO ANIMALS
ARTICLE 4-1E RABIES AND ANIMAL BITES
ARTICLE 4-1F VICIOUS ANIMALS
ARTICLE 4-1G PENALTY

State Law reference— City powers to regulate animals, 11 O.S. Â§ 22-115 et seq.
ARTICLE 4-1A ANIMAL REGULATIONS Sec 4-101 Definitions
Sec 4-102 Running At Large, Owners Cited; Enclosures

Sec 4-103 Control Of Animals Required, At Large And Sanitation
Sec 4-104 Keeping And Raising Of Fowl
Sec 4-105 Keeping Of Swine
Sec 4-106 Buildings, Structures For Animals; Location
Sec 4-107 Number Of Animals Restricted, Kennels
Sec 4-108 Noisy Animals; Complaint Procedure For Animals Which Disturb, Are In Violation Of Code
Sec 4-109 Keeping Of Wild Or Exotic Animals
Sec 4-110 Pasturing In Public Areas Illegal
Sec 4-111 Riding On Streets; Racing Animals
Sec 4-112 Keeping Of Bees
Sec 4-113 Use Of Metal Traps
Sec 4-114 Refusal To Deliver Animal To Animal Control Officer
Sec 4-115 Feeding Of Wild Animals
Sec 4-101 Definitions

1. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal including wholesome food, clean water, shelter and healthcare as necessary to maintain good health in a specific species of animal.

Adequate food means provisions at suitable intervals at no more than 12 hours unless dietary requirements of the species require a longer interval, of a quality, wholesome food suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, served in a safe receptacle, dish or container.

Adequate water means the continual access to or access at suitable intervals not less than once each eight hours for at least one hour to a supply of clean, fresh, unfrozen, potable water provided in a sanitary manner suitable for the species, condition and age of the animal and in sufficient amounts to maintain good health in the animal. Such water shall be provided in a secure manner so the container cannot be overturned.

Adequate shelter means structurally sound, properly ventilated, sanitary, dry and weather proof shelter suitable for the species, age and condition of the animal which is free of litter or hazardous substances and objects, contains clean and dry bedding material and which provides access to shade from direct sunlight and regress from inclement weather conditions. Shelter shall be fully enclosed on three sides, roofed and a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn around comfortably. Unacceptable shelter includes, but is not limited to, barrels, pipes, crates, cardboard boxes, pet carriers or tarpaulins.

Animal means livestock, creatures, fowl, dogs, cats, or ferrets except fowl shall not apply to the term "animal" when dealing with rabies issues.

Animal control authority means the animal control section of the city or its representative directed by the city manager for the welfare of the city.

Animal control officer means the persons employed by the animal control authority or

appointed by the city manager to enforce this chapter.

Animal shelter means any premises designated by action of the council for the purposes of impounding and caring for animals.

At large or *running at large* means any animal (except cats) not under the control of a competent person. As applied to animals, the term "at large" or "running at large" means:

1. *Off-premises*. Any animal (except cats) which is not restrained by means of a leash or chain of sufficient strength and not more than six feet in length to control the actions of such animal while off the owner's property; and
2. *On-premises*. Any animal (except cats) not confined within the owner's property by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from the owner's property and so arranged so that the animal will remain upon the property when the leash is stretched to full length. A dog intruding upon the property of another person other than the owner shall be termed running at large. Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed running at large. *Body harness* means a set of straps that extend around the chest and mid-section of the animal's body, so as to not tighten around the animal's neck when the animal pulls at the end of the tether.

Cat means any member of the feline family.

Collar means a band of leather or soft material fastened around the neck of an animal as to attach a license, tag or tether.

Compendium means the most recent version of compendium of animal rabies control established by the National Association of State Public Health Veterinarians Inc., adopted by the animal control authority.

Creature means a domesticated animal used as a household pet such as a hamster, gerbil or similar animal.

Dangerous animal. See Vicious canine.

Dog means any member of the canine family.

Domesticated means trained or adapted for use in a human environment.

Domesticated birds means canaries, parrots, parakeets, myna birds, peacocks, birds of paradise or other birds tamed to the household or pertaining thereto.

Enclosure means, while on the property of the owner, secure confinement indoors or in a securely enclosed and locked pen or structure, suitable to prevent entry and designed to prevent the animal from escaping.

Euthanized means to put to death in a humane manner.

Exposed to rabies means any animal (except fowl) that has been bitten by or exposed to any other animal known to have been infected with rabies.

Fowl means domesticated chickens, guineas, geese, ducks and pigeons, peacocks and turkeys.

Harbor means to feed or shelter an animal at the same location for five or more consecutive days.

Impound means to apprehend, catch, trap, net or if necessary, kill any animal by the animal control authority or its agent.

Impounding facilities means any premises designed by the city for the purpose of impounding and caring for all animals found in violation of this chapter.

Keeper means any person, family, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to.

Kennel means any place where four or more dogs or four or more cats, more than six months of age, are kept, sheltered or fed and watered.

License means annual pet registration required by the city for animals vaccinated against rabies, issued by the animal control authority.

Livestock means domestic animals such as swine, horses, mules, asses, sheep, goats or cattle. When these terms are used herein, it shall include any related member of the species.

Muzzle means a device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person, animal or livestock.

Neuter means to render a male animal unable to reproduce.

Non choke type collars means a collar that when worn by an animal does not constrict or choke the animal when the animal pulls or extends the attached tether.

Nuisance animal means the conduct or behavior of any animal which molests passersby or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, crows or makes other noises in an excessive, continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; or a vicious animal not confined as required by this chapter.

Owner or keeper means any person, group of persons or corporation owning, keeping or harboring animals, fowl or birds.

Provoke or provocation means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person.

Rabies policy and procedure means the "compendium" unless otherwise stated.

Ratproof means that state of being constructed so as to effectively prevent entry of rats.

Registration and vaccination for rabies means the procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate issued by a licensed veterinarian.

Restraint means that an animal is controlled by leash or tether, either of which shall not exceed six feet in length, by a competent person, or is within any vehicle, trailer or other conveyance being driven, pulled or parked on the street, or is confined within the property limits of its owner or keeper.

Sanitary means any condition of good odor and cleanliness which precludes the probability of disease transmission and insect breeding and which preserves the health of the city.

Severe injury means any physical injury that results in bruising, lacerations, or causing blood to be drawn.

Spay means to render a female animal incapable to reproduce.

Tag means any object that bears a registration number and the words "registered and vaccinated for rabies" in the shape and color recognized by the National Association of State Public Health Veterinarians which has been issued by a veterinarian.

Tether means a rope, chain, or cable that is attached to an animal's collar or harness for the purpose of restraining the animal.

Vaccination means a treatment with a vaccine to produce an immunity against disease.

Veterinarian means a person holding a current state license qualified to treat diseased or injured animals.

Vicious canine means:

- 1.
1. Any canine which, according to the records of the appropriate authority, has inflicted severe injury on a human being without provocation on public or private property where such a person is conducting himself peaceably and lawfully;
2. Any canine which, according to the records of the appropriate authority, requires a defensive action by any person to prevent bodily injury or property damage without provocation on public or private property where such a person is conducting himself peaceably and lawfully;
3. Any canine which, according to the records of the appropriate authority, has killed a domestic animal or livestock without provocation while off the owner's property or has caused economic loss to the owner of livestock as a result of the canine's attacking or harassing the livestock;
4. Any canine owned or harbored primarily or in part for the purpose of canine fighting or any canine trained for canine fighting; or
2. All other words, terms or phrases used herein shall be defined and interpreted according to their common usage.

HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-102 Running At Large, Owners Cited; Enclosures

1. Any animal (excluding cats), running at large in the city may be taken up by the animal control officer and impounded at the animal shelter. Employees of the city animal control authority shall have the authority to enter upon the owners property in pursuing a dog which is running at large and they shall have authority to open gates, cross fences and take whatever steps that are necessary to impound the dog running at large, except nothing in this section shall be construed to authorize the city employee to enter into a dwelling of a person. The animal control officer may, at their discretion, cite the owner of such animal to appear in municipal court to answer charges of each violation of this chapter. Upon a first conviction for violation of this section, such violation shall be punishable by a maximum fine of \$500.00 plus court costs. Upon a second conviction within a twelve month period for conviction of a violation of this section, such violation shall be punishable by a minimum fine of \$250.00 up to a maximum of \$500.00 plus court costs. Upon a third and all subsequent convictions within a twelve month period for violation of this section, such violation shall be punishable by a minimum fine of \$400.00 up to a maximum of \$500.00 plus court costs.
2. Every person who owns or has charge of any animal within the city shall be required to keep the domestic animal within a suitable enclosure and to restrain the animal from running at large. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Amended by Ord. 968(21) on 3/15/2021

Sec 4-103 Control Of Animals Required, At Large And Sanitation

1. It is unlawful for any owner or person to:
 1. Fail to prevent any animal (except cats) from running at large within the city; or
 2. Perform, do or carry out any inhumane treatment against any animal; or
 3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which by reason of noise, odor or sanitary conditions becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the health officer or animal control officer; or
 4. Turn any animal at large or release an animal which is restrained or confined in an enclosure as required by this chapter; or
 5. Harbor, keep or have possession of a nuisance animal as defined in this chapter. â
2.
 1. No owner, keeper, or person having control of any animal shall fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal upon any sidewalk, public park, alley, other place open to the public, or from private property before the owner leaves the immediate area where the solid waste was deposited.
 2. No owner, keeper, or person having control of any animal shall fail to have in his possession the equipment necessary to remove his animal's solid waste when accompanied by said animal on public property.
 3. No owner, keeper or person having control of any animal shall permit such animal to destroy or damage property of any kind or to deposit solid waste or to commit a similar nuisance on the private property of a person or the property of the city, including its parks and playgrounds, or any property other than that of the owner of the animal. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-104 Keeping And Raising Of Fowl

Keeping of fowl is prohibited in the city limits except on property zoned A1 or A2. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-105 Keeping Of Swine

1. Keeping and raising of swine and other livestock is prohibited in the City limits except on property zoned A1 or A2.
 1. Asian pot-bellied swine or other similar small swine located outside of zone A1 or A2 will be permitted only under the following conditions:
 1. Each pot-bellied swine shall be a pet that is to be kept for personal enjoyment and not kept or raised for human consumption;
 2. Each pot-bellied swine shall be registered through a bona fide registry firm;
 3. There shall not be more than two pot-bellied swine of more than three months of age per residence; and
 4. Swine must be registered with the City of Moore Animal Control on or before October 1, 2023 with proof of ownership (veterinary bills, etc.) prior to February 1, 2023.
 2. Nothing in this section shall be deemed to limit or hinder city or state health enforcement personnel from restricting or removing, or requiring the removal of, any such swine from the city if such an action is deemed necessary to promote or protect the health and safety of the inhabitants of the city. Furthermore, any regulation promulgated by the state department of health or statute adopted by the legislature relating to pot-bellied pigs or other small swine shall be deemed applicable to any such swine or pot-bellied pigs authorized by this section. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Amended by Ord. 1032.23 on 6/5/2023

Sec 4-106 Buildings, Structures For Animals; Location

1. Every building or place where any animal is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
2. No place where an animal is kept shall be maintained closer than 25 feet to the premises of an apartment, hotel, restaurant, boardinghouse, food store, building used for educational, religious or hospital purposes, or dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept.
3. Every building where any livestock is kept, if located within 200 feet of any apartment, hotel, restaurant, boardinghouse, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and flytight receptacle for manure, of such size as to hold all accumulation of manure. The 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 the receptacle.
4. The animal control officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the city court against any person for violation of any provision of this chapter, or of any such reasonable order.

5. The placement of any structure must comply with all of the regulations set out within part 12, "Planning, Zoning, and Development," and the adopted Land Development Code.

6. The construction, materials, and building use must comply with all of the adopted regulations set out in part 5, "Building Regulations and Codes," of the Code of Ordinances. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-107 Number Of Animals Restricted, Kennels

1. No more than four animals, more than six months of age, may be kept on any lot, premises or in any structure, except in a kennel. Not more than one litter of puppies born to one female dog or one litter of kittens born to one female cat may be kept on any lot or premises or kept in any structure except in a kennel.
2. It is unlawful for any person to have, run, maintain or operate any kennel or any place for the sale, exchange, breeding or training of pet animals within the city except in accordance with the zoning ordinance. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-108 Noisy Animals; Complaint Procedure For Animals Which Disturb, Are In Violation Of Code

1. No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any reasonable person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.
2. Any person with knowledge thereof may file a complaint in the municipal court against the owner or keeper of an animal which disturbs the comfort or repose of any reasonable person in the vicinity or which is in violation of this chapter. If the court finds that an animal is a nuisance or in violation of this chapter, then the court may order the owner or keeper to prevent and abate the nuisance, or order the animal impounded with the owner or keeper to pay impoundment costs, or order punishment as provided in paragraph C below.

3. 1) Upon a first conviction for violation of this section, such violation shall be punishable by a maximum fine of \$500.00 plus court costs. 2) Upon a second conviction within a twelve month period for conviction of a violation of this section, such violation shall be punishable by a minimum fine of \$250.00 up to a maximum of \$500.00 plus court costs. 3) Upon a third and all subsequent convictions within a twelve month period for violation of this section, such violation shall be punishable by a minimum fine of \$400.00 up to a maximum of \$500.00 plus court costs. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Amended by Ord. 965(21) on 3/1/2021

Sec 4-109 Keeping Of Wild Or Exotic Animals

1. For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes, including those considered dangerous, such as boas and pythons, lynxes, raccoons, skunks, monkeys and like animals.
2. It is unlawful to keep or harbor any wild or exotic animal in the city limits as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in this section.
3. This section shall not apply to zoological parks or zoos, performing animal exhibitions, circuses, educational or medical institutions in accordance with any applicable regulations of the council. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-110 Pasturing In Public Areas Illegal

It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-111 Riding On Streets; Racing Animals

1. No person shall ride or lead any horse or other animal or drive any wagon, carriage or other vehicle on the streets in the business district or intensive residential district without a permit as may be issued by the city manager.
2. It is unlawful for any person to race any animal or recklessly ride an animal on or over any street or on any public grounds in the city. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-112 Keeping Of Bees

No person shall keep or permit the keeping of bees or for any person to own, harbor or possess a beehive unless zoned A1 or A2. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-113 Use Of Metal Traps

1. The use of metal traps is hereby prohibited inside the city, unless such traps are used in accordance with the provisions of this section.
2. For purposes of this section, the term "metal trap" is defined as a metal clamping device which is made of metal generally used for the purpose of trapping animals, which device has metal jaws which close upon the animal so as to trap the animal between the jaws of the trap.
3. Metal traps as defined in this section may be used only by individuals currently in possession of a nuisance wildlife control operator permit through ODWC. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-114 Refusal To Deliver Animal To Animal Control Officer

No person shall refuse to deliver up to the animal control officer an animal when requested to do so under the provisions of this chapter. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-115 Feeding Of Wild Animals

1. Purpose. The intent of this section is to protect the health, safety, and welfare of the community and its wildlife by prohibiting the feeding of wild animals and waterfowl on public and private property within the corporate limits of the City of Moore. The feeding of waterfowl and other wild animals increases the potential for damage to public parks and private property. It also elevates the potential for the spread of disease in people and companion animals. In addition, it is the intent of this section to protect the welfare of the waterfowl and wild animals themselves. Wildlife studies have shown that feeding waterfowl and other wild animals can interrupt their normal migration patterns, can make them more aggressive in demanding food, cause nutritional problems, expose them and our citizens to danger by eliminating the animals' natural fear of predators, and promote the spread of diseases and disease-carrying parasites.
2. Definitions. As used in this section, the following terms shall have the meanings indicated:
 1. BIRD FEEDER. A container, receptacle or apparatus designed for the feeding of song-birds or other backyard birds.
 2. FEED. To give, place, expose, deposit, distribute or scatter any edible material which can be utilized for consumption by wild animals. Feeding does not include legal baiting for the legal taking of fish and/or game.

3. PERSON. Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.
 4. WATERFOWL. Wildfowl of the order Anseriformes, especially members of the family Anatidae which includes any bird that swims, frequents the water, or lives about rivers, lakes, or other bodies of water, including but not limited to ducks, geese, swan and gulls.
 5. WILD ANIMAL. Any animal, which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, coyotes, deer, leopards, panthers or other feral cats, bears, wolves, foxes, groundhogs, squirrels, chipmunks, mice, rats, rabbits, opossums, raccoons, skunks, and waterfowl.
3. Prohibitions:
1. No person shall purposely or knowingly, feed or in any manner provide access to food to any wild animal or waterfowl within the corporate limits of the City, on lands either publicly or privately owned. Feeding does not include baiting in the legal taking of fish and/or game.
 2. Feeding of songbirds and other backyard birds, not including waterfowl, shall be permitted outdoors at such times and in such a manner that:
 1. The feeding does not create an unreasonable disturbance with wildlife;
 2. Any feed must be placed within a bird feeder with a maximum volume of not more than one cubic foot, placed at least four feet above ground;
 3. Bird feeders are placed where wildlife other than songbirds and backyard birds are unable to eat from them and do not become an attractant for wild animals.
 4. PENALTY: Any person violating any of the provisions of this section shall, upon conviction thereof, be punished as provided in Section 1-108.

HISTORY

Adopted by Ord. 1014.22 on 7/18/2022

ARTICLE 4-1B REGISTRATION AND VACCINATION OF ANIMALS Sec 4-121 Rabies Vaccination Required; Certificate Of Vaccination; Tags

Sec 4-122 Registration Of Animal Pets

Sec 4-123 Register

Sec 4-124 Tag Placed On Collar; Lost Tags; Counterfeit Tags

Sec 4-121 Rabies Vaccination Required; Certificate Of Vaccination; Tags

1. No person shall own, keep or harbor any dog or cat within the city limits unless such dog or cat four months of age or older is vaccinated for rabies.
2. Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past 12 months, the owner shall be guilty of an offense.
3. Inoculation must be by or under the supervision of a person licensed to practice veterinary medicine in the state or other states.
4. Inoculation must be with a vaccine approved by the United States Department of Agriculture to prevent rabies. Rabies vaccine currently licensed by the United States Department of Agriculture will be recognized in the city for a one year immunization period. New vaccines which may be approved by the United States Department of Agriculture will be recognized as complying with this chapter.

5. Ten days shall be permitted for an owner to secure revaccination of his dog or cat after the previous time has lapsed.
6. Every veterinarian, after vaccinating a dog or cat for rabies, shall issue a legible certificate, one copy to be retained by the veterinarian and one copy to be retained by the animal owner, who, upon request, shall show the certificate to the city. Such certification shall include the following information:
 1. Owner's full name, address, zip code and telephone number;
 2. Breed, date of birth, sex and color or marking of the dog or cat;
 3. Type of vaccine and duration of immunity;
 4. Signature of the veterinarian or other authorized person administering the vaccination; and
 5. Name of the animal, if applicable.
7. When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or certificate evidencing such vaccination and the year of vaccination.
8. It shall be the duty of the owner of the dog or cat to attach the tag or certificate issued to him pursuant to subsection (G) of this section to the dog or cat and it shall be unlawful for any person to remove such tag or certificate without the owner's consent.
9. No person shall provide a facsimile or deface or change the tag or vaccination certificate issued in any way which shall make or cause the tag to appear valid for a longer period of time than originally intended.
10. A tag or rabies vaccination certificate shall not be transferred from the dog or cat for which it was issued to any other dog or cat.

State Law reference— City's power to regulate dogs, 11 O.S. Â§ 22-115. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-122 Registration Of Animal Pets

Every person owning or harboring within the city any dog, cat, or ferret over the age of four months shall pay an annual tax in such sums as set by the council by motion or resolution for each male or spayed female, and for each unspayed female, owned or harbored. The license shall become due and payable annually with documentation of current rabies vaccination. The animal control shelter or his designee shall issue his receipt to the payee, which shall show the date and the amount of the payment, the age as stated by the owner, and the kind, size, color and breed of the dog or cat. The pet tax receipt as herein provided shall operate as a license to own, keep or harbor the dog or cat. No such license shall be issued until the provisions of this chapter relating to vaccination shall have been complied with and certified to the clerk. This section shall not apply to animals kept by licensed veterinarians or in veterinary clinics in the city. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-123 Register

It is the duty of the animal control officer of the city to keep a register of all pet animal licenses in the city pursuant to the provisions of this article. Such register shall show the date of the issuance of the license, its date of expiration, the name of the owner or the person in whose name the license is issued and shall designate the sex of the pet animal and as nearly as possible the kind, age, size, color and breed of the animal pet. The register shall also show the date of the vaccination and by whom vaccinated. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-124 Tag Placed On Collar; Lost Tags; Counterfeit Tags

1. The owner of a dog shall cause the tag received from the city to be affixed to the collar of the dog upon which the tax has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog at all times. The owner of a cat shall not be required to place the tag on a cat.
2. If the tag is lost before the end of the year for which it was issued, the owner may secure another for the animal by applying to the animal shelter, presenting to him the original receipt and paying a fee as set by the council.
3. No person shall counterfeit or attempt to counterfeit any tag issued for a dog or cat as provided herein, or take from any dog a tag legally placed upon it, or place such tag upon a dog for which the tag was not specifically issued. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

ARTICLE 4-1C IMPOUNDMENT REGULATIONS Sec 4-131 Impoundment Record, Disposition Of Animals

Sec 4-132 Breaking Open Shelter; Or Interfering With Officers

Sec 4-133 Animal Shelter Fees

Sec 4-134 Redemption Of Animal

Sec 4-135 Disposition Of Impounded Animals

Sec 4-131 Impoundment Record, Disposition Of Animals

1. The city may contract with an outside agency to serve as the city's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter.
2. Any animal kept as a house pet found running at large shall be picked up and immediately impounded in the animal shelter and there confined in a humane manner.
3. The city animal control officer, upon receiving an animal for impoundment which has been registered in accordance with this chapter, shall record or cause to be recorded the description, breed, color and sex of the animal and the name and address of the owner as may be shown on applicable city animal control records. If the owner is known, the officer shall:
 1. Notify the owner at the address shown on city records; or
 2. Leave a notice with a member of the owner's family, or other person residing at the owner's home, as shown in the city's records, over the age of 15 years, to notify the owner that unless reclaimed within five days after impoundment, Sundays and city holidays excluded, the animal will be destroyed or otherwise disposed of.

HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-132 Breaking Open Shelter; Or Interfering With Officers

1. If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any city shelter or contract shelter, or hinders, delays or obstructs any person duly authorized in taking up or taking to the city shelter any animal liable to be impounded, he shall be guilty of an offense.
2. No person shall interfere with, or hinder, or molest any agent of the city in the performance of any duty of such agent, or seek to release any animal in the custody of the city or its agents, except as provided by law. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-133 Animal Shelter Fees

1. Fees for impounding and keeping an animal, to be paid upon redemption, are as set by the city council by motion or resolution. In computing a fee, a fraction of a day during which an animal or fowl has been fed shall be deemed a full day.

2. Any person redeeming an impounded animal or fowl shall pay the fees to the person in charge of the animal shelter before the latter releases the animal or fowl.
3. Any person redeeming a dog or any other animal or fowl not licensed as required by this Code shall pay the required license tax to the animal shelter and secure a tag or other evidence of such payment and present the tag or receipt therefor to the person in charge of the animal shelter before the latter releases the animal or fowl. If the animal or fowl has been licensed but is not wearing the tag, the person in charge of the animal shelter shall require adequate evidence of the proper licensing of the animal or fowl before releasing it.
4. Any dog not vaccinated against rabies being held or impounded by the city shall not be released to the owner or any other person without proof of current vaccination against rabies or without paying a deposit in such sum as is set by the city, which deposit shall be refunded to the person putting up the same upon proof of current vaccination being shown to the animal control officer within 72 hours of the release of the animal. If such proof is not presented, then the animal control officer may retake the animal into custody and deposit the deposit with the city treasurer to be retained as expenses of taking the animal into custody.
5. In addition to the above fees, any person leaving an animal with the shelter shall pay a fee as set by the council. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-134 Redemption Of Animal

An owner of an impounded animal or his agent may redeem the animal prior to its sale or destruction as provided for herein by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. If the owner or his agent has not redeemed the animal within the first five days after the impoundment of the animal, excluding Sundays and holidays, the animal may be otherwise disposed of as provided for herein. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-135 Disposition Of Impounded Animals

1. Dogs and cats may be released from the animal shelter for adoption if the owner of the animal has not claimed the animal within the time specified in this chapter and paid all fees required to secure its release. If the animal has not been surgically spayed or neutered, the adopting person shall pay a fee, as established by the fee schedule, for the spaying or neutering of the animal prior to adoption. The city may enter into agreements with private releasing agencies for the purpose of arranging animal adoptions. If the animal to be released is placed with a private releasing agency prior to final adoption, and the releasing agency requires sterilization prior to final adoption, the private releasing agency shall not be required to make a sterilization deposit.
2. Any animal for which the owner is known and notice has been provided in this chapter, or for which the owner is unknown or cannot be ascertained by the animal control officer, shall be destroyed after the lapse of five days if not adopted as provided in this section.
3. The proceeds of any animal adopted shall be deposited with the city treasurer. The individual adopting an animal through the procedure provided for in this section shall acquire absolute title to the animal adopted. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

ARTICLE 4-1D CRUELTY TO ANIMALS Sec 4-141 Cruelty To Animals

Sec 4-142 Poisoning Animals

Sec 4-143 Encouraging Animals To Fight

Sec 4-144 Keeping Of Animals; Mistreatment, Abandonment

Sec 4-141 Cruelty To Animals

It is unlawful for any person, willfully and maliciously, to pour on, or apply to, any animal any drug or other thing which will inflict pain on the animal; or to knowingly treat an animal in a cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

State Law reference— Similar provisions, 21 O.S. Â§ 1685. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-142 Poisoning Animals

No person shall feed or place so as to constitute a direct or obvious hazard to man or animal or shall offer or tempt any dog or pet animal with any liquid, meat or food product which shall:

1. Cause prostration, convulsion, pain or suffering as a prelude to death;
2. Cause death;
3. Be proven to be toxic or lethal in the amount present to any man or domestic animal by competent medical or veterinary authority.

State Law reference— Similar provisions, 21 O.S. Â§ 1681. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-143 Encouraging Animals To Fight

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

State Law reference— Similar provisions, 21 O.S. Â§ 1696. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-144 Keeping Of Animals; Mistreatment, Abandonment

1. All dogs, cats and other animals kept as house pets within the city limits shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.
2. No person shall willfully or maliciously:
 1. Torture, cruelly beat, injure, maim, mutilate or unjustly destroy or kill any animal belonging to himself or to another;
 2. Deprive any animal of food, drink or shelter or leave it confined without adequate shelter for more than 15 minutes at a time exposed to inclement weather. Inclement weather shall be defined as less than 32 degrees Fahrenheit or greater than 90 degrees Fahrenheit;
 3. Unjustly administer any poison or noxious drug or substance to any animal;
 4. Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal is the property of that owner or another person;
 5. Cause any other person to do any of the above acts; or
 6. Abandon an animal on any private or public property in the city, including at the animal control shelter when no employees are present to receive the animal.
3. If an animal is found by the animal control officer to be in one of the above-described conditions, the officer may issue a citation to the offender and shall issue a notice to the offender warning him that if the animal's condition is not improved, another citation may be issued.
4. If within three days the condition of the animal is not improved to the satisfaction of the animal control officer, a citation shall be issued.
5. No dogs, cats or other animals shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperatures, or lack of food or water.

6. Owners and keepers of dogs, cats and other animals shall provide food, shelter and medical attention to such animals, including, but not limited to, the following:
 1. Sufficient wholesome food that is nutritious for the species;
 2. Fresh, potable drinking water;
 3. Medical attention to relieve such animals from suffering;
 4. Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. Bedding shall be provided; and
 5. Any animal kept on a chain or rope shall be placed so that it cannot become entangled with the restraints of other animals or with any other objects. The chain or rope shall be of sufficient length to allow the animal complete access to shelter at all times. The chain shall be attached in a manner so as not to cause injury or discomfort to the animal. In the case of dogs, the chain or rope shall be at least three times the length of the dog as measured from the tip of the nose to the base of the tail.

HISTORY

Adopted by Ord. 944(20) on 6/15/2020

[ARTICLE 4-1E RABIES AND ANIMAL BITES Sec 4-161 Animal Bites; Rabies Examination; Quarantine](#)

[Sec 4-162 Rabies Diagnoses; Quarantine Of City; Time Limit](#)

[Sec 4-163 Killing Or Removing Rabid Animal Prohibited](#)

[Sec 4-164 Reports Of Bite Cases; Report By Veterinarian](#)

[Sec 4-165 Investigations For Violation Of Chapter](#)

[Sec 4-166 Records](#)

[Sec 4-161 Animal Bites; Rabies Examination; Quarantine](#)

1. Every animal that bites or scratches a person shall be reported within immediately to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the city and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four-hour period herein will make him guilty of an offense.
2. The owner, upon demand by any city officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies.
3. In addition to powers granted by this section and section 4-165, the animal control officer may impound in the animal shelter or a veterinary hospital at the owner's expense any animal, whether on public or private property, which has bitten or scratched pursuant to this chapter.

HISTORY

Adopted by Ord. 944(20) on 6/15/2020

[Sec 4-162 Rabies Diagnoses; Quarantine Of City; Time Limit](#)

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

reports of human contacts and diagnosis made of the suspected animal.

2. When a report shows a positive diagnosis of rabies, the city manager or the city manager's designee, under advisement from the state health department and animal control authority of the city, may recommend a citywide quarantine for a period of six months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the city without written permission of the city manager or the city manager's designee.
3. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, and be held under six months quarantine by the owner in the same manner as other animals are quarantined.
4. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six months.
5. The regulations of the state department of health, and all amendments thereto, relating to quarantine and rabies are adopted herein by reference.

State Law reference— State quarantine of animals, 63 O.S. Â§ 1-508. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-163 Killing Or Removing Rabid Animal Prohibited

1. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove the animal from the city limits without written permission from the health officer of the city, or the animal control officer.
2. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the animal control officer.
3. The animal control officer shall direct the disposition of any animal found to be infected with rabies.
4. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-164 Reports Of Bite Cases; Report By Veterinarian

1. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
2. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-165 Investigations For Violation Of Chapter

1. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored, and to demand the exhibition by the owner of such dog or cat or small animal.
2. The animal control officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal, and to take possession of such animal when, in his opinion, it requires humane

treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal licenses at any time. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

[Sec 4-166 Records](#)

The animal control officer shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody; and
2. An accurate and detailed record of all bite cases reported to the city, with a complete report of the investigation of each case. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

[ARTICLE 4-1F VICIOUS ANIMALS](#) [Sec 4-171 Court Proceedings Against Vicious Animals](#)

[Sec 4-172 Duty To Register Incoming Vicious Canines](#)

[Sec 4-173 Owner's Responsibility](#)

[Sec 4-174 Actions On Failure To Comply](#)

[Sec 4-175 Exemptions For Canines That Are Provoked](#)

[Sec 4-176 Affidavit Of Complaint](#)

[Sec 4-177 Determination Hearing](#)

[Sec 4-171 Court Proceedings Against Vicious Animals](#)

The owner or keeper of any animal alleged to be vicious or in violation of this chapter may be charged in municipal court after a complaint has been duly filed therein by any person having knowledge thereof. If the court finds that the animal is a vicious animal as defined this article, the court shall order that the animal be confiscated and destroyed or confiscated until the owner or keeper complies with the provisions of this article within 30 working days of the judgement. The judge may additionally order that the owner or keeper comply with other preventive measures. A preventive measure shall not include the animal being removed from the city limits. The animal will be held at the animal shelter until such time as the owner or keeper reaches compliance. Should the owner or keeper fail to comply by the designated date, the owner or keeper, after paying a fee as established in the fee schedule, shall relinquish ownership or custody of the animal to the animal shelter and said animal will be destroyed. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

[Sec 4-172 Duty To Register Incoming Vicious Canines](#)

If any canine that has previously been deemed vicious from another jurisdiction enters the City of Moore, the owner of such canine shall abide by the same criteria and responsibilities as if the canine was deemed vicious by the City of Moore and shall within ten days of entering the city, notify animal control of the canines presence. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

[Sec 4-173 Owner's Responsibility](#)

While on the owner's property, the canine must be securely confined indoors or, while outside, in a securely enclosed and locked pen or structure suitable to prevent entry and designed to prevent the animal from escaping. Such an enclosure must have minimum dimensions of five feet by ten feet and must be at least six feet high. Such enclosure must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the canine. Structures are subject to annual inspection.

The canine shall not be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, the canine shall not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

The canine may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible person.

The owner of the canine shall within 30 days of determination; display in a prominent place on his premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the pen or structure of the canine.

The owner of the canine determined to be a vicious canine shall within 30 days of determination register the canine with the animal control officer. Registration shall be updated annually. Registration must be accompanied by the following:

1. Two color photographs of the canine clearly showing the color and approximate size of the canine;
2. The fees required for a dog license as set forth in this chapter, or evidence of the fees having been paid; and
3. An additional fee as set by the council for each vicious canine.

The owner of any canine determined to be vicious shall notify the animal control officer immediately within 24 hours if a dangerous animal or canine subject to registration as provided in this order is loose, unconfined, has attacked another animal or livestock or has attacked a human being, or has died.

Any canine declared vicious shall be spayed or neutered within 30 days of such findings unless a duly licensed veterinarian provide documents to the municipal court or animal control that medical conditions of the dog contradict sterilization. Such sterilization shall require removal of the reproductive organs. Verification that sterilization has taken place shall be presented to the municipal court or animal control by the licensed practicing veterinarian performing the procedure.

Any canine declared vicious shall receive an identification microchip implant within 30 days of the determination. The microchip used must be implanted by licensed veterinarian. It shall be a violation of the code for a microchip to be removed unless it is for a medical reason and then only by a licensed practicing veterinarian. The animal control must be notified immediately of said removal.

The owner of any canine determined to be vicious shall obtain a policy of liability insurance, such as homeowner's insurance, or surety bond, issued by an insurer qualified under Title 36 of the Oklahoma Statutes in an amount not less than \$100,000.00 insuring the owner for any personal injuries inflicted by the vicious canine. The owner shall provide proof of liability insurance to the Animal Control Department of the City of Moore and shall provide updated coverage annually for as long as the canine is within the city limits. Failure to provide and maintain said insurance shall result in impoundment of the canine and possible euthanasia. HISTORY

Amended by Ord. 821(16) on 5/16/2016

Amended by Ord. 944(20) on 6/15/2020

Sec 4-174 Actions On Failure To Comply

Any owner of a canine that fails to comply with the responsibilities set forth in section 4-173 above shall, upon conviction in court, be punished as provided in section 1-108. In addition to the fine imposed, the court may sentence the defendant to imprisonment for a period not to exceed ten days and canine may be impounded and destroyed. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-175 Exemptions For Canines That Are Provoked

No canine may be declared vicious if the threat, injury or damage was initiated by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the canine, or was teasing, tormenting, abusing or assaulting the canine, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the canine or was

committing or attempting to commit a crime. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-176 Affidavit Of Complaint

Upon receipt of an "Affidavit of Complaint" signed by one or more residents of the city made under oath before an individual authorized by law to take sworn statements, setting forth the nature and the date of the act, the owner of the canine, the address of the owner and the description of the canine doing such act, the animal control officer shall investigate the complaint to determine if in fact the animal is vicious. If after investigation, the animal control officer determines the animal may be vicious, a citation shall be issued for a determination hearing and the animal control officer shall take possession of the alleged vicious animal for immediate impound. The owner or keeper of the alleged vicious animal may make arrangements to house the animal at a licensed veterinarian facility at the owner/keepers expense. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

Sec 4-177 Determination Hearing

1. A determination hearing shall be conducted by the municipal judge whenever there is cause to believe that a dog may be a vicious canine. The hearing shall be conducted within ten days of serving notice to the owner either by delivering a copy of the notice or summons personally to the owner of the canine or by leaving copies thereof at the owners dwelling house or usual place of abode with some person then residing therein who is 15 years of age or older or by certified mail and may be held in conjunction with any criminal proceedings if so ordered by the municipal judge. In no event shall there be a delay of more than ten days in conducting the hearing on determination of viciousness.
2. Pending the outcome of the hearing, the canine must be securely confined in a humane manner at the animal control shelter or with a licensed veterinarian.
3. The municipal judge shall determine whether to declare the canine to be a vicious canine based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be considered germane to such a determination, animal control personnel, police or any other person possessing information pertinent to such determination.
4. The judge shall issue written findings within five days after the determination hearing. The owner has the right to appeal the decision to the district court. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

ARTICLE 4-1G PENALTY Sec 4-181 Penalty

Sec 4-181 Penalty

In addition to other remedies provided in this chapter, any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in section 1-108. HISTORY

Adopted by Ord. 944(20) on 6/15/2020

PART 5 BUILDING REGULATIONS AND CODES CHAPTER 5-1 LICENSES AND FEES, PERMITS, BOND AND INSURANCE

CHAPTER 5-2 BUILDING CODE AND REGULATIONS

CHAPTER 5-3 PLUMBING CODE AND REGULATIONS

CHAPTER 5-4 ELECTRIC CODE

CHAPTER 5-5 MECHANICAL CODE

CHAPTER 5-6 GAS CODE AND PIPELINES

CHAPTER 5-7 FAIR HOUSING

CHAPTER 5-8 OUTDOOR LIGHT FIXTURES

CHAPTER 5-9 FUEL GAS CODE

CHAPTER 5-10 ROOFING CONTRACTORS

CHAPTER 5-11 STORM SHELTERS

State Law reference— General authority to regulate buildings, 11 O.S. Â§ 21-101.

CHAPTER 5-1 LICENSES AND FEES, PERMITS, BOND AND INSURANCE ARTICLE 5-1A

LICENSES AND FEES, PERMITS, BOND AND INSURANCE

ARTICLE 5-1B PERMITS AND INSPECTIONS

ARTICLE 5-1C OTHER REGULATIONS

ARTICLE 5-1A LICENSES AND FEES, PERMITS, BOND AND INSURANCE Sec 5-101 License Required For Contractors And Journeymen

Sec 5-102 Fees Specified

Sec 5-103 Term Of Initial License

Sec 5-104 Licensee Prohibited From Engaging In Activities Beyond Scope Of License And Restrictions

Sec 5-101 License Required For Contractors And Journeymen

All contractors, journeymen and apprentices whose activities are regulated by any of the city's building, electrical, plumbing and mechanical codes in this part are hereby required to obtain a license or registration certificate from the city before engaging in regulated activities.

(Code 1999, Â§ 5-101) Sec 5-102 Fees Specified

The fees for the registration certificates required shall be as set forth in the fee schedule and may be amended from time to time by motion or resolution of the council.

(Code 1999, Â§ 5-102) Sec 5-103 Term Of Initial License

The initial license or registration issued as provided for herein shall be for a term of one year.

(Code 1999, Â§ 5-103) Sec 5-104 Licensee Prohibited From Engaging In Activities Beyond Scope Of License And Restrictions

No licensee shall engage in regulated activities beyond the scope of the license or registration together with any restrictions placed thereon issued to the licensee.

(Code 1999, Â§ 5-104) ARTICLE 5-1B PERMITS AND INSPECTIONS Sec 5-111 Building Permits

Sec 5-112 Expiration Of Permits

Sec 5-113 Plumbing, Electrical, Mechanical And Other Permits

Sec 5-114 Applicability Of Permit Requirements To Federal And State Agencies

Sec 5-115 Schedule Of Permit And Inspection Fees

Sec 5-116 Prepayment For Fees Required

Sec 5-117 Plans, Application

Sec 5-118 Display Of Permits

Sec 5-119 Revocation

Sec 5-120 Exceptions From Permit Requirements

Sec 5-111 Building Permits

Whenever any building, structure, facility, or other appurtenances, is to be erected, constructed, altered, enlarged, improved, moved or removed, as provided in the city's building code, a building permit shall be obtained from the city.

(Prior Code, Â§ 5-66; Code 1999, Â§ 5-121) Sec 5-112 Expiration Of Permits

If the work described in any permit has not begun within 180 days from the date of issuance thereof, the permit shall be cancelled by the building official; and written notice thereof shall be given to the persons affected. A new permit must be obtained and the regular fee shall be collected.

(Prior Code, Â§ 5-66, in part; Code 1999, Â§ 5-122) Sec 5-113 Plumbing, Electrical, Mechanical And Other Permits

Permits for plumbing, electrical or mechanical work, or other permits as required and as defined by this Code, shall be obtained in accordance with the terms of the respective city plumbing, electrical and mechanical codes.

(Prior Code, Â§ 5-66, in part; Code 1999, Â§ 5-123) [Sec 5-114 Applicability Of Permit Requirements To Federal And State Agencies](#)

The permit requirements of the codes adopted by this part shall be applicable to agencies of the federal government, the state and subdivisions of the state. All fees prescribed for such permits shall be waived in such cases.

(Code 1999, Â§ 5-124) [Sec 5-115 Schedule Of Permit And Inspection Fees](#)

Before any permit shall be issued or any inspection shall be made, as required by the city building or technical codes, the recipient of the permit shall pay a fee in accordance with the schedules adopted by the city council by motion or resolution. A copy of the schedules shall be on file in the office of the city clerk. All references to inspection fees in the technical codes adopted by the city are deleted when replaced by a fee in the fee schedule.

(Prior Code, Â§ 5-68, in part; Code 1999, Â§ 5-125) [Sec 5-116 Prepayment For Fees Required](#)

All plumbers, electricians, and mechanical contractors shall prepay all inspection fees prior to the time the work begins or shall deposit with the city treasurer a sum which shall be retained by the city treasurer, interest free, to be used to pay for inspection fees charged to such licensee for inspections made at the request of such licensee. A minimum opening balance for deposits shall be as established by resolution. No permit shall be issued or no inspection made if the contractor's prepaid account does not have a sufficient balance to cover the cost of the requested inspection.

(Prior Code, Â§ 5-1, 5-2; Code 1999, Â§ 5-126; Ord. No. 99(94), 11-7-1994) [Sec 5-117 Plans, Application](#)

1. The applicant for permits shall file with the building department two complete sets of plans and specifications at the time of application for such permit or as otherwise required by the city. Three complete sets are required for a restaurant.
2. All approved plans shall be stamped with an approval stamp. One set of plans for buildings so approved shall become a part of the file of the city and an approved set of plans shall be kept upon the site of the construction of the building. No plans shall be approved that are not in compliance with the ordinances of the city.
3. All plans and drawings submitted shall be to scale and provide the information on the form required by the city.
4. It is unlawful to erase, alter or modify any plans bearing the approval of the city without the consent of the city.
5. Amendments to applications, plans and detail drawings may be made and the city may approve them provided the applications, plans and detail drawings, when so amended, shall be in conformity with the provisions of the official building codes, and the requirements of the city in relation thereto.
6. Approval of plans shall not relieve the owner or his agent of responsibility in complying with this article and the fact that any such approved plans contain matter contrary to the provisions of this Code shall not be held as a bar to its strict enforcement.

(Prior Code, Â§ 5-55—5-57; Code 1999, Â§ 5-127) [Sec 5-118 Display Of Permits](#)

1. Permits issued shall be numbered and a corresponding number shall be given to an identification card which shall be posted in a conspicuous place on the face of the structure to be constructed, altered, enlarged, repaired or removed, at all times during the course of work. The

building official is hereby authorized to direct the cessation of all work on property upon which such a numbered identification card evidencing the issuance of a permit is not posted.

2. Failure to cease work in compliance with the directions of the building official is hereby declared to be and constitute an offense punishable as provided in section 1-108 for each day construction is continued in violation of such direction.

(Prior Code, Â§ 5-68; Code 1999, Â§ 5-128) [Sec 5-119 Revocation](#)

If the work in or about any building or structure shall be conducted in violation of the provisions of this Code or the official building code, the permit issued shall be revoked. It is unlawful to continue the work until such violations shall have been corrected to the satisfaction of the city.

(Prior Code, Â§ 5-69; Code 1999, Â§ 5-129) [Sec 5-120 Exceptions From Permit Requirements](#)

Ordinary repairs of buildings or structures, or the plumbing drainage, or piping thereof, the cost of which shall not exceed \$500.00, may be made without notice to the city, but such repairs shall not be construed to include the removal of any stone, concrete or brick wall, or any portion thereof; the removal or cutting of any beams or supports, or the removal, change or closing of any stairway, or opening in the exterior wall; the alteration or removal of any house sewer, or drainage system, or soil waste or vent pipe or water or gas service line; or repairs or alterations of light or power wiring.

(Prior Code, Â§ 5-55, in part; Code 1999, Â§ 5-130) [ARTICLE 5-1C OTHER REGULATIONS](#)

[Sec 5-131 Right To Enforce And Stop Construction](#)

[Sec 5-132 Cases Of Urgency](#)

[Sec 5-133 Power To Make Rulings](#)

[Sec 5-134 Power To Call Upon Police Or Fire Department](#)

[Sec 5-135 Power To Enter](#)

[Sec 5-136 Penalty](#)

[Sec 5-137 Relief In The Courts](#)

[Sec 5-138 Effect Of Violation By Corporate Officers And Agents](#)

[Sec 5-139 Conviction To Be Deemed Cause For Revocation Of Licenses, Certificates](#)

[Sec 5-131 Right To Enforce And Stop Construction](#)

The building official shall have the right to stop the construction of any building or structure, or the alteration, repair or wrecking of the same, if same is being done in a careless or reckless manner or in violation of the provisions of this part.

(Prior Code, Â§ 5-29; Code 1999, Â§ 5-141) [Sec 5-132 Cases Of Urgency](#)

Decisions of the building official in cases where failure to carry out his orders would endanger life and property shall be absolute and final.

(Prior Code, Â§ 5-31; Code 1999, Â§ 5-142) [Sec 5-133 Power To Make Rulings](#)

The building official shall have power to make rulings and pass upon questions relating to the use of materials and methods of construction to make such materials and methods protective of life and property and in conformance with the intent and purpose of this part.

(Prior Code, Â§ 5-32; Code 1999, Â§ 5-143) [Sec 5-134 Power To Call Upon Police Or Fire Department](#)

The building official shall have authority to call upon the police or fire department in enforcing this part. It shall be mandatory upon any member thereof to act in compliance with and perform such duties as the building official may require.

(Prior Code, Â§ 5-33; Code 1999, Â§ 5-144) [Sec 5-135 Power To Enter](#)

The building official may enter any building or structure whether completed or in the course of construction for the purpose of making inspections.

(Prior Code, Â§ 5-34; Code 1999, Â§ 5-145) [Sec 5-136 Penalty](#)

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

(Prior Code, Â§ 5-5; Code 1999, Â§ 5-146) [Sec 5-137 Relief In The Courts](#)

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

(Prior Code, Â§ 5-6; Code 1999, Â§ 5-147) [Sec 5-138 Effect Of Violation By Corporate Officers And Agents](#)

Violation of any of the terms or provisions of this part by any corporation or association shall subject the officers and agents in charge of the business of such corporation or association to the penalty provided in this part.

(Prior Code, Â§ 5-7; Code 1999, Â§ 5-148) [Sec 5-139 Conviction To Be Deemed Cause For Revocation Of Licenses, Certificates](#)

Conviction under the provisions of this part shall be deemed just cause for the revocation of any certificate or license which a person may have or hold under the provisions of this part.

(Prior Code, Â§ 5-8; Code 1999, Â§ 5-149) [CHAPTER 5-2 BUILDING CODE AND REGULATIONS ARTICLE 5-2A BUILDING CODE](#)

[ARTICLE 5-2B MOVING AND RELOCATING BUILDINGS](#)

[ARTICLE 5-2C SIGN CONTRACTORS](#)

[ARTICLE 5-2D AWNINGS, CARPORTS AND PATIO COVERS](#)

[ARTICLE 5-2E FENCES](#)

[ARTICLE 5-2F SWIMMING POOLS](#)

[ARTICLE 5-2A BUILDING CODE Sec 5-201 Adoption](#)

[Sec 5-202 Amendments](#)

[Sec 5-203 Provisions Declared To Be Minimum Requirements](#)

[Sec 5-204 Adoption Of The 2015 International Residential Code, As Amended And Modified By The State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23](#)

[Sec 5-205 Smoke Detectors Required In Apartment Dwellings](#)

[Sec 5-206 Adoption Of Standard Specifications For The Construction Of Water And Sewer](#)

[Sec 5-207 Adoption Of Paving, Sidewalk, And Driveway Specifications](#)

[Sec 5-208 Enforcement](#)

[Sec 5-209 Liquefied Petroleum Gas Code Adopted, Penalty](#)

[Sec 5-210 Private Water Wells Prohibited](#)

[Sec 5-211 House, Building Numbering System](#)

[Sec 5-212 Building Standards For Construction Of Residential Dwellings Within Tornado Damage Area](#)

[Sec 5-201 Adoption](#)

There is hereby adopted that certain code known as the International Building Code 2015, as amended and modified by the state uniform building code commission pursuant to 59 O.S. Â§

1000.23, as the building code of the city for the control of buildings and structures as herein provided, referred to herein as the "building code." Each and all of the regulations, provisions, penalties, conditions and terms of the building code are hereby referred to, adopted and made a part hereof as if fully set out in this Code, with the additions, insertions, deletions and changes, if any, prescribed herein. Not less than one copy of this code is on file in the office of the clerk.

(Code 1999, Â§ 5-201; Ord. No. 533(90), 7-2-1990; Ord. No. 208(97), 10-6-1997; Ord. No. 378(02), 8-19-2002; Ord. No. 536(06), 2-21-2006; Ord. No. 635(08), 12-15-2008)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. HISTORY

Amended by Ord. 737(13) on 2/4/2013

Amended by Ord. 856(17) on 6/19/2017

Sec 5-202 Amendments

1. The following additions, amendments or deletions are made to the building code adopted herein:

Section 101.1. Insert: The City of Moore, Oklahoma.

Section 107.3.4.1. Insert at the end of section: Exception: Plans for additions of less than 500 square feet to existing commercial structures or for any commercial remodel where the structural design of the building is not changed shall not be required to be prepared by a registered professional architect or engineer licensed by the state.

Section 109.2. Refer: Those certain fees adopted by the city on September 7, 1997, and as they may be amended from time by motion or resolution of the city council.

Section 113.1. Insert: "Board of Adjustment."

Delete: "Board of Appeals."

Insert: at end of second sentence: The appeals procedure shall be as specified in article B, sections 12-123 et seq., of the city's zoning ordinance.

Section 114.4. Delete entire section and insert: Penalties shall be set forth in section 1-108 of the City Code.

Section 1106.8. Insert: Accessible parking spaces shall have a painted square blue field and either a yellow or white international symbol of access in the field and shall include a sign mounted within the specifications labeled in the ADA Handbook 2010.

2. Building foundation regulations. In addition to the rules, regulations, and standards set forth in the International Building Code, as adopted herein, the following additional requirements are adopted and made a part of the building code of the city:

1. *General.* Stress analysis for any structural element considered by the building official to be unsafe shall be submitted for approval.

2. *Commercial foundations.* The design of foundations for construction other than residential shall be prepared and certified by a professional engineer registered in the state and approved by the city.

3. *Concrete slab floors.* All concrete slab floors shall meet the following minimum standards:

1. All concrete slabs on grade shall be nominal four inches thick on a four-inch sand base.
2. All concrete shall be minimum 2,500 psi compressive strength.
3. It is recommended that all concrete slabs shall be reinforced with 66/.1010 wire mesh.
4. All slabs on grade shall be either waterproof concrete or shall have 0.006 inch vapor barrier under slab.

5. All concrete floors shall be a minimum of eight inches above finished grade.

(Code 1999, Â§ 5-202; Ord. No. 533(90), 7-2-1990; Ord. No. 208(97), 10-6-1997; Ord. No. 378(02), 8-19-2002; Ord. No. 536(06), 2-21-2006; Ord. No. 635(08), 12-15-2008) HISTORY

Amended by Ord. 737(13) on 2/4/2013

Amended by Ord. 856(17) on 6/19/2017

Sec 5-203 Provisions Declared To Be Minimum Requirements

The provisions of the building code in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. Whenever any of the provisions or requirements of the code are inconsistent with the provisions of this Code or state statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulation shall apply and govern.

(Code 1999, Â§ 5-203) **Sec 5-204 Adoption Of The 2015 International Residential Code, As Amended And Modified By The State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23**

1. *Adoption.* There is hereby adopted that certain code known as the International Residential Code 2015, as amended and modified by the state uniform building code commission pursuant to 59 O.S. Â§ 1000.23, as the one- and two-family dwelling code of the city for the control of buildings and structures as herein provided, referred to herein as the "residential building code." Each and all of the regulations, provisions, penalties, conditions and terms of the residential building code are hereby referred to, adopted and made a part hereof as if fully set out in this Code, with the additions, insertions, deletions and changes, if any, prescribed herein. Not less than one copy of this code is on file in the office of the clerk.
2. *Amendments.* The following sections of the dwelling code are hereby revised as follows:
Section 109.5. Prefabricated Construction. Insert: [Modular construction, manufactured housing and any other prefabricated construction is not permitted in any zoning district within the city limits, unless approved by the board of adjustment as provided in section 12-125 of the City Code].
Section R401.1.2. Addition: Insert after first sentence: Any foundation approved by the Federal Housing Administration (FHA) shall be accepted.
Section P3005.2.3. Delete and replace with: There shall be two directional cleanouts with a backwater valve in between the two directional cleanouts near the junction of the building drain and building sewer. The two directional cleanouts and backwater valve shall be outside the building wall, provided that it is brought up to finish grade.
Sections E3401 to E4304. Delete Sections E3401 to E4304 and replace with the 2014 NEC as adopted by the state uniform building code commission pursuant to 59 O.S. Â§ 1000.23 and the city.
Section Addition:
Part IV Energy Construction.
Part V Mechanical.
Part VI Fuel Gas.
Part VII Plumbing.
Part VIII Electrical.
3. *Adoption of residential wind code.* 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:
 1. Roof sheathing (OSB or plywood) shall be nailed 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 not allowed.

2. Maximum spacing for roof framing shall be 16 inches on center. Minimum nominal sheathing panel size shall be 7/16. 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. Hurricane clip or framing anchor shall be required on all rafter to wall connections.
7. The upper and lower story wall sheathing shall be nailed to the common rim board.
8. 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.
9. Nailing of wall sheathing (OSB or plywood) shall be increased to 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.
10. Structural wood sheathing shall be extended to lap the sill plate and nailed to the sill plate using a four-inch on center along the edges. Structural wood sheathing shall be nailed to rim board if present with 8d ring shank (0.131" by 2.5") or 10d (0.148" by 3") nails on four-inch on center along both the top and bottom edges of the rim board.
11. Garage doors shall be rated to 135 mph wind or above.
12. Exterior wall studs shall be 16-inch on center.
4. *Building foundation regulations.* In addition to the rules, regulations, and standards set forth in the International Residential Code, as adopted herein, the following additional requirements are adopted and made a part of the building code of the city:
 1. *General.* Stress analysis for any structural element considered by the building official to be unsafe shall be submitted for approval.
 2. *Foundations and footings.* All exterior walls shall have footings of the following minimum standards:
 1. Minimum depths of concrete footings on exterior walls: 18 inches.
 2. Minimum width for frame walls: ten inches.
 3. Minimum width for veneer walls: 12 inches.
 4. All footings shall be 3,000 psi, minimum compressive strength concrete and reinforced with four rows, two up and two down, with No. 5 bar top and bottom.
 5. All footings shall be poured in a minimum of six inches into undisturbed soil.
 6. Where pier and grade beam type of foundation is proposed for residential construction, design of grade beam and piers shall be:
 1. *Piers.*
 1. Diameter: ten inches minimum.

2. Depth: 24 inches minimum.
3. Spacing: eight feet on center with one No. 5 bar for full length of pier and extending into beam.
2. *Grade beam, minimum width.*
 1. Frame: six inches, except that an eight-inch beam may be flared to be covered by base trim.
 2. Masonry or masonry veneer: eight inches.
 3. Minimum effective depth: 14 inches; however, where grade beam supports wood floor framing the minimum effective depth shall be 18 inches in order to provide required clearance under joints.
 4. Reinforce with two bars at the top and bottom of the beam as follows: frame, four No. 4 bars; and masonry or masonry veneer, four No. 5 bars. Where grade beam is flared at the top, reinforce with one No. 6 bar instead of two No. 4 bars
3. *Concrete slab floors.* All concrete slab floors shall meet the following minimum standards:
 1. All concrete slabs on grade shall be nominal four inches thick on a four-inch sand base.
 2. All concrete shall be minimum 2,500 psi compressive strength.
 3. It is recommended that all concrete slabs shall be reinforced with 66/1010 wire mesh.
 4. All slabs on grade shall be either waterproof concrete or shall have 0.006 inch vapor barrier under slab.
 5. All concrete floors shall be a minimum of eight inches above finished grade.

(Code 1999, Â§ 5-204; Ord. No. 534(90), 7-2-1990; Ord. No. 201(97), 8-18-1997; Ord. No. 209(97), 10-6-1997; Ord. No. 379(02)-A, 8-19-2002; Ord. No. 534(06), 2-21-2006; Ord. No. 633(08), 12-15-2008)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. HISTORY

Amended by Ord. 724(12) on 9/4/2012

Amended by Ord. 768(14) on 3/17/2014

Amended by Ord. 857(17) on 6/19/2017

Sec 5-205 Smoke Detectors Required In Apartment Dwellings

1. All apartment structures and buildings shall have not less than one smoke detector installed and maintained in working order in each separate unit or living area within the apartment building.
2. The smoke detectors required by this section shall be approved prior to their installation but shall be powered by the following methods, to wit:
 1. For all apartments in existence on March 4, 1982, the smoke detector shall be powered by a battery and shall be tested by the owner of such apartment building every 30 days, and the documentation of such testing shall be kept in the office of the manager of such apartment; and
 2. All smoke detectors installed in apartments which receive a building permit after March 4, 1982, shall be powered by the electrical system of such apartment building.

3. All smoke detectors shall be of a type approved by the chief of the fire department, the International Fire Safety Code as adopted by the city or the residential building code as adopted by the city, but must be suitable to warn the occupants of the unit in which such detector is installed of the presence of smoke and the possibility of fire danger.
4. Failure to install or maintain a smoke detector or failure to test a battery-powered smoke detector as required by this section, or to keep a record of such test, shall be unlawful, and, upon conviction thereof, every person, firm, corporation, manager or other person shall be subject to punishment as provided in section 1-108 for each violation.

(Prior Code, Â§ 5-4; Code 1999, Â§ 5-205) HISTORY

Amended by Ord. 857(17) on 6/19/2017

Sec 5-206 Adoption Of Standard Specifications For The Construction Of Water And Sewer

A certain document, one copy of which is on file in the office of the city clerk, being designated as the "City of Moore Standard Specifications for the Construction of Water and Sewer," dated February 1990, as developed and prepared by Wyatt, Doyle and Butler Engineers, Inc., is hereby adopted as the construction code of water and sewer for the city. The specifications set forth the standards and specifications for the construction of water and sewer establish minimum regulations governing the installation of water mains, installation of sewer mains, incidental construction, attendant installation and maintenance of water and sewer mains, and standards for earth work, excavation, disposal of materials, adjustment of existing structures, foundations and bedding, and backfill, all relative to the construction of water and sewer. Each and all of the regulations, provisions, penalties, conditions and terms of the standard specifications are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(Code 1999, Â§ 5-206; Ord. No. 512(90), 4-2-1990)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. **Sec 5-207 Adoption Of Paving, Sidewalk, And Driveway Specifications**

A certain document commonly known as "Standard P.C.C. Paving Details, Standard Driveway and Sidewalk Details and Standard A.C. Paving Details," one copy of which is on file in the office of community development director, is hereby adopted as the specifications for same and shall be known as the paving code of the city. Subsequent revisions, modifications, codifications or additions of the paving code shall become effective as available, for the control of paving as herein provided. Each and all of the regulations, provisions, conditions, and terms of the paving code are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(Code 1999, Â§ 5-207; Ord. No. 513(90), 4-2-1990)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. **Sec 5-208 Enforcement**

The official designated as being responsible for the enforcement of the city's building codes shall be the building official.

(Code 1999, Â§ 5-208) **Sec 5-209 Liquefied Petroleum Gas Code Adopted, Penalty**

1. Pamphlet No. 58, Storage and Handling of Liquefied Petroleum Gases, issued by the National Fire Protection Association, the latest edition thereof, is hereby adopted and incorporated herein by reference to govern liquefied petroleum gas.
2. It is unlawful for any person 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 shall comply with all the provisions of state law and this section.
3. All persons, firms, corporations or government entities which own or operate underground flammable or combustible liquid tanks and associated underground piping shall test the tanks

and piping for tightness at least once per year. The test shall be witnessed and certified by the fire department. The test shall consist of five pounds per square inch of pressure put on the tank and piping for a period of 30 minutes. Any reduction of tank contents or loss of air pressure experienced during the test shall constitute test failure. The fire department shall then order the tank emptied and associated equipment shut down, until such time as the faulty equipment is repaired or replaced and retested.

(Prior Code, Â§Â§ 9-83, 9-84; Code 1999, Â§ 5-209)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. [Sec 5-210 Private Water Wells Prohibited](#)

It is unlawful and an offense for any person to drill a well for the production of water upon property not owned and controlled by the city. It is unlawful and an offense for any person to produce water from any well hereafter drilled in violation of this section. This section shall not apply to any property placed in an agricultural zoning classification under the zoning ordinances of the city.

(Prior Code, Â§ 23-26; Code 1999, Â§ 5-210) [Sec 5-211 House, Building Numbering System](#)

1. House and business structure numbering shall be east and west from Broadway and north and south from Main. The first block from the dividing line in each case shall be the 100 block, the next the 200 block, the next the 300 block, and so on, each block being numbered in multiples of 100. All lots shall be numbered consecutively from the side of the block nearest the dividing line, starting with one, but in the multiple of 100 corresponding to the block number, alternating with the odd numbers on the north and west side and with the even numbers on the south and east side of all streets and avenues; that is, starting from the dividing line, the first lot on the north or the west side of the street shall be numbered 101, and the one directly across the street shall be numbered 102, and so on through each consecutive block in numerical order. All houses and business structures shall be numbered accordingly.
2. Where the long side of a lot parallels the street or avenue, and in the case of unplatted areas, each 25 feet of length shall be considered as a lot for numbering purposes.
3. The areas adjoining the right-of-way of the Oklahoma Railway Company on the west, on both the north and south sides of Main Street, shall be treated as blocks and the same method of numbering such blocks and lots therein shall be followed.

(Prior Code, Â§ 20-93; Code 1999, Â§ 5-211) [Sec 5-212 Building Standards For Construction Of Residential Dwellings Within Tornado Damage Area](#)

1. Tornado damage area defined. For purposes of this section, the area of tornado damage resulting from any tornado that is declared a federal disaster shall be specifically referred to as the "tornado damage area."
2. No person or other entity shall commence the construction of any building or structure to be used as a residential dwelling within the tornado damage area without obtaining a permit, and in order to be eligible to receive said permit, all planned construction shall conform to the applicable provisions of the building code adopted in this article, all other applicable provisions of the city, and in addition thereto, all planned construction within the tornado damage area shall specifically conform to the following basic standards:
 1. Each planned residential dwelling structure shall have a minimum of 50 percent coverage of brick or stone. For the May 20, 2013, Tornado, the Foxglove Addition, Section 1 and 2, shall not have a minimum bricking requirement;
 2. Each planned residential dwelling structure shall have the minimum square footage as plat restrictions indicate. Where the plat restrictions do not indicate a minimum square footage requirement, each planned residential dwelling structure shall have a minimum of 1,000 square feet, excluding garage; and

3. Each planned residential dwelling structure is required to have an attached garage.
3. In order to determine said conformity, as provided in subsection (B) of this section, the city may require the submission of detailed plans and specifications covering the proposed construction of buildings and residential dwellings within the tornado damage area, and shall refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the city, including the building code and this section.
4. Nothing in this section shall be construed as repealing any ordinance or the authority to enact and enforce any ordinance of the city requiring the submission to the city of plans and specifications and the obtaining of permits, nor will anything herein in any way impair the power of the city to regulate the use of land by zoning, building codes or restricted fire district regulations or otherwise.
5. Penalty. Unless otherwise provide herein, any person found guilty of violating any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than \$100.00, excluding costs. Every day that a violation exists shall constitute a separate violation and shall be subject to the full penalty contained herein.

(Code 1999, Â§ 5-212; Ord. No. 262(99), 8-16-1999; Ord. No. 751(13), 7-1-2013) **ARTICLE 5-2B MOVING AND RELOCATING BUILDINGS** **Sec 5-221 Permit Required To Move Building**
Sec 5-222 Permit Fees

Sec 5-223 Application And Bond Required

Sec 5-224 Issuance Or Denial Of Permit

Sec 5-225 Interference With Trees And Fixtures

Sec 5-226 Interference With Poles And Wires

Sec 5-227 Safety Precautions And Protection Of Property

Sec 5-228 Time Limit

Sec 5-229 Relocation Of Used Residential Buildings

Sec 5-221 Permit Required To Move Building

No person shall move any building or structure along or across any street, alley or roadway within the city without a permit therefor from the building official issued in accordance with the provisions of the applicable building codes and this article. No such permit shall be granted to any person except a bonded house mover. Proof of possession of a valid and current state license, and the number assigned by the state corporation commission, shall be provided to the building official prior to issuance of a permit.

(Prior Code, Â§ 5-331; Code 1999, Â§ 5-221) **Sec 5-222 Permit Fees**

Before any permit to move a building or structure is granted under the provisions of this section, the applicant for such permit shall pay a fee as provided in the fee schedule.

(Code 1999, Â§ 5-222) **Sec 5-223 Application And Bond Required**

Before any person shall be granted a permit for the moving of any building or structure as provided in this article, he shall file with the city an application and a bond. The application shall show the place from where the building is to be moved, the location where it is to be moved, giving the size thereof and other information required by the city. The bond, in the sum as set in the city's bond schedule which shall run in favor of the city and any private person sustaining damages under the conditions thereof, shall be entitled to sue thereon in his own name. The bond shall be conditioned, among other things, that if such permittee is granted the permit he shall promptly pay all damages and for all injuries that may accrue to any person or property, either public or private, within the city when such injury or damages are inflicted by the permittee or his agents, servants, employees, workers, contractors or subcontractors, and such bond shall be conditioned also that the permittee will save, indemnify and protect the city from all liability which may arise, either

directly or indirectly, from the moving of any building or structure by the permittee, his agents, servants, employees, workers, contractors or subcontractors, and that the permittee will in all respects comply with the ordinances of the city in regard to the moving of buildings or structures and to the use or obstruction of the streets and other public places of the city.

(Prior Code, Â§ 5-332, 5-334; Code 1999, Â§ 5-223) [Sec 5-224 Issuance Or Denial Of Permit](#)

1. At the time an application and bond is filed, the city clerk may issue a permit for moving the building along the route described if in his judgment the building can be moved without damage to the property owners along the route and without damage to city streets. If the city clerk determines that the building cannot be moved without damage to property or streets, or for other noncompliance with this article or applicable law, then he shall endorse on the application "REFUSED."
2. Once a moving permit is granted, if the move is not completed within six months after issuance of the permit, the permit shall be revoked and a new permit must be applied for.
3. If any mover, his servants, agents or employees, shall, while acting within the scope of this article, damage or destroy any public or private property and fail or refuse to repair, renew or pay for the same, or shall fail or refuse to pay for the expense of the raising, cutting or repair of any electric wire or cable or the removal and replacement of any pole bearing the same as required by the terms of this article, a written claim containing a statement of such damages or expense may be filed with the building official who shall investigate the same. If the building official finds the same to be just and reasonable, no further permits within the scope of this article shall be issued to such mover until the claim is satisfied. Denial of such permit may be appealed to the board of adjustment by filing a notice of appeal with the building official and city clerk within ten days of the day of denial.

(Code 1999, Â§ 5-224) [Sec 5-225 Interference With Trees And Fixtures](#)

No tree on any street shall be removed or the branches of any tree be cut or trimmed in order to facilitate the moving of any building, except with the consent and under the supervision of the city. No fixture on any street or alley shall be removed, displaced or otherwise interfered with to facilitate the moving of any building, except with the consent and under the supervision of the building official.

(Code 1999, Â§ 5-225) [Sec 5-226 Interference With Poles And Wires](#)

Whenever for the purpose of facilitating the moving of any building or structure it is necessary to raise or cut any telephone or telegraph wire or cable or any electric wire, or move any pole bearing any such wire or cable, it is the duty of the mover having charge of the moving of such building or structure to give the person owning or operating the poles, wires or cables at least 24 hours' notice of the time and place when and where the removal of such poles or the raising or cutting of such wires or cables will be necessary. After the service of the 24-hour notice, it is the duty of the person owning or operating the poles, wires or cables to furnish competent workers or linemen to remove such poles or raise or cut such wires or cables. The regular wages of the workers or linemen while engaged at such work shall be paid by such movers. No mover shall raise, cut or move any such pole, wire or cable unless the persons or authorities owning or having control of the same fail or refuse to do so after such notice. Only competent workers or linemen shall be employed in such work, and the same shall be done in a careful and workmanlike manner, and the poles, wires and cables promptly replaced and damages thereto promptly repaired at the expense of such mover.

(Code 1999, Â§ 5-226) [Sec 5-227 Safety Precautions And Protection Of Property](#)

No building or structure shall be allowed to remain at a standstill in any public street or other public place for a period longer than 24 hours without the consent in writing of the building official.

When any building or structure is left in any street at night, two or more approved warning lights or signals shall be conspicuously posted at each end of such building or structure so as to give warning in both directions of the street. All other obstructions left in the street shall be safeguarded by similar lights or signals. All such lights and signals shall be in good working order when posted, and shall be securely placed in position. No such building or structure or other obstruction shall be left standing at night in any street intersection. The chief of the fire department and chief of police shall be notified of the location of any such building or structure left standing in the street at night. When necessary to protect pavement or sidewalk, plank of sufficient size and thickness to prevent injury to such pavement or sidewalk shall be laid for the wheels of the moving trucks to travel on. The building official shall have the power to require the use of other precautionary measures than those specifically mentioned in this article when necessary or proper to protect life, limb or property.

(Prior Code, Â§ 5-335, in part; Code 1999, Â§ 5-227) [Sec 5-228 Time Limit](#)

At the time of application for a moving permit, it is the duty of the mover of the building or structure to estimate the reasonable time required for the moving of the building from its present location to its proposed location. He shall state in his application for a permit what the applicant deems to be such reasonable time. The route and time allowed for the moving of the building shall be determined and fixed by the city manager. The permit shall especially provide that the building shall be, from the time any part of the street is used for the moving of same, cleared from any and all of the streets of the city within a specified number of days specified therein, Sundays and holidays excepted. The mover shall bind himself to pay the sum as set by the city per day for each and every day all or any part of the building or structure remains on the street in excess of the number of days allowed in the permit, and his cash deposit shall, in addition to his bond, be secondarily liable for the payment of the amount. Nothing but an act of God shall be a defense against the payment of these sums. The provisions of this section shall not prevent the city from revoking a permit in compliance with section 5-224 after a period of six months has elapsed from the date of issuance of the permit.

(Code 1999, Â§ 5-228) [Sec 5-229 Relocation Of Used Residential Buildings](#)

No residential dwelling building or structure shall be relocated in any zoning district within the city.

(Code 1999, Â§ 5-229; Ord. No. 175(96), 12-2-1996) [ARTICLE 5-2C SIGN CONTRACTORS](#)

[Sec 5-241 Regulations Established](#)

[Sec 5-242 License Required, Fee, Term](#)

[Sec 5-243 Transfer](#)

[Sec 5-244 Suspension](#)

[Sec 5-245 Revocation](#)

[Sec 5-246 Sign Contractor's Bond Prerequisite To Issuance](#)

[Sec 5-247 Inspection](#)

[Sec 5-248 Designating Sign](#)

[Sec 5-241 Regulations Established](#)

There are hereby established regulations pertaining to the construction of signs, licensing of sign contractors, and establishment of a fee schedule for sign permits.

(Prior Code, Â§ 5-371; Code 1999, Â§ 5-241) [Sec 5-242 License Required, Fee, Term](#)

No person except a licensed sign contractor shall engage in the business of manufacturing, installing, erecting, repairing, painting, altering, servicing, or removing signs requiring permits as provided in this Code. A sign contractor's license may be obtained from the office of the city clerk upon presentation of satisfactory evidence of qualifications for the building official and payment of a fee as set by the city. Such license shall expire annually. No reduction in fee for a partial year

shall be made. Employees of duly licensed sign contractors shall not be required in the regular course of such employment to obtain such license or pay such fee in order to engage in the work of manufacturing, installing, erecting, repairing, painting, altering, servicing or removing signs in the regular course of such employment.

(Prior Code, Â§ 5-372; Code 1999, Â§ 5-242) [Sec 5-243 Transfer](#)

It is unlawful for any person holding a license to transfer same or allow the use of same, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the sign work herein specified.

(Prior Code, Â§ 5-373; Code 1999, Â§ 5-243) [Sec 5-244 Suspension](#)

The city shall have the right to suspend for a maximum period of 90 days the license of any sign contractor for a violation of any of the city ordinances relating to signs.

(Prior Code, Â§ 5-374; Code 1999, Â§ 5-244) [Sec 5-245 Revocation](#)

The city shall have the right to revoke the license of any sign contractor for a violation of any of the city ordinances relating to signs.

(Prior Code, Â§ 5-375; Code 1999, Â§ 5-245) [Sec 5-246 Sign Contractor's Bond Prerequisite To Issuance](#)

No sign contractor's license shall be issued to any applicant until the applicant therefor shall have deposited with the city clerk a surety bond in the sum as set by the city, to be known as the sign contractor's bond. The bond shall be executed by the sign contractor and the surety thereon shall be a corporate surety company authorized to do business in the state. The bond shall be payable to the city, and as a condition shall state that the licensee will faithfully and properly conduct his business in compliance with all the ordinances of the city relating to signs and sign contractors. The bond shall provide for the payment of all fines and penalties imposed for the violation of such laws, and for the protection and indemnification of the city against all damages resulting directly or indirectly from any injury to persons or property on account of negligence or unskilled work of the licensee.

(Prior Code, Â§ 5-376; Code 1999, Â§ 5-246) [Sec 5-247 Inspection](#)

The building official shall inspect at such times as he deems necessary each sign regulated by this article.

(Prior Code, Â§ 5-377; Code 1999, Â§ 5-247) [Sec 5-248 Designating Sign](#)

Each sign erected by a sign contractor shall have a sign designating who the sign contractor was who installed the sign, placed in a conspicuous location. Such sign shall be a size of no less than two inches in height and eight inches in width and shall be attached to the sign.

(Prior Code, Â§ 5-378; Code 1999, Â§ 5-248) [ARTICLE 5-2D AWNINGS, CARPORTS AND PATIO COVERS](#) [Sec 5-251 Definition](#)

[Sec 5-252 Construction Restrictions](#)

[Sec 5-253 Permits And Fees](#)

[Sec 5-251 Definition](#)

Awnings, carports, and patio covers, individually or in combinations, as used herein, are defined as any structure, whether attached to an existing structure or freestanding, which is constructed for the purpose of providing a roof type cover only, for shelter from the sun, rain, snow, sleet or hail.

(Prior Code, Â§ 5-316; Code 1999, Â§ 5-251) [Sec 5-252 Construction Restrictions](#)

Awnings, carports and patio covers which extend beyond the front building line, toward the street, or beyond the side building line on side streets, may be constructed if they meet the following requirements:

1. They are not to exceed more than 20 feet beyond the front building line, but in no instance beyond the front property line of interior lots;
2. They are not to extend more than 20 feet beyond the side building line, but in no case beyond the side property line of corner lots;
3. They must not be, at any point on the structure, closer than five feet to an adjacent property line; except, those houses that have a one car garage as of November 2, 1995, may erect a carport within one foot of the side property line, provided the structure may not divert any stormwater to the adjacent property;
4. Construction details must conform to the following:
 1. The structure must be designed to support a load of 20 pounds per square foot in addition to the weight of the structure;
 2. Awnings, carports and patio covers which are attached to an existing structure shall be attached with one-quarter inch or larger lag screws in a substantial manner and shall be anchored to each wall stud or to a masonry wall. One side of attached awnings, carports or patio cover structures shall be supported by 1½-inch diameter by 14 gauge steel columns, or columns of equivalent strength, set in concrete footings not less than 12 inches deep nor less than 12 inches in diameter;
 3. Freestanding carports or patio covers shall be supported by 2½-inch diameter by 14 gauge steel columns or columns of equivalent strength, set in concrete footings not less than 24 inches deep nor less than 12 inches in diameter;
 4. All concrete in footings shall be 2,000 pounds per square inch quality;
 5. Roof slope shall be at least 3/16 -inch per foot; and
 6. All bolts and screws used in the structure shall be cadmium plated or equal.

(Prior Code, Â§ 5-317; Code 1999, Â§ 5-252; Ord. No. 131(95), 11-2-1995) [Sec 5-253 Permits And Fees](#)

1. A permit must be obtained from the city clerk upon written application showing compliance with this article and other applicable ordinances of the city.
2. Such application shall contain the address of the applicant along with a detailed drawing showing the desired specification of the proposed awning, carport or patio cover and showing on such drawing compliance with this article in all particulars. The application will be on forms prepared by the city clerk and shall contain such other information as is deemed necessary by him.
3. No permit will be issued until the permit fee is paid to the city clerk. It shall be an offense to construct an awning, carport or patio cover without having first secured a permit as provided in this article.

(Prior Code, Â§ 5-318; Code 1999, Â§ 5-253) [ARTICLE 5-2E FENCES](#) [Sec 5-261 Short Title](#)

[Sec 5-262 Definitions](#)

[Sec 5-263 Application](#)

[Sec 5-264 Bond Prerequisite To Issuance](#)

[Sec 5-265 Transfer](#)

[Sec 5-266 Suspension](#)

[Sec 5-267 Revocation](#)

[Sec 5-268 Expiration; Renewal](#)

[Sec 5-269 Permits Required](#)

[Sec 5-270 Application](#)

[Sec 5-271 Issuance](#)

[Sec 5-272 Fees](#)
[Sec 5-273 Revocation](#)
[Sec 5-274 Inspection](#)
[Sec 5-275 Zoning Restrictions](#)
[Sec 5-276 Designating Sign](#)
[Sec 5-261 Short Title](#)

This article shall hereafter be known and cited as the "fence regulations" of the city.

(Prior Code, Â§ 6-131; Code 1999, Â§ 5-261) [Sec 5-262 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:

Erect means to build, construct, attach, hang, place or affix in any manner all fences as defined in this section.

Fence means and includes every fence that is permanently attached to the ground, including chain-link fences, redwood fences, masonry fences, wood fences, but not limited thereto, and not including fences in agricultural zones within the limits of the city.

Fence contractor means any person engaged in the business of constructing, installing, erecting, repairing or servicing fences as defined in this section.

(Prior Code, Â§ 6-132; Code 1999, Â§ 5-262) [Sec 5-263 Application](#)

Before a fence contractor shall be licensed to install any fence or make alterations or additions to existing fences, he shall file with the building official an application in writing for a license to do such work. Such application shall be filed with the building official of the city and information furnished thereon shall include:

1. Name of the applicant;
2. Address of the applicant;
3. Number of years' experience in the fence business;
4. Employment of the applicant over the last ten years;
5. A record of any convictions of such applicant on any felony criminal charge;
6. Three references; and
7. Any other items deemed desirable by the building official.

(Prior Code, Â§ 6-135; Code 1999, Â§ 5-263) [Sec 5-264 Bond Prerequisite To Issuance](#)

No fence contractor's license shall be issued to any applicant until the applicant therefor shall have deposited with the city clerk a surety bond in the sum set by the city to be known as the fence contractor's bond. Such bond shall be executed by the fence contractor and the surety thereon shall be a corporate surety company authorized to do business in the state. The bond shall be payable to the city, and as a condition shall state that the licensee shall faithfully and properly conduct his business in compliance with all ordinances of the city relating to fences and fence contractors and for the payment of all fines and penalties imposed for the violation of such laws, and for the protection and indemnification of the city against all damages resulting directly or indirectly from any injury to persons or property on account of negligence or unskilled work of the licensee.

(Prior Code, Â§ 6-136; Code 1999, Â§ 5-264) [Sec 5-265 Transfer](#)

It is unlawful for any person holding a fence contractor's license to transfer the same or allow the use of same, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the fence work herein specified.

(Prior Code, Â§ 6-138; Code 1999, Â§ 5-265) [Sec 5-266 Suspension](#)

The building official shall have the right to suspend for a maximum period of 90 days the license of any fence contractor for violating any of the city ordinances relating to fences.

(Prior Code, Â§ 6-139; Code 1999, Â§ 5-266) [Sec 5-267 Revocation](#)

The city shall have the right to revoke the license of any fence contractor for a violation of any of the city ordinances relating to fences.

(Prior Code, Â§ 6-140; Code 1999, Â§ 5-267) [Sec 5-268 Expiration; Renewal](#)

1. A fence contractor's license shall expire annually. No reduction in fee for a partial year shall be made.
2. Any person who holds a license in his name may renew the license upon the payment of the fee to the city treasurer within 30 days after expiration thereof, unless such license has been revoked prior to expiration by the city.

(Prior Code, Â§ 6-141; Code 1999, Â§ 5-268) [Sec 5-269 Permits Required](#)

It is unlawful for any person acting as a fence contractor or such contractor's employee to construct, erect, install, alter, or locate within the city any fence as defined in this article without the contractor's obtaining a permit from the building department of the city and paying the fee required by this article. Employees of a contractor shall not be required to obtain a permit if the fence contractor has obtained a permit for the erection of such fence. No permit shall be required in agricultural zones.

(Prior Code, Â§ 6-142; Code 1999, Â§ 5-269) [Sec 5-270 Application](#)

Application for fence erection permits shall be made upon blanks provided by the building official and shall contain or have attached the following information:

1. Name and address of the applicant;
2. Location of lot upon which the fence is to be constructed;
3. The name of the person erecting such fence; and
4. Such other information as the building official shall require to show full compliance with this article and all other laws and ordinances of the city.

(Prior Code, Â§ 6-143; Code 1999, Â§ 5-270) [Sec 5-271 Issuance](#)

It is the duty of the building official upon the filing of an application for a fence erection permit, if it is in order and in compliance with all the regulations of this article and other laws and ordinances of the city, to issue the erection permit. If the work authorized under an erection permit has not been completed prior to 12 months from the date of issuance, the permit shall become null and void.

(Prior Code, Â§ 6-144; Code 1999, Â§ 5-271) [Sec 5-272 Fees](#)

Every applicant, before being granted a fence erection permit under this article shall pay to the city clerk the permit fee for each fence.

(Prior Code, Â§ 6-145; Code 1999, Â§ 5-272) [Sec 5-273 Revocation](#)

The building official is hereby empowered and authorized to revoke any fence erection permit issued by him upon failure of the holder thereof to comply with any provision of any city ordinance relating to fences.

(Prior Code, Â§ 6-146; Code 1999, Â§ 5-273) [Sec 5-274 Inspection](#)

The building official shall inspect at such times as he deems necessary each fence regulated by this article.

(Prior Code, Â§ 6-147; Code 1999, Â§ 5-274) [Sec 5-275 Zoning Restrictions](#)

1. Each fence shall be defined as a structure and shall come under the regulations of any structure in the zoning ordinances.
2. Special variances from the zoning ordinances relative to fences may be granted in the case of hardship upon application to the building official for a special variance. Before granting such variance, the building official shall have a favorable recommendation from the traffic and fire departments, and a fee will be required to investigate such hardships.

(Prior Code, Â§ 6-148; Code 1999, Â§ 5-275) [Sec 5-276 Designating Sign](#)

Each fence erected by a fence contractor shall have a sign designating who the fence contractor was who installed the fence, placed in a conspicuous location on the street side of the fence. Such sign shall be a size of no less than two inches in height and eight inches in width and shall be attached to the fence.

(Prior Code, Â§ 6-149; Code 1999, Â§ 5-276) [ARTICLE 5-2F SWIMMING POOLS](#) [Sec 5-281](#)

[Short Title](#)

[Sec 5-282 Definitions](#)

[Sec 5-283 Application For License](#)

[Sec 5-284 Bond Prerequisite To Issuance](#)

[Sec 5-285 Transfer](#)

[Sec 5-286 Suspension](#)

[Sec 5-287 Revocation Of License](#)

[Sec 5-288 Expiration; Renewal](#)

[Sec 5-289 Permits Required](#)

[Sec 5-290 Application For Permit](#)

[Sec 5-291 Issuance](#)

[Sec 5-292 Fees](#)

[Sec 5-293 Revocation Of Permit](#)

[Sec 5-294 Inspection](#)

[Sec 5-295 Zoning Restrictions And Requirements](#)

[Sec 5-296 Designating Sign](#)

[Sec 5-297 Penalties](#)

[Sec 5-281 Short Title](#)

This article shall hereafter be known and cited as the "swimming pool regulations" of the city.

(Code 1999, Â§ 5-281; Ord. No. 589(07), 7-16-2007) [Sec 5-282 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:

Install means to build, construct, or erect in any manner all swimming pools as defined in this section.

Swimming pool means and includes every swimming pool that is permanently installed in the ground or on the ground including in-ground pools and above-ground pools requiring professional installation, but not limited thereto.

Swimming pool contractor means any person engaged in the business of constructing, installing, repairing or servicing swimming pools as defined in this section.

(Code 1999, Â§ 5-282; Ord. No. 589(07), 7-16-2007) [Sec 5-283 Application For License](#)

Before a swimming pool contractor shall be licensed to install any swimming pool or make alterations or additions to existing swimming pools, he shall file with the building official an application in writing for a license to do such work. A license fee shall be applicable as set forth in the

city's schedule of fees. Such application shall be filed with the building official of the city and information furnished thereon shall include:

1. Name of the applicant;
2. Address of the applicant;
3. Number of years' experience in the swimming pool business;
4. Employment of the applicant over the last ten years;
5. A record of any convictions of such applicant on any felony criminal charge;
6. Three references; and
7. Any other items deemed desirable by the building official.

(Code 1999, Â§ 5-283; Ord. No. 589(07), 7-16-2007) [Sec 5-284 Bond Prerequisite To Issuance](#)

No swimming pool contractor's license shall be issued to any applicant until the applicant therefor shall have deposited with the city clerk a surety bond in the sum set by the city to be known as the swimming pool contractor's bond. Such bond shall be executed by the swimming pool contractor and the surety thereon shall be a corporate surety company authorized to do business in the state. The bond shall be payable to the city, and as a condition shall state that the licensee shall faithfully and properly conduct his business in compliance with all ordinances of the city relating to swimming pools and swimming pool contractors and for the payment of all fines and penalties imposed for the violation of such laws, and for the protection and indemnification of the city against all damages resulting directly or indirectly from any injury to persons or property on account of negligence or unskilled work of the licensee.

(Code 1999, Â§ 5-284; Ord. No. 589(07), 7-16-2007) [Sec 5-285 Transfer](#)

It is unlawful for any person holding a swimming pool contractor's license to transfer the same or allow the use of same, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the swimming pool work herein specified.

(Code 1999, Â§ 5-285; Ord. No. 589(07), 7-16-2007) [Sec 5-286 Suspension](#)

The building official shall have the right to suspended for a maximum period of one year the license of any swimming pool contractor for violating any of the city ordinances relating to swimming pools.

(Code 1999, Â§ 5-286; Ord. No. 589(07), 7-16-2007) [Sec 5-287 Revocation Of License](#)

The city shall have the right to revoke the license of any swimming pool contractor for a violation of any of the city ordinances relating to swimming pools.

(Code 1999, Â§ 5-287; Ord. No. 589(07), 7-16-2007) [Sec 5-288 Expiration; Renewal](#)

1. A swimming pool contractor's license shall expire annually. No reduction in fee for a partial year shall be made.
2. Any person who holds a license in his name may renew the license upon the payment of the fee to the city treasurer within 30 days after expiration thereof, unless such license has been revoked prior to expiration by the city.

(Code 1999, Â§ 5-288; Ord. No. 589(07), 7-16-2007) [Sec 5-289 Permits Required](#)

It is unlawful for any person acting as a swimming pool contractor or such contractor's employee to construct, install, alter, or locate within the city any swimming pool as defined in this article without the contractor's obtaining a permit from the building department of the city and paying the fee required by this article. Swimming pool contractors shall be required to pull the necessary building permits, and no such permit shall be issued to a homeowner.

(Code 1999, Â§ 5-289; Ord. No. 589(07), 7-16-2007) [Sec 5-290 Application For Permit](#)

Application for swimming pool erection permits shall be made upon blanks provided by the building official and shall contain or have attached the following information:

1. Name and address of the applicant;
2. Location of lot upon which the swimming pool is to be constructed;
3. The name of the person erecting such swimming pool; and
4. Such other information as the building official shall require to show full compliance with this article and all other laws and ordinances of the city.

(Code 1999, Â§ 5-290; Ord. No. 589(07), 7-16-2007) [Sec 5-291 Issuance](#)

It is the duty of the building official upon the filing of an application for a swimming pool erection permit, if it is in order and in compliance with all the regulations of this article and other laws and ordinances of the city, to issue the erection permit. If the work authorized under an erection permit has not been completed prior to 12 months from the date of issuance, the permit shall become null and void.

(Code 1999, Â§ 5-291; Ord. No. 589(07), 7-16-2007) [Sec 5-292 Fees](#)

Every applicant, before being granted a swimming pool erection permit under this article, shall pay to the city clerk the permit fee for each swimming pool.

(Code 1999, Â§ 5-292; Ord. No. 589(07), 7-16-2007) [Sec 5-293 Revocation Of Permit](#)

The building official is hereby empowered and authorized to revoke any swimming pool erection permit issued by him upon failure of the holder thereof to comply with any provision of any city ordinance relating to swimming pools.

(Code 1999, Â§ 5-293; Ord. No. 589(07), 7-16-2007) [Sec 5-294 Inspection](#)

The building official shall inspect at such times as he deems necessary each swimming pool regulated by this article.

(Code 1999, Â§ 5-294; Ord. No. 589(07), 7-16-2007) [Sec 5-295 Zoning Restrictions And Requirements](#)

1. Each swimming pool shall be defined as a structure and shall come under the regulations of any structure in the zoning ordinances.
2. Each swimming pool falling under this article shall be required at the time of installation a hookup to the sanitary sewer system for draining and backwashing.
3. When a swimming pool is removed from the premises, any holes or indentations in the ground shall be leveled so as to prevent water collection or any other public health nuisance or hazard as defined by this Code.
4. All pools, regardless of in-ground or above-ground, shall be completely enclosed by a fence of at least four feet in height. Openings in the fence shall be less than four inches in width. The fence shall have self-closing and self-latching gates.
5. Special variances from the zoning ordinances relative to swimming pools may be granted in the case of hardship upon application to the board of adjustment and approval of such board.

(Code 1999, Â§ 5-295; Ord. No. 589(07), 7-16-2007) [Sec 5-296 Designating Sign](#)

Each swimming pool erected by a swimming pool contractor shall have a sign designating who the swimming pool contractor was who installed the swimming pool, placed in a conspicuous location on the street side of the swimming pool. Such sign shall be a size of no less than two inches in height and eight inches in width and shall be attached to the swimming pool.

(Code 1999, Â§ 5-296; Ord. No. 589(07), 7-16-2007) [Sec 5-297 Penalties](#)

It shall be deemed an offense for any swimming pool contractor to engage in the business of constructing, installing, repairing or servicing swimming pools as defined in this section without a valid license from the city. Each offense is punishable by a written citation.

(Code 1999, Â§ 5-297; Ord. No. 589(07), 7-16-2007) [CHAPTER 5-3 PLUMBING CODE AND REGULATIONS](#) [ARTICLE 5-3A GENERAL PROVISIONS](#)
[ARTICLE 5-3B PLUMBERS' REGISTRATION](#)

State Law reference— The Plumbing License Law of 1955, 59 O.S. Â§ 1001 et seq.

[ARTICLE 5-3A GENERAL PROVISIONS](#) [Sec 5-301 Adoption Of The 2015 International Plumbing Code, As Amended And Modified By The State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23](#)

[Sec 5-302 Additions, Insertions And Changes](#)

[Sec 5-303 Administration](#)

[Sec 5-304 Dangerous And Insanitary Construction](#)

[Sec 5-305 Backwater Valves; When Required; Specifications](#)

[Sec 5-306 Violations And Penalties](#)

[Sec 5-301 Adoption Of The 2015 International Plumbing Code, As Amended And Modified By The State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23](#)

Pursuant to section 2-15 of the Charter, the council may by ordinance adopt, by reference, codes which shall be considered to have the same effect as if set out in full in this Code. Pursuant to this authority, the council hereby ordains that a certain document, at least one copy of which is on file in the office of the city clerk, being marked and designated as "The International Plumbing Code 2015," as amended and modified by the state uniform building code commission pursuant to 59 O.S. Â§ 1000.23, is hereby adopted as the plumbing code of the city; for the control of buildings and structures as herein provided, referred to herein as the "plumbing code." Each and all of the regulations, provisions, penalties, conditions and terms of the International Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with the additions, insertions, and changes, if any, as prescribed and set out herein.

(Code 1999, Â§ 5-301; Ord. No. 494(89), 9-5-1989; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997; Ord. No. 374(02), 8-19-2002; Ord. No. 538(06), 2-21-2006; Ord. No. 637(08), 12-15-2008)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. **HISTORY**

Amended by Ord. 739(13) on 2/4/2013

Amended by Ord. 862(17) on 6/19/2017

[Sec 5-302 Additions, Insertions And Changes](#)

The following sections of the plumbing code are hereby revised, deleted, or amended as set out below. Items in brackets [] are phrases that shall be deemed inserted into the appropriation section of the plumbing code:

1. Section 101.1, insert: [City of Moore].
2. Section 106.6.2, Insert: [As provided in the city's fee schedule].
3. Section 108.4 Violation Penalties, delete existing language in this section and replace with the following:
[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 install plumbing work in violation of an approved plan of lawful directive of this code, shall be guilty of a municipal offense, punishable by a fine of not more than \$200.00 or by imprisonment not to exceed ten days, or both such fine and imprisonment].

4. Section 109.2.1 Qualifications, delete existing language in this section and replace with the following:
[This board shall be composed of two members who shall be plumbing contractors licensed with the city and two members who shall be journeyman plumbers licensed with the city; the building official shall serve as ex officio member].
5. Section 301.8 is hereby added and shall read as follows:
[A public water main or public sewer system shall be considered available to a building when the building is located within 200 feet of the public water or sewer].
6. Section 305.4, delete last sentence and insert:
[Water service piping shall be installed below record frost penetration but not less than two feet below grade].
7. Insert section 703.7 to read as follows:
[Building Sewer Sizing: Building sewer shall not be smaller than three inches in diameter. All tapping saddles shall be plastic saddle tees with one strap on each side of tee, completely secured around main line. Building sewer pipe shall be for six-inch or smaller PVC SCH-40 and for six-inch and larger either PVC SCH-40 or Heavy Duty SDR-35.
8. Section 705.2.1, insert last sentence to read as follows:
[Any elastomeric joint on an underground sewer shall be fully banded].

(Code 1999, Â§ 5-302; Ord. No. 494(89), 9-5-1989; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997; Ord. No. 374(02), 8-19-2002; Ord. No. 538(06), 2-21-2006; Ord. No. 579(07), 3-5-2007; Ord. No. 637(08), 12-15-2008) HISTORY

Amended by Ord. 739(13) on 2/4/2013

Amended by Ord. 862(17) on 6/19/2017

Sec 5-303 Administration

The administration and enforcement of this chapter shall be the responsibility of the plumbing official who shall be the building official, or his designee, unless another official is appointed.

(Code 1999, Â§ 5-303) Sec 5-304 Dangerous And Insanitary Construction

1. Any portion of a plumbing system found by the plumbing official to be insanitary as defined herein is hereby declared to be a nuisance.
2. Whenever brought to the attention of the city that any insanitary conditions exist or that any construction or work regulated by this Code is dangerous, unsafe, insanitary, a nuisance or a menace to life, health or property or otherwise in violation of this Code, city personnel may request an investigation by the plumbing official who, upon determining such information to be fact, shall order any person using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, remove or demolish same as he may consider necessary for the proper protection of life, health or property, and in the case of any gas piping or gas appliance may order any person applying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health or property. Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order.
3. Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this Code.
4. When any plumbing system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this section or where a nuisance exists in any building or on a lot on which a building is situated, the plumbing official shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain,

correct or abate the violation or nuisance.

(Code 1999, Â§ 5-304) **Sec 5-305 Backwater Valves; When Required; Specifications**

There shall be two directional cleanouts with a backwater valve in between the two directional cleanouts near the junction of the building drain and building sewer. The two directional cleanouts and backwater valve shall be outside the building wall, provided that it is brought up to finish grade. Backwater valves shall be subject to the following specifications:

1. The installation of backwater devices shall be in accordance with lawful requirements of the administrative authority;
2. Backwater valves shall be installed in the building drain branch which receives only the discharge from fixtures connected to branches which are located below ground level;
3. Backwater valves shall have all bearing parts of corrosion-resistant material;
4. Backwater valves shall be installed so their working parts will be readily accessible for service and repairs; and
5. Backwater valves shall be constructed so a mechanical seal against backflow will be provided.

(Code 1999, Â§ 5-305) **HISTORY**

Amended by Ord. 868(17) on 8/7/2017

Sec 5-306 Violations And Penalties

1. Any person violating any provisions of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be punishable as provided in section 1-108 or by revocation of the plumber's license, or by both fine and revocation of the plumber's license. Each separate day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and, upon conviction thereof, shall be punished as herein provided.
2. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorized is lawful.

(Code 1999, Â§ 5-306) **ARTICLE 5-3B PLUMBERS' REGISTRATION Sec 5-311 Definitions**

Sec 5-312 Contractors To Be Registered

Sec 5-313 Contractor's Registration Not Transferable

Sec 5-314 Amendment Of Contractor's Registration

Sec 5-315 Employment Of Contractor

Sec 5-316 Contractor's Place Of Business, Telephone, Sign

Sec 5-317 Display Of Contractor's Sign And Registration Number

Sec 5-318 Contractors Employing Unqualified Workmen

Sec 5-319 Partnerships, Firms And Corporations In Plumbing Business

Sec 5-320 Issuance Of Contractor's Registration, Expiration, Renewal, Fees

Sec 5-321 Failure To Renew Contractor's Registration

Sec 5-322 Time For Contractor Registration, Partial Year Registration Expiration Date

Sec 5-323 Contractor's Registration Revocation, Suspension

Sec 5-324 Journeymen To Be Licensed, Registered

Sec 5-325 Supervision Of Journeymen

Sec 5-326 Registration Of Apprentices Required; Supervision

Sec 5-327 Number Of Apprentices

State Law reference— The Plumbing License Law of 1955, 59 O.S. Â§ 1001 et seq.

Sec 5-311 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:

Apprentice or *plumber's apprentice* means any person 16 years of age or over who is engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor.

Journeyman plumber means any person who performs the manual work of installing plumbing under the direction of a master plumber or plumbing contractor. This definition may be construed to mean any person who has qualified and is licensed under The Oklahoma State Plumbing Licensing Law of 1955 (59 O.S. Â§ 1001 et seq.) to act as a journeyman plumber according to the requirements of such Law.

Plumbing contractor means any person skilled in the planning, superintending and practical installation of plumbing and is familiar with the laws, rules and regulations governing the same. This definition may be construed to mean any person who has qualified and is licensed under the Oklahoma State Plumbing Licensing Law, who may operate as an individual, a firm, partnership or corporation to engage in the business of plumbing, or the business of contracting to do, or furnish labor or labor and materials for the installation, repair, maintenance or renovation of plumbing, according to the requirements of the Oklahoma State Plumbing Licensing Law of 1955 (59 O.S. Â§ 1001 et seq.)

(Code 1999, Â§ 5-311) **Sec 5-312 Contractors To Be Registered**

No person shall operate a place of business or engage in the business of contracting to do plumbing or the installation of plumbing fixtures or any sanitary equipment or installation of lawn sprinklers or making connections with a water sewer main until he has complied with the requirements of this article and has been registered and bonded as a plumbing contractor. The certificate of registration shall be issued only to individuals who have furnished satisfactory evidence of compliance with the laws of the state, and satisfactory evidence of responsibility and skill as provided by this article. The registration shall show thereon the individual's business address and his business connections.

(Code 1999, Â§ 5-312; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **HISTORY**

Amended by Ord. 863(17) on 8/7/2017

Sec 5-313 Contractor's Registration Not Transferable

A plumbing contractor's registration shall not be transferred, loaned or assigned.

(Code 1999, Â§ 5-313; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **Sec 5-314 Amendment Of Contractor's Registration**

In the event the person holding a certificate of registration, or license, as a plumbing contractor changes his business address or his business connection, association or employment, he shall, within five days thereafter, notify the plumbing inspector of such change and present his certificate of registration to the plumbing inspector for amendment. The plumbing inspector shall thereupon write in the certificate of registration the new address or business connection, or both, together with the date of the change thereof and note the changes in the records of his office.

(Code 1999, Â§ 5-314; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **Sec 5-315 Employment Of Contractor**

No person other than a plumbing contractor shall hire, engage, or employ any person to do any plumbing within the city, or work that connects with a city water or sewer main outside the city, who is not a licensed and registered plumbing contractor under the terms of this article.

(Code 1999, Â§ 5-315; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) HISTORY

Amended by Ord. 863(17) on 8/7/2017

Sec 5-316 Contractor's Place Of Business, Telephone, Sign

Every person engaged in the business of, and operating as, a plumbing contractor within the city shall maintain a regular place of business, a telephone listed with the telephone company as a business phone and display a sign bearing the firm's name and registration number.

(Code 1999, Â§ 5-316; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **Sec 5-317 Display Of Contractor's Sign And Registration Number**

It shall be the duty of every plumbing contractor to display his sign and state license on all cars and trucks used in the operation of his business. The signs and state license numbers on all cars and trucks used in the operation of his business shall be printed on both sides of the vehicles with letters and figures of not less than two-inch lettering and numbers.

(Code 1999, Â§ 5-317; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) HISTORY

Amended by Ord. 863(17) on 8/7/2017

Sec 5-318 Contractors Employing Unqualified Workmen

It is hereby declared unlawful and an offense for any plumbing contractor to employ any person to work at the trade of plumbing unless the person employed is licensed and registered under the ordinances of the city, except such work as may be done by apprentices holding permits to work as such as provided by this article.

(Code 1999, Â§ 5-318; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **Sec 5-319 Partnerships, Firms And Corporations In Plumbing Business**

A partnership, firm, corporation or business trust may only engage in the plumbing business within the city through one bona fide member of the partnership, firm or business trust, or one officer of the corporation, who carries and holds a license and certificate of registration as a plumbing contractor and who is bonded as such. In the event the person or member holding the license or certificate of registration should leave the employment of, or be discharged by, or sever his connections with, or lose his status as a member or officer of the partnership, firm, corporation or business trust which is operating under his license and certificate of registration and through him, the authority of the firm, corporation or business trust to do business shall immediately cease and they or it must qualify under and comply with the terms of this article before any further business is conducted, except that the partnership, firm, corporation, or business trust may continue to engage in the plumbing business within the city for a period of 60 days from the time the license-carrying and registered member thereof is called for and is actually engaged in military service or training for any branch of the armed services of the United States of America, provided the fees and bonds required by this article are kept in full force and effect.

(Code 1999, Â§ 5-319; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) HISTORY

Amended by Ord. 863(17) on 8/7/2017

Sec 5-320 Issuance Of Contractor's Registration, Expiration, Renewal, Fees

An applicant for a plumbing contractor's certificate of registration, after complying with the laws of the state and with this article, and after payment of the fee hereinafter specified, shall be registered by the city clerk. The initial registration fee shall be as established by resolution and each annual renewal fee shall be as established by resolution. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws as furnished and required upon initial registration.

(Code 1999, Â§ 5-320; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) HISTORY

Amended by Ord. 863(17) on 8/7/2017

Sec 5-321 Failure To Renew Contractor's Registration

All plumbing contractor registrations not renewed within 30 days after the date of expiration thereof shall be canceled and a new application for registration must be made and the fee for a new registration paid.

(Code 1999, Â§ 5-321; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **Sec 5-322 Time For Contractor Registration, Partial Year Registration Expiration Date**

A plumbing contractor's registration may be applied for and secured at any time during the year, but in no event shall the fee paid for the registration be less than for a full year. All registrations shall expire on August 31 of each calendar year.

(Code 1999, Â§ 5-322; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **Sec 5-323 Contractor's Registration Revocation, Suspension**

For good and sufficient cause the plumbing inspector and the health officer may revoke the certificate of registration of any plumbing contractor and thereafter he shall not be permitted to do business or work within the city or on premises connected with the city water or sewer system. In the event of such revocation, the holder of such registration may appeal to the plumbing board and the action of the board shall be final.

(Code 1999, Â§ 5-323; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **Sec 5-324 Journeymen To Be Licensed, Registered**

No person shall engage in or work at the trade of journeyman plumber in the city without having first been licensed as provided by state law.

(Code 1999, Â§ 5-324; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) HISTORY

Amended by Ord. 863(17) on 8/7/2017

Sec 5-325 Supervision Of Journeymen

A journeyman plumber shall at all times while working at his trade be in the employment of a plumbing contractor who is licensed and registered under the terms of this article as a plumbing contractor.

(Code 1999, Â§ 5-325; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) HISTORY

Amended by Ord. 863(17) on 8/7/2017

Sec 5-326 Registration Of Apprentices Required; Supervision

Any person desiring to serve as an apprentice at the trade of plumbing in the city must first be licensed as provided by state law.

(Code 1999, Â§ 5-329; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) HISTORY

Amended by Ord. 863(17) on 8/7/2017

Sec 5-327 Number Of Apprentices

No journeyman plumber shall at any one time have more than three apprentices working under his supervision.

(Code 1999, Â§ 5-331; Ord. No. 559(91), 6-17-1991; Ord. No. 159(96), 7-1-1996; Ord. No. 179(97), 1-21-1997) **CHAPTER 5-4 ELECTRIC CODE ARTICLE 5-4A GENERAL PROVISIONS**

ARTICLE 5-4B ELECTRICAL CONTRACTOR'S AND ELECTRICIAN'S REGISTRATION

State Law reference— Electrical License Act, 59 O.S. Â§ 1680 et seq.

ARTICLE 5-4A GENERAL PROVISIONS Sec 5-401 Adoption Of The National Electrical Code; NFPA 70

Sec 5-402 Provisions Declared To Be Minimum Requirements

Sec 5-403 Electrical Installation Permit Required

Sec 5-404 Temporary Permit; Fees

Sec 5-405 Inspection, Not To Conceal

Sec 5-406 Denial Of Permit; Certificate Of Inspection, Utility Companies

Sec 5-407 Wiring Protection, When Inspected

Sec 5-408 Defective Workmanship And Materials

Sec 5-409 Relocated Buildings

Sec 5-410 Inspection No Relief From Responsibility

Sec 5-411 Electrical Committee

Sec 5-401 Adoption Of The National Electrical Code; NFPA 70

1. For the purposes of establishing basic minimum requirements necessary for safety in the use of electricity, and of prescribing rules and regulations governing the installation of electrical wiring and appliances within the city, there is hereby adopted that certain code known as the 2014 National Electrical Code—NFPA 70, as adopted by the state uniform building code commission pursuant to 59 O.S. Â§ 1000.23, thereof and the whole thereof, save and except such provisions as are hereinafter deleted, modified or amended, referred to herein as the "electrical code"; of which code not less than one copy has been and now is filed in the office of the clerk. The electrical code is hereby incorporated as fully as if set out at length herein.
2. The 2014 National Electric Code is hereby amended as follows:
 1. Insert new section 305 to read as follows:

Aluminum wire may only be used if it is sized at 4/0 or larger, used for service and feeders only and installed as per manufacturer's installation instructions.
 2. Insert new section 300.1(D) to read as follows:

All commercial structures shall be wired in conduit. NM cable shall not be used.
 3. Section 210.19(A)(4) is hereby amended by:

Deleting the number "14" and inserting the number "12."
 4. Section 250.118 is hereby deleted and the following language is hereby substituted:

250.118 Types of Equipment Grounding Conductors. The equipment grounding conductor run with the circuit conductors shall be copper only. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire of any shape. All raceways or cable assemblies shall include a green or bare equipment grounding conductor. Said conductor shall be bonded to all non-current carrying metal parts of the electrical system.
 5. Section 680.23(A)(4) is hereby amended by:

Deleting the number "150" and inserting the number "15."
 6. Section 680.23(A)(2) is hereby amended by adding the following language:

A ground fault circuit interrupter shall be installed in branch circuits that supply low voltage lighting transformers.

(Code 1999, Â§ 5-401; Ord. No. 424(87), 2-17-1987; Ord. No. 33(92), 9-21-1992; Ord. No. 183(97), 4-7-1997; Ord. No. 375(02), 8-19-2002; Ord. No. 535(06), 2-21-2006; Ord. No. 634(08), 12-15-2008)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. HISTORY

Amended by Ord. 740(13) on 2/4/2013

Amended by Ord. 861(17) on 6/19/2017

Sec 5-402 Provisions Declared To Be Minimum Requirements

The provisions of the 2014 National Electrical Code, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare. Wherever any of the provisions or requirements of the 2014 National Electrical Code are inconsistent with the provisions of this Code or state statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulation shall apply and govern.

(Code 1999, Â§ 5-402) HISTORY

Amended by Ord. 861(17) on 6/19/2017

Sec 5-403 Electrical Installation Permit Required

1. No person shall begin work on any electrical facilities installation within the corporate limits of the city without first securing the required permit from the electrical inspector
2. Permits shall be issued only to electrical contractors with current unrevoked state licenses and current unrevoked city registration certificates.

(Code 1999, Â§ 5-403) HISTORY

Amended by Ord. 861(17) on 6/19/2017

Sec 5-404 Temporary Permit; Fees

Where for good and sufficient cause it is necessary to have electricity on any installation before the final certificate can be issued, the electrical inspector may, if all parts to which currents are applied are in a safe and satisfactory condition, issue a temporary permit. However, before the temporary permit is issued, the party requesting it shall pay to the city the fee as provided in the fee schedule. The permit then received shall be in force for a period of 30 days from its date; and at the end of 30 days, and each succeeding 30 days thereafter, for each term so requested, the fee shall be as provided in the fee schedule.

(Code 1999, Â§ 5-404) **Sec 5-405 Inspection, Not To Conceal**

1. In making inspection of new work "rough-in," the electrical inspector shall leave a tag in the cabinet plainly stating whether the work has been approved and is ready to conceal, or that work does not meet standards and must not be covered until approved by the electrical inspector.
2. It is unlawful for any person to conceal or cause to be concealed any electrical conductors used for electric lights, heat or power until such time as he knows the work has been approved by the electrical inspector. A tag in the cabinet properly signed and dated so stating the inspector's approval will be sufficient notice.

(Code 1999, Â§ 5-405) **Sec 5-406 Denial Of Permit; Certificate Of Inspection, Utility Companies**

1. The electrical inspector shall have and is hereby given the authority to refuse to issue a permit for the installation of electrical facilities in or on any building when, in his estimation, the wiring done or proposed to be done is unsafe or not in accordance with the provisions of this chapter. If after a permit is issued the work installed under such permit for any reason does not comply with the regulations of this chapter, the inspector shall refuse to issue a certificate of inspection.
2. No electric light or power company shall connect to any electrical facilities of any kind whatsoever until furnished with a certificate of inspection or a permit for such connection duly executed by the electrical inspector. All electric light or power companies, whether operating under a regular franchise granted by the city or not, shall, upon written notice from the

electrical inspector, disconnect from any circuit or service designated by the notice from the inspector.

3. The electrical inspector shall enforce all the provisions of this chapter. Whenever he shall be notified by any citizen of any violation of this chapter or of the existence of any dangerous or defective electrical facilities, he shall make an investigation thereof without delay.
4. Whenever any electrical facilities are found by the electrical inspector to be unsafe or defective or in an insecure condition, he shall notify the owner or person in control thereof, in writing, to repair or remove the defective facilities, and upon such person's failure to repair or remove same within such time as the inspector may deem necessary, which time shall be stated in such notice, the inspector shall cause the service connected to such facilities to be discontinued.

(Code 1999, Â§ 5-406) [Sec 5-407 Wiring Protection, When Inspected](#)

1. No owner, contractor or worker shall in any manner interfere with any electrical facilities being installed in or on any building. If in the course of the erection of a building the facilities are in such position as to interfere with its erection or completion as called for by the plans, notice shall be immediately given the person installing the facilities, and the needed change shall be made by such person upon approval for such modification by the electrical inspector. Upon inspecting the electrical facilities of any building, the electrical inspector shall leave notice in the form of a tag or label attached to the electrical facilities. The notice shall clearly state whether the electrical facility is approved or is to be kept open for corrections; and no person shall lath, seal or in any way conceal any electrical facility until he is informed and knows that such wiring has been approved.
2. The electrical inspector shall furnish such person or licensed electrical contractor with a certificate, which shall state that such electrical facility is approved only so far as "roughing-in" is concerned, and that it is not the final certificate, and does not entitle the electric light or power company to connect its service to the electrical facilities. A certificate entitling the electric light or power company to connect its service to electrical facilities shall be furnished only after all fixtures are in place and final inspection is made.

(Code 1999, Â§ 5-407) [Sec 5-408 Defective Workmanship And Materials](#)

Any person, firm or corporation engaged in the business of electrical contracting for the installation of wiring and apparatus for electric light, heat or power in the city, who fails to correct promptly any defects in any work done by him contrary to this Code, after having been notified by the electrical inspector, shall not be issued any further permits until such defects have been corrected; and in any case in which any person shall continue to or persistently violate this Code in regard to electrical work, or the orders of the electrical inspector in relation to same, the registration and permit of such person shall be suspended or revoked.

(Code 1999, Â§ 5-408) [Sec 5-409 Relocated Buildings](#)

When a building or a portion of a building containing electric wiring is moved from its foundation, the owner shall have the electric wiring and equipment in the building inspected and repaired where necessary to provide for adequate service, branch circuits, receptacles and grounding.

(Code 1999, Â§ 5-409) [Sec 5-410 Inspection No Relief From Responsibility](#)

This Code shall not be construed to relieve or lessen the responsibility of any person, partnership or corporation owning or operating or installing electric wires, appliances, apparatus, construction or equipment for the damage to property or persons injured by any defect therein; nor shall the city, or any agent thereof, be deemed to assume such liability by reason of the inspection authorized herein or the certificate of inspection issued by the electrical inspector.

(Prior Code, Â§ 5-92; Code 1999, Â§ 5-410) [Sec 5-411 Electrical Committee](#)

1. An electrical board is hereby created and established. The board shall consist of five members, including four appointive members and one ex officio member. The appointive members shall be appointed by the mayor and confirmed by the city council. The ex officio member shall be the electrical inspector. The appointive members shall be qualified as follows:
 1. Two members shall be active as electrical contractors;
 2. Two members shall be active as journeymen electricians.The appointive members shall hold office for a term of two years and may be removed for cause. Vacancies shall be filled by appointment for the unexpired term. The appointive members may receive a compensation if so established by the city council. Two members of the board present at any meeting shall constitute a quorum for the transaction of business. The concurring vote of not less than two members is necessary to constitute an official action of the board. The ex officio member shall have voting power and shall be counted in determining a quorum.
2. The board shall, with the electrical inspector, hear, pass on and settle any disputes that may arise pertaining to the provisions of this article. The board shall prescribe a procedure and order of business for hearing applications for certificates of registration and hearing appeals from the decisions of the electrical inspector and aggrievement appeals as provided herein.

(Prior Code, Â§Â§ 5-126—5-132, in part; Code 1999, Â§ 5-411) [ARTICLE 5-4B ELECTRICAL CONTRACTOR'S AND ELECTRICIAN'S REGISTRATION](#) [Sec 5-421 Definitions](#)

[Sec 5-422 Registration Required](#)

[Sec 5-423 Classification Of Registration Certificate](#)

[Sec 5-424 Registration Fee, Annual Renewal Fee](#)

[Sec 5-425 Journeyman Electrician's Registration Certificate](#)

[Sec 5-426 Electrical Apprentice's Registration Certificate](#)

State Law reference— Electrical License Act, 59 O.S. Â§ 1680 et seq.

[Sec 5-421 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:

Administrative authority or *electrical inspector* means the electrical inspector, or the building official or his designee if no electrical inspector is appointed.

Electrical apprentice means any person 16 years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or electrical contractor. Each apprentice shall be in possession of a valid electrical apprentice license issued by the state.

Electrical contractor means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. The term "electrical contractor" also means any individual, firm, partnership, corporation or business performing skills of an electrical contractor, of an electrician or the business of contracting or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical facilities according to the provisions of the Electrical License Act (59 O.S. Â§ 1680 et seq.). Each electrical contractor shall be in possession of a valid electrical contractor license issued by the state.

Electrical facilities means all wiring, fixtures, apparatus, appurtenances and appliances for and in connection with a supply of electricity within or adjacent to any building, structure or conveyance on the premises, but not including the connection with a power supply meter or other power supply source.

Electrician means any person engaged in electrical wiring in the city.

Journeyman electrician means any person other than an electrical contractor who engages in the actual installation, alteration, repair or renovation of electrical facilities unless specifically exempted by the provisions of the Electrical License Act. Each journeyman electrician shall be in possession of a valid journeyman electrician's license issued by the state.

(Code 1999, Â§ 5-421) [Sec 5-422 Registration Required](#)

1. No person shall conduct, carry on or engage in the business of electrical installation, maintaining, altering or repairing any wiring, fixtures or equipment for the conducting of electrical current or act in the capacity of an electrical contractor without first having issued to him a valid and unrevoked electrical contractor's license as provided by state law and an electrical contractor's registration certificate issued by the city.
2. No person shall labor at the trade of electrician in the capacity of a journeyman electrician within the city without first having had issued to him a valid and unrevoked journeyman electrician's license issued by the city as provided by state law.
3. No person shall labor at the trade of electrician in the capacity of an electrical apprentice within the city without first having had issued to him a valid and unrevoked apprentice electrician registration certificate as provided by state law.
4. A partnership, firm, corporation or business trust may only engage in the electrical business within the city through one bona fide member of the partnership or firm, or one officer of the corporation or business trust, who has legal authority to act for such partnership, firm, corporation or business trust and who carries and holds a license under state law as an electrical contractor and who has registered such license as required by this article. In the event the person or member holding the license or certification of registration should leave or sever his connection with or lose his status as a member or officer of the partnership, firm, corporation or business trust, or in the event he is called for, and while he is serving in the armed forces of the United States, such firm, partnership, corporation or business trust may continue to engage in the electrical business for a period not to exceed six months from death or call to service. However, all fees required by this article shall be paid and kept in full force, and a duly registered electrical contractor shall assume in writing the supervision of such work.

(Prior Code, Â§ 5-146, in part; Code 1999, Â§ 5-422) HISTORY

Amended by Ord. 869(17) on 8/7/2017

[Sec 5-423 Classification Of Registration Certificate](#)

There shall be one class of electrical registration certificates, which shall be known as follows:
Electrical contractor.

(Code 1999, Â§ 5-423) HISTORY

Amended by Ord. 869(17) on 8/7/2017

[Sec 5-424 Registration Fee, Annual Renewal Fee](#)

1. The registration and renewal fees and bond requirements of electrical contractors shall be as provided in the fee and bond schedules.
2. Every person applying for an electrical registration certificate shall, upon acceptance of his qualifications by the city, at the time he makes such application, pay to the city the fees as provided in the fee schedule and post bond as required in this section.
3. Applicants for registration shall pay to the city the required registration fees. The fees shall be paid after all requirements are met.
4. Annual renewal of registration certificates shall be accomplished by payment of the renewal fees as provided herein. A receipt and registration certificate for the appropriate year shall be

issued by the city upon payment of annual renewal fees. The registration number shall remain the same each year.

5. A registration certificate shall be issued to the person named on the certificate who shall be known as the holder of the certificate.
6. A registration certificate shall expire annually. All registrations shall expire on August 31 of each calendar year.
7. Renewal applications and fees must be received by the city within 30 days after the expiration of the certificate or else the applicant must proceed in the manner required of a new or initial applicant.

(Prior Code, Â§ 5-154, in part; Code 1999, Â§ 5-424) HISTORY

Amended by Ord. 869(17) on 8/7/2017

Sec 5-425 Journeyman Electrician's Registration Certificate

No person shall work as a journeyman electrician unless he holds a valid unrevoked state license as provided for herein. No journeyman electrician shall perform any electrical wiring installation except through a licensed and registered electrical contractor and shall perform all installations, alterations and repairs of electrical wiring, fixtures and equipment in accordance with this Code.

(Code 1999, Â§ 5-425) HISTORY

Amended by Ord. 869(17) on 8/7/2017

Sec 5-426 Electrical Apprentice's Registration Certificate

Under no circumstances shall an electrical apprentice perform any duty or phase of electrical installation unless a journeyman electrician or electrical contractor is on the project during such installation and such electrical apprentice is directly supervised by a journeyman electrician or electrical contractor.

(Code 1999, Â§ 5-426) HISTORY

Amended by Ord. 869(17) on 8/7/2017

CHAPTER 5-5 MECHANICAL CODE ARTICLE 5-5A GENERAL PROVISIONS

ARTICLE 5-5B REGISTRATION

State Law reference— Mechanical Licensing Act, 59 O.S. Â§ 1850.1 et seq.

ARTICLE 5-5A GENERAL PROVISIONS Sec 5-501 Adoption Of 2015 International Mechanical Code, As Adopted By The State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23

Sec 5-502 Additions, Insertions And Changes

Sec 5-503 Permits

Sec 5-504 Provisions Declared To Be Minimum Requirements

Sec 5-505 Mechanical Official

Sec 5-506 Violations And Penalties

Sec 5-501 Adoption Of 2015 International Mechanical Code, As Adopted By The State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23

1. That certain document, being marked and designated as "2015 International Mechanical Code," as adopted by the state uniform building code commission pursuant to 59 O.S. Â§ 1000.23, is hereby adopted as the mechanical code of the city; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the 2015 International Mechanical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with the additions, insertions, deletions and changes, if any, hereinafter adopted.
2. Subsequent revisions, modifications, codifications or editions of the code adopted herein shall become effective in the city as they are available, issued, and adopted by the city.

3. The provisions of the Underwriters Laboratories Inc., as to mechanical equipment and appliances, fuel supply, combustion air, chimneys and vents, duct and piping, kitchen exhaust, ventilation and energy conservation as may hereafter take place will be the standards applicable in the city.

(Code 1999, Â§ 5-501; Ord. No. 493(89), 9-5-1989; Ord. No. 58(94), 2-22-1994; Ord. No. 276(00), 4-17-2000; Ord. No. 373(02), 8-19-2002; Ord. No. 537(06), 2-21-2006; Ord. No. 636(08), 12-15-2008)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. HISTORY

Amended by Ord. 738(13) on 2/4/2013

Amended by Ord. 860(17) on 6/19/2017

Sec 5-502 Additions, Insertions And Changes

1. The code adopted in section 5-501 shall be known and cited as the city's mechanical code. All persons shall comply with the provisions of the code.
2. The following sections are hereby revised as follows:
 1. M-101.1 Title: These regulations shall be known as the Mechanical Code of the City of Moore, Oklahoma, hereinafter referred to as "this code."
 2. Section 106.5.2 Fee Schedule: Insert: As provided in the city's fee schedule.
 3. Section 108.4 Violation Penalties: Insert: Refer to City Code section 1-108, General and specific penalties; suspension or revocation of license or permit.
 4. Section 108.4.1 Unlawful continuance: Insert: Refer to City Code section 1-108, General and specific penalties; suspension or revocation of license or permit.
 5. Section 109.2 Membership of board: Amended to read as follows:

There is hereby created a mechanical board for the city, which shall be composed of the building official of the city, who shall be ex officio chairman of the board; a second board member who shall be a licensed mechanical contractor; a third member who shall be a licensed mechanical contractor; and a fourth member who shall be a licensed mechanical journeyman. The second, third, and fourth members shall be appointed by the city council for a term of two years, and each shall serve until his successor is appointed and qualified unless sooner removed for cause. The second and third members shall have been actively engaged in such occupation for a period of not less than five years immediately preceding the date of his appointment.
 6. Section 603.8 is amended to read as follows:

Exceptions:

 1. All ducts installed underslab shall be graded to access plenum or boot.

(Code 1999, Â§ 5-502; Ord. No. 493(89), 9-5-1989; Ord. No. 58(94), 2-22-1994; Ord. No. 276(00), 4-17-2000; Ord. No. 373(02), 8-19-2002; Ord. No. 537(06), 2-21-2006; Ord. No. 636(08), 12-15-2008) HISTORY

Amended by Ord. 738(13) on 2/4/2013

Sec 5-503 Permits

1. No person shall engage in any work covered by the mechanical code without first securing a permit from the city.
2. The permit fees shall be as set by the city by motion or resolution.

(Code 1999, Â§ 5-503) **Sec 5-504 Provisions Declared To Be Minimum Requirements**

The provisions of the International Mechanical Code, 2015 edition, in their interpretation and application shall be held to be minimum requirements adopted for the promotion of public health,

safety and general welfare. Wherever any of the provisions or requirements of this code are inconsistent with the provisions of this Code or state statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulation shall apply and govern.

(Code 1999, Â§ 5-504; Ord. No. 373(02), 8-19-2002; Ord. No. 537(06), 2-21-2006; Ord. No. 636(08), 12-15-2008) HISTORY

Amended by Ord. 738(13) on 2/4/2013

Amended by Ord. 860(17) on 6/19/2017

Sec 5-505 Mechanical Official

1. The term "administrative authority" or "mechanical official" means the mechanical official, or the building official or his designee if no mechanical official is appointed through the chain of authority that is in effect when applying this code.
2. The administration and enforcement of the mechanical code shall be the responsibility of the mechanical official through the departmental structure that is in effect when applying this code.

(Code 1999, Â§ 5-505) **Sec 5-506 Violations And Penalties**

1. Any person, firm or corporation violating any provisions of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be punishable as provided by section 1-108 or by revocation of the applicable city license. Each separate day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and, upon conviction thereof, shall be punishable as herein provided.
2. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or use which it authorized is lawful. The issuance or granting of a permit or approval of plans shall not prevent the mechanical official from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of this chapter or any other ordinance or from revoking any certificate of approval when issued in error.

(Code 1999, Â§ 5-506) **ARTICLE 5-5B REGISTRATION Sec 5-511 Definitions**

Sec 5-512 License And Registration Required

Sec 5-513 Registration Fee

Sec 5-514 Issuance Of Registration Certificates

Sec 5-515 Revocation

Sec 5-516 No Mechanical Work To Be Performed During Suspension Or Revocation

Sec 5-517 Reinstatement Of Certificate Of Registration

Sec 5-518 Engaging In Business Without A Certificate Of Registration

Sec 5-519 Maintenance Of Place Of Business; Unlicensed Place Of Business

Sec 5-520 Identification Display On Vehicles Required

Sec 5-521 Mechanical Contractor To Employ Only Licensed And Registered Journeymen

Sec 5-522 Failure To Correct Defects

Sec 5-523 Transfer, Assignment, Or Loan Of Certificate Of Registration Prohibited

Sec 5-524 Mechanical Journeyman Regulations

Sec 5-525 Mechanical Apprentice Regulations

State Law reference— Mechanical Licensing Act, 59 O.S. Â§ 1850.1 et seq.

Sec 5-511 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:

Mechanical apprentice or *apprentice* means any person 16 years of age or older whose principal occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor.

Mechanical contractor or *contractor* means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for mechanical work.

Mechanical journeyman or *journeyman* means any person other than a contractor or apprentice who engages in mechanical work.

Mechanical work means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, exhaust system, cooling system, mechanical refrigeration system or ventilation system or any equipment or piping carrying chilled water, air for ventilation purposes, or natural gas, or the installation, maintenance, repair, or renovation of process piping used to carry any liquid, substance, or material, including steam and hot water used for space heating purposes not under the jurisdiction of the department of labor other than minor repairs to such systems.

(Code 1999, Â§ 5-511) **Sec 5-512 License And Registration Required**

1. No person shall conduct, carry on or engage in the business of mechanical work or act in the capacity of a mechanical contractor within the city without first having had issued to him a valid and unrevoked mechanical contractor's license as provided by state law and a current mechanical contractor's registration certificate issued by the city.
2. No person shall labor at the trade of mechanical work in the capacity of a mechanical journeyman within the city without first having had issued to him a valid and unrevoked mechanical journeyman's license as provided by state law.
3. No person shall labor at the trade of mechanical work in the capacity of a mechanical apprentice within the city without first having had issued to him a valid and unrevoked mechanical apprentice registration certificate as provided by state law.
4. Any city certificate of registration issued to an applicant shall be issued only in the same category as the state license possessed by the applicant. It shall further be subject to all limitations, conditions or restrictions imposed on the state license possessed by the applicant. The category of the city certificate of registration shall be indicated on the face of the certificate. The categories for certificates of registration shall be the following:
 1. Unlimited mechanical air conditioning contractor;
 2. Limited mechanical air conditioning contractor;
 3. Unlimited heating contractor;
 4. Limited heating contractor;
 5. Refrigeration contractor;
 6. Sheet metal contractor;
 7. Natural gas piping contractor. These categories shall have the same meanings ascribed to them by state law and regulations.
5. Unless sooner revoked or suspended as provided for by this article, the city certificate of registration shall be for a term of one year from issuance and may be renewed upon expiration in the same manner as originally obtained. All registrations shall expire on August 31 of each calendar year.

6. A certificate of registration issued to a mechanical contractor or journeyman shall authorize the certificate holder to perform mechanical work only as authorized by state law and regulations adopted pursuant thereto. All mechanical work performed by a mechanical contractor or journeyman shall be strictly limited to the categories in which such contractor or journeyman is licensed by the state and registered with the city.
7. All certificates issued hereunder must be renewed within 30 days after the expiration of the certificate or the holder must apply and pay the fees as required for original registration.

(Code 1999, Â§ 5-512; Ord. No. 493(89), 9-5-1989) HISTORY

Amended by Ord. 870(17) on 8/7/2017

Sec 5-513 Registration Fee

Every person applying for a city mechanical certificate shall, upon acceptance of his qualifications by the city at the time he makes such application, pay to the city the fees as provided in the fee schedule.

(Code 1999, Â§ 5-513) **Sec 5-514 Issuance Of Registration Certificates**

The city shall issue mechanical certificates of registration pursuant to the following provisions: A mechanical contractor's certificate shall be issued to every person who makes application for such certificate, pays the required fee, and presents a valid, unrevoked license as provided by state law for contractor status.

(Code 1999, Â§ 5-514) HISTORY

Amended by Ord. 870(17) on 8/7/2017

Sec 5-515 Revocation

1. A certificate of registration issued pursuant to this article may be suspended or revoked in accordance with the following procedures.
2. The city mechanical inspector may suspend or revoke a certificate of registration if he finds that the certificate holder has repeatedly failed to perform his work in accordance with the requirements of the mechanical code and such repeated violations constitute a hazard to the public health, safety, or welfare. At least ten days' notice of such proposed suspension or revocation shall be given to the certificate holder by certified mail, return receipt requested, mailed to the last-known address of such person. The notice shall indicate the date, time, and place of the suspension or revocation hearing and the charges against the certificate holder. The certificate holder shall have the right to attend the hearing, be represented by counsel, and confront and cross examine his accusers. Upon making the proper finding at the hearing, the city mechanical inspector may suspend or revoke the certificate as deemed appropriate. The order suspending or revoking any certificate may be appealed to the mechanical code review and appeals commission as provided by this article.

(Code 1999, Â§ 5-515; Ord. No. 493(89), 9-5-1989) **Sec 5-516 No Mechanical Work To Be Performed During Suspension Or Revocation**

No person whose certificate of registration has been suspended or revoked shall, for the duration of the suspension or revocation, engage in or offer to engage in any mechanical work within the city.

(Code 1999, Â§ 5-516; Ord. No. 493(89), 9-5-1989) **Sec 5-517 Reinstatement Of Certificate Of Registration**

Unless otherwise ordered by the mechanical code review and appeals commission, no certificate of registration which has been revoked under the provisions of this article shall be reinstated for a period of six months after such revocation.

(Code 1999, Â§ 5-517; Ord. No. 493(89), 9-5-1989) **Sec 5-518 Engaging In Business Without A Certificate Of Registration**

No person, other than a mechanical contractor with a valid state license and a city certificate of registration as required by this article, shall maintain a place of business, display a sign, advertise or hold himself out as a mechanical contractor or make any attempt to install, alter or repair any mechanical system or otherwise engage in the business of a mechanical contractor.

(Code 1999, Â§ 5-518; Ord. No. 493(89), 9-5-1989) [Sec 5-519 Maintenance Of Place Of Business; Unlicensed Place Of Business](#)

Every person operating under a certificate of registration as a mechanical contractor shall maintain a place of business as such. No mechanical contractor shall maintain a place of business without having a valid state license and a valid city certificate of registration as required by this article. Such place of business shall maintain a telephone in the Oklahoma City telephone exchange or a toll free number.

(Code 1999, Â§ 5-519; Ord. No. 493(89), 9-5-1989) [Sec 5-520 Identification Display On Vehicles Required](#)

Every mechanical contractor shall display the firm name under which he does business and state license number on all vehicles used in the operation of the business. The name shall be displayed on both sides or in other conspicuous places on the vehicle in letters of not less than two inches in height. The state license number shall be permanently affixed on both sides or in other conspicuous places on the vehicle in numerals of not less than two inches in height.

(Code 1999, Â§ 5-520; Ord. No. 493(89), 9-5-1989) HISTORY

Amended by Ord. 870(17) on 8/7/2017

[Sec 5-521 Mechanical Contractor To Employ Only Licensed And Registered Journeymen](#)

A mechanical contractor shall not employ or hire anyone to perform mechanical work except a mechanical journeyman with a valid state license as required by this article. Any journeyman employed by a mechanical contractor shall perform mechanical work only in the categories for which he has a valid state license.

(Code 1999, Â§ 5-521; Ord. No. 493(89), 9-5-1989) HISTORY

Amended by Ord. 870(17) on 8/7/2017

[Sec 5-522 Failure To Correct Defects](#)

Any person engaged in the business of mechanical contractor who shall fail to promptly correct any defects in any mechanical work done by him or by any of his employees or subcontractors contrary to or in violation of this code after having been notified of such defective work by the chief mechanical inspector shall not be issued any further permits until the defect has been corrected.

(Code 1999, Â§ 5-522; Ord. No. 493(89), 9-5-1989) [Sec 5-523 Transfer, Assignment, Or Loan Of Certificate Of Registration Prohibited](#)

No certificate of registration issued pursuant to this article shall be transferred, loaned, or assigned by the holder thereof to any other person. No permits shall be issued pursuant to a certificate of registration except to the lawful holder of such certificate.

(Code 1999, Â§ 5-523; Ord. No. 493(89), 9-5-1989) [Sec 5-524 Mechanical Journeyman Regulations](#)

A mechanical journeyman shall, at all times while doing mechanical work, be in possession of a valid state license and be in the employment of a licensed and registered mechanical contractor. No mechanical journeyman shall contract to furnish labor or labor and materials for mechanical work.

(Code 1999, Â§ 5-524; Ord. No. 493(89), 9-5-1989) HISTORY

Amended by Ord. 870(17) on 8/7/2017

Sec 5-525 Mechanical Apprentice Regulations

A mechanical apprentice shall be subject to the following limitations:

1. A mechanical apprentice shall work only under the direct supervision of a mechanical contractor or journeyman. The term "direct supervision" shall be construed as presence "on the job" with the supervisor who must be a licensed and registered mechanical contractor or a licensed mechanical journeyman;
2. A maximum of three mechanical apprentices may work under the supervision of a person licensed and registered as a mechanical contractor or as a mechanical journeyman; and
3. The apprentice must be working in the same category as the licensed and registered mechanical contractor or mechanical journeyman on the job.

(Code 1999, Â§ 5-525; Ord. No. 493(89), 9-5-1989) HISTORY

Amended by Ord. 870(17) on 8/7/2017

CHAPTER 5-6 GAS CODE AND PIPELINES Sec 5-601 Adoption Of Pipeline Standards

Sec 5-602 Planning Commission Duties, Notice

Sec 5-603 Definitions

Sec 5-604 Permit Required For Construction

Sec 5-605 Suspension

Sec 5-601 Adoption Of Pipeline Standards

1. All pipelines, connections and fixtures thereof, installed or used for the purpose of the transportation of natural gas, shall be equivalent to the specifications of the natural gas safety code, adopted and approved by the United States Department of Commerce and now in force as to thickness, weight, size, strength and general character of material workmanship and manner of installation.
2. All pipelines used in connection with the drilling of wells, other than gas lines and the lines used for the transportation of petroleum or any of its products, shall be new lapweld or seamless pipe and shall be equivalent to the specifications therefor as now adopted by the American Petroleum Institute for lapweld of Grade "A" seamless pipeline and requires 100 percent x-ray of all welds. All such lines shall be at all times operated and maintained in a safe manner so as to prevent all leakage or escape of any of the contents of such lines. If any such lines shall become unsafe or shall not be maintained as provided herein, or any of the contents thereof shall escape therefrom, it shall be the duty of the person in charge or in control thereof to immediately discontinue the use thereof, until such line shall be repaired.
3. Pressure in any such lines shall not exceed those permitted by the rules, regulations or orders of the corporation commission of the state now in force. All such lines shall, on city streets and alleys, be buried to a minimum depth of 30 inches below the normal surface of the ground, such depth to be measured from the top of the pipe and to be approved by the city engineer.
4. In the event it shall become necessary to change or remove any of such pipelines, such change or removal shall be made at the entire expense of the owners thereof, upon the approval of the city engineer or an inspector of the city. Such removal or change shall be made within five days after notice is served by the city.

(Prior Code, Â§ 6-235; Code 1999, Â§ 5-601)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. [Sec 5-602 Planning Commission Duties, Notice](#)

The planning commission, from time to time on its own motion or on the motion of any landowner or citizen of the city, may order the course of any pipeline to be changed, altered or changed in size by giving the licensee notice of a hearing before the planning commission at a regular meeting

of such commission, such 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, for the safety of the residents of the city, the course of such pipeline should be changed or any other changes should be made. Five days' notice of the time of the hearing shall be given. The entire expense of the changing or alteration of the size or course of such pipeline shall be borne by the owner thereof.

(Prior Code, Â§ 6-236; Code 1999, Â§ 5-602) [Sec 5-603 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Pipeline means any subterranean pipeline through which shall be transported petroleum or any of its products, crude oil, natural gas or any other deleterious substances, but shall not include pipelines located at a retail or wholesale service station engaged in selling finished petroleum products.

(Prior Code, Â§ 6-231; Code 1999, Â§ 5-603) [Sec 5-604 Permit Required For Construction](#)

It is unlawful and an offense for any person, either as principal or agent, to operate any pipeline, make any excavation with the intent to install, lay, maintain or enlarge any pipeline or to install any pipeline to or from any oil or gas well or any of its equipment or to add to, enlarge or extend any pipeline now in existence without obtaining a permit from the city.

(Prior Code, Â§ 6-232; Code 1999, Â§ 5-604) [Sec 5-605 Suspension](#)

The city manager is hereby granted the authority to suspend the permit of any person to install or operate any pipeline 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 license held by such licensee shall be suspended. Five days' notice of the time of the hearing shall be given. It shall be unlawful and an offense for any person to operate any pipeline during any period in which the permit covering the operation of such pipeline 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 be cumulative and in addition to such penalties.

(Prior Code, Â§ 6-234; Code 1999, Â§ 5-605) [CHAPTER 5-7 FAIR HOUSING](#) [Sec 5-701 Policy](#)
[Sec 5-702 Definitions](#)

[Sec 5-703 Unlawful Practice](#)

[Sec 5-704 Discrimination In The Sale Or Rental Of City's Housing](#)

[Sec 5-705 Discrimination In The Financing Of Housing](#)

[Sec 5-706 Discrimination In The Provision Of Brokerage Services](#)

[Sec 5-707 Exemption](#)

[Sec 5-708 Administration](#)

[Sec 5-709 Education And Conciliation](#)

[Sec 5-710 Enforcement](#)

[Sec 5-711 Investigations; Subpoenas; Giving Of Evidence](#)

[Sec 5-712 Enforcement By Private Persons](#)

[Sec 5-713 Interference, Coercion, Or Intimidation](#)

[Sec 5-714 Prevention Of Intimidation In Fair Housing Cases](#)

State Law reference— Fair housing, 25 O.S. Â§ 1451 et seq.

[Sec 5-701 Policy](#)

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

(Code 1999, Â§ 5-701; Ord. No. 69(94), 1-3-1994) [Sec 5-702 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City manager means the city manager of the City of Moore or any person, employee, agent, board, or single or plural authority whom the city manager may designate to sit as his designee to perform the duties and functions provided in this chapter.

Discriminatory housing practice means an act that is unlawful under sections 5-704 through 5-706.

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

Family includes a single individual.

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

To rent means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(Code 1999, Â§ 5-702; Ord. No. 69(94), 1-3-1994) [Sec 5-703 Unlawful Practice](#)

Subject to the provisions of subsection (B) of this section and section 5-707, the prohibitions against discrimination in the sale or rental of housing set forth in this chapter shall apply to:

1. All dwellings except as exempted by subsection (B) of this section;
2. Nothing in section 5-704 shall apply to:
 1. Any single-family house sold or rented by an owner, provided that such private individual 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 24-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, more than three such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be exempted from the application of this chapter 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 5-704(c), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;
3. For the purposes of subsection (B) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:
 1. He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
 2. He has, within the preceding 12 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; or
 3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Code 1999, Â§ 5-703; Ord. No. 69(94), 1-3-1994) [Sec 5-704 Discrimination In The Sale Or Rental Of City's Housing](#)

As made applicable by section 5-703 and except as exempted by sections 5-703(b) and 5-707, 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, handicap, or familial status;
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, handicap, or familial status;
3. To make, print, or publish, or cause to be made, printed, or published, any 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, handicap, or familial status or an intention to make any such preference, limitation or discrimination;
4. To represent to any person because of race, sex, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available; or
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, sex, color, religion, national origin, handicap, or familial status.

(Code 1999, Â§ 5-704; Ord. No. 69(94), 1-3-1994) [Sec 5-705 Discrimination In The Financing Of 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 therefor 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, handicap, or familial status of such person or of any person associated with him in connection with such loan or other financial assistance for the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the

exception contained in section 5-703(b).

(Code 1999, Â§ 5-705; Ord. No. 69(94), 1-3-1994) **Sec 5-706 Discrimination In The Provision Of Brokerage Services**

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

(Code 1999, Â§ 5-706; Ord. No. 69(94), 1-3-1994) **Sec 5-707 Exemption**

Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, handicap or familial status; nor shall anything in this chapter 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.

(Code 1999, Â§ 5-707; Ord. No. 69(94), 1-3-1994) **Sec 5-708 Administration**

1. The authority and responsibility for administering the city's fair housing code shall be in the city manager or his designee.
2. The city manager 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 chapter. The city manager 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 administrative departments, agencies, boards or commissions shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the city manager to further such purposes.

(Code 1999, Â§ 5-708; Ord. No. 69(94), 1-3-1994) **Sec 5-709 Education And Conciliation**

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

(Code 1999, Â§ 5-709; Ord. No. 69(94), 1-3-1994) **Sec 5-710 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 city manager and the city clerk. Complaints shall be in writing and shall contain such information and be in such form as the city manager requires. Upon receipt of such a complaint, the city manager shall furnish a copy of the same to the persons who allegedly committed or was about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under subsection (C) of this

section, the city manager shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the city manager decides to resolve the complaints, he shall proceed 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 chapter without the written consent of the persons concerned. Any employee or agent of the city manager or city who shall make public any information in violation of this provision shall be, upon conviction, punished as provided in section 1-108.

2. A complaint under subsection (A) of this section 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 city manager, 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 30 days after a complaint is filed with the city manager and city clerk, the city manager has been unable to obtain a voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the secretary of the department of housing and urban development. The city manager will assist in this filing.
4. If the city manager has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 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 chapter, 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 proceeding brought pursuant to this section, the burden of proof shall be on the complainant.
6. Whenever an action filed by an individual shall come to trial, the city manager shall immediately terminate all efforts to obtain voluntary compliance.

(Code 1999, Â§ 5-710; Ord. No. 69(94), 1-3-1994) **Sec 5-711 Investigations; Subpoenas; Giving Of Evidence**

1. In conducting an investigation the city manager 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 statements of such persons as are reasonably necessary for the furtherance of the investigation; provided, however, that the city manager first complies with the provisions of the Fourth Amendment of the United States Constitution relating to unreasonable searches and seizures. The city manager 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 city manager may administer oaths.
2. Upon written application to the city manager, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the city manager to the same extent and subject to the same limitations as subpoenas issued by the city manager 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 subpoena of the city manager 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.
4. Within five days after service of a subpoena upon any person, such person may petition the city manager to revoke or modify the subpoena. The city manager 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.
5. In case of contumacy or refusal to obey a subpoena, the city manager 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.
6. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the city manager shall be punished as provided in section 1-108. Any person who, with intent thereby to mislead the city manager, 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 city manager pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be punished as provided in section 1-108.
7. The city attorney shall conduct all litigation in which the city manager participates as a party or as amicus pursuant to this chapter.

(Code 1999, Â§ 5-711; Ord. No. 69(94), 1-3-1994) [Sec 5-712 Enforcement By Private Persons](#)

1. The rights granted by sections 5-703 through 5-706 may be enforced by civil actions in state courts of competent 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 5-710(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the city manager are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the city manager and which practice forms the basis for the action in court; and provided further, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, 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 chapter shall not be affected.
2. The court may consider and 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 punitive damages as allowed under the laws of the state or under applicable federal law, together with court costs and reasonable attorney's fees in the case of a prevailing plaintiff, provided that the plaintiff, in the opinion of the court, is not financially able to assume the attorney's fees.

(Code 1999, Â§ 5-712; Ord. No. 69(94), 1-3-1994) [Sec 5-713 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 section 5-703, 5-704, 5-705, or 5-706. This section may be enforced by appropriate civil action.

(Code 1999, Â§ 5-713; Ord. No. 69(94), 1-3-1994) **Sec 5-714 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, color, religion, national origin, handicap or familial status 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;
2. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 1. Participating without discrimination on account of race, sex, color, religion, national origin, handicap, or familial status, in any of the activities, services, organizations or facilities described in subsection (A) of this section;
 2. 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, handicap, or familial status, in any of the activities, services, organizations or facilities described in subsection (A) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate;

shall be punished as provided in section 1-108.

(Code 1999, Â§ 5-714; Ord. No. 69(94), 1-3-1994) **CHAPTER 5-8 OUTDOOR LIGHT FIXTURES Sec 5-801 Light Trespass Prohibited**
Sec 5-801 Light Trespass Prohibited

1. Requirements for luminaire heights, shielding, placement and aiming to minimize light trespass and direct glare emitted by a lighting system for any lot that is adjacent to a residentially zoned property or residential land use shall be as follows:
 1. Spill light on adjacent residential or unlighted properties shall be minimized by complying with the following:
 1. The lighting system shall be designed to minimize the impact on spill light to adjacent properties.
 2. Wall-mounted luminaries shall not be mounted higher above the ground than their distance to the property line unless they are mounted/shielded so as to direct the light away from the adjacent property (i.e., on a wall on the property line but directed inward). Maximum mounting height for wall-mounted luminaries shall be 15 feet, or as approved by the community development director.
 2. Direct glare shall be minimized by compliance with the following requirements:
 1. The lighting system shall be designed to minimize the impact on glare to adjacent properties.

2. The direct glare from the luminaire shall not be visible from six feet above grade at the property line. Exception: field sports lighting.
 3. Where the adjacent property is residential and the luminaire is a decorative style, the lot line side of the luminaire is to be blocked/shielded out to eliminate spill and glare.
2. Violations and enforcement. It shall be unlawful to install or operate an outdoor light fixture in violation of this Code. Final determination as to compliance with this section shall be based on point-by-point analysis by the community development director or designee. Any person violating any provision of this Code shall be subject to a fine and court costs as provided by law. Each and every day, which the illegal erection, maintenance, and use continues, is a separate offense.
 3. Exemptions: nonconforming fixtures. All outdoor light fixtures, existing and fully installed, or for which a building permit has been issued prior to the effective date of this Code, may remain nonconforming; provided, however, that no change in use, replacement, structural alteration, or restoration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Code.

(Code 1999, Â§ 5-801; Ord. No. 520(05), 10-3-2005) **CHAPTER 5-9 FUEL GAS CODE Sec 5-901 International Fuel Gas Code 2015 Adopted**
Sec 5-902 Additions, Insertions And Changes
Sec 5-901 International Fuel Gas Code 2015 Adopted

Pursuant to section 2-15 of the Charter, the council may by ordinance adopt, by reference, codes which shall be considered to have the same effect as if set out in full in the City Code. Pursuant to this authority, the council hereby ordains that a certain document, at least one copy of which is on file in the office of the city clerk, being marked and designated as the "2015 International Fuel Gas Code," as adopted by the state uniform building code commission pursuant to 59 O.S. Â§ 1000.23, is hereby adopted as the fuel gas code of the city; for addressing the design and installation of fuel gas systems and gas-fired appliances as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Fuel Gas Code as hereby referred to, adopted and made a part hereof, as if fully set out in this Code, with the additions, insertions, and changes, if any, as prescribed and set out herein.

(Code 1999, Â§ 5-901; Ord. No. 541(06), 10-16-2006; Ord. No. 638(08), 12-15-2008)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. **HISTORY**

Amended by Ord. 859(17) on 6/19/2017

Sec 5-902 Additions, Insertions And Changes

The following sections of the "International Fuel Gas Code 2015" are hereby revised, deleted, or amended as set out below. Items in [] are phrases that shall be deemed inserted into the appropriate section of the International Code:

1. Section 108.4 Insert: [Violation]
[200.00].
Delete: or by imprisonment not exceeding [number of days], or both such fine and imprisonment.
2. Section 101.1 Title: These regulations shall be known as the Fuel Gas Code of the City of Moore, Oklahoma, hereinafter referred to as "this code."

(Code 1999, Â§ 5-902; Ord. No. 541(06), 10-16-2006; Ord. No. 638(08), 12-15-2008) **HISTORY**

Amended by Ord. 859(17) on 6/19/2017

CHAPTER 5-10 ROOFING CONTRACTORS Sec 5-1001 Definitions

Sec 5-1002 Registration; Fine

Sec 5-1003 Powers

Sec 5-1004 Obtaining A Roofing Contractor Registration; Refusal Of Registration

Sec 5-1005 Criminal History Records Search Or Background Check

Sec 5-1006 Roofing Contractor Registration Certificate, Business Limitations

Sec 5-1007 Registration Fee

Sec 5-1008 Applicability Of Roofing Contractor Registration

Sec 5-1009 Issuance Or Denial Of Registration

Sec 5-1010 Change In Roofing Contractor's Name, Address, Legal Service Agent, Or Cease Of Business, Notification

Sec 5-1011 Certificate Of Renewal

Sec 5-1012 Contractor's Agent For Service Of Process

Sec 5-1013 Application For Building Permits; Disclosure Of Registration Certificate Number

State Law reference— Roofing Contractor Registration Act, 59 O.S. Â§ 1151.1 et seq.

Sec 5-1001 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nonresident contractor means any contractor who has not established and maintained a place of business as a roofing contractor in the state within the preceding year, or who claims residency in another state, or who has not submitted an income tax return as a resident of the state within the preceding year.

Person means any individual, firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit, unless the intent to give a more limited meaning is disclosed clearly by this chapter.

Public contract means a contract with the state, its political subdivisions, or any board, commission, or department thereof, or with any board of county commissioners, or with any city council, school board, or with any state or municipal agency, or with any other public board, body, commission, or agency authorized to award contracts for the construction or reconstruction of public work and includes subcontracts undertaken to perform works covered by the original contract or any part thereof.

Registrar means the city or any person designated by the city to administer the provisions of this chapter.

Roofing contractor means any person, including a subcontractor and nonresident contractor, engaged in the business of commercial or residential roofing contractor work, or who himself, or through another, attempts to or advertises, holds himself out as having, or purports to have, the capacity to undertake roofing contractor work, or offers to engage in or solicits roofing installation-related services, including construction, installation, renovation, remodeling, reroofing, repair, maintenance, alteration, and waterproofing, unless specifically exempted in the Roofing Contractor Registration Act. The term "roofing contractor" shall not mean:

1. A person engaged in the demolition of a structure or the cleanup of construction waste and debris that contains roofing material;
2. A person working under the direct supervision of the roofing contractor who is hired either as an employee, day laborer, or contract laborer whose payment, received in any form, from the roofing contractor is subject to self-employment tax;
3. A person working on his own property or that of an immediate relative and such person is not receiving any compensation; or

4. A person acting as a handyman who is receiving compensation from the property owner and who is performing the roofing repair in conjunction with other repairs to the property and who does not perform more than two roofing jobs per year.

Roofing contractor work means the installation, fabrication or assembly of equipment or systems included in roofing systems as defined in the International Building Code and the International Residential Code, as adopted by the state uniform building code commission, and which codes are hereby adopted and incorporated by reference. Roofing construction work includes, but is not limited to, installation, renovation, remodeling, reroofing, reconstructing, repair, maintenance, improvement, alteration, and waterproofing, unless specifically exempted in the Roofing Contractor Registration Act (59 O.S. Â§ 1151.1 et seq.).

(Code 1999, Â§ 5-1001; Ord. No. 689(10), 12-6-2010)

State Law reference— Similar provisions, 59 O.S. Â§ 1151.2. [Sec 5-1002 Registration; Fine](#)

1. A person may not engage in the business nor act in the capacity of a roofing contractor within the city nor may that person bring or maintain any claim, action, suit, or proceeding in any court of the state related to the person's business or capacity as a roofing contractor without a valid registration as provided in this chapter.
2. A person who fails to obtain a valid registration prior to acting as a roofing contractor as defined in this chapter, a person who acts as a roofing contractor while his registration is suspended or revoked, or a person who violates any provision of this chapter shall be guilty of a violation, upon conviction, punishable by a fine not to exceed \$500.00.

(Code 1999, Â§ 5-1002; Ord. No. 689(10), 12-6-2010) [Sec 5-1003 Powers](#)

The city is authorized to employ personnel and procure such supplies and equipment as may be necessary to carry out and implement the provisions of this chapter, subject to budgetary limitations and funding. The city may promulgate forms to implement the provisions of this chapter. The city may administer any provision of this chapter through use of the Internet or other technology as deemed necessary or appropriate.

(Code 1999, Â§ 5-1003; Ord. No. 689(10), 12-6-2010) [Sec 5-1004 Obtaining A Roofing Contractor Registration; Refusal Of Registration](#)

1. To obtain a roofing contractor registration under this chapter, an applicant who is 18 years of age or older shall submit, on forms the city prescribes, an application attaching a valid approved state registration. A copy of the roofing contractor's certificate of liability insurance shall be filed with the application and shall be not less than \$500,000.00. Any insurance company issuing a liability policy to a roofing contractor pursuant to the provisions of this chapter shall be required to notify the city in the event such liability policy is cancelled for any reason or lapses for nonpayment of premiums. In addition, the roofing contractor shall submit proof that the contractor has secured workers' compensation coverage satisfactory under the Administrative Workers' Compensation Act (85A O.S. Â§ 1 et seq.), or an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act. If the city deems it appropriate or necessary, the city may also require other information to be included on the application form to assist the city in registering the person as a contractor. The application shall contain statements that the applicant desires the issuance of a roofing contractor registration certificate; that the applicant will comply with the provisions of this chapter; that the applicant will comply with state laws and local ordinances relating to standards and permits; that the applicant has or has not been registered or licensed as a roofing contractor in another state and whether any disciplinary action was taken against such registration or license or whether it is still in good standing; and that the nonresident applicant appoints the secretary of state as legal service agent for all lawful process to be served upon the applicant for work performed in the state or as otherwise provided in this chapter.

2. The city shall refuse to register any person if the city determines:
 1. The application contains false, misleading, or incomplete information;
 2. The applicant fails or refuses to provide any information requested by the city;
 3. The applicant fails or refuses to pay the required fees;
 4. The applicant is ineligible for registration due to a suspended or revoked registration in the state;
 5. The nonresident applicant has a revoked or suspended registration or license required by law for roofing contractors in another state; or
 6. The applicant has failed or refuses to submit any taxes due in the state.
3. The city shall notify the applicant in writing if the city denies a registration or renewal certificate, and shall provide the applicant an opportunity to respond to or cure any defect in the written application or renewal for a period of ten days from the date of the written notification. An applicant aggrieved by a decision of the city denying a registration or renewal may appeal the decision to the city manager as provided in the Administrative Procedures Act (75 O.S. Â§ 250 et seq.), or the applicant may reapply after a 90-day waiting period, if otherwise eligible in the provisions of this chapter. The application and renewal fees shall not be refundable.
4. The city shall classify as not in good standing the registration of any roofing contractor who fails to:
 1. Maintain liability insurance coverage;
 2. Maintain workers' compensation coverage satisfactory under the Workers' Compensation Act, or provide an affidavit of exemption or self-insurance as authorized pursuant to the Administrative Workers' Compensation Act (85A O.S. Â§ 1 et seq.);
 3. File, renew, or properly amend any fictitious name certificate;
 4. Maintain an active status of a corporation or registration as a foreign corporation, a limited liability company or registration as a foreign limited liability company, a limited liability partnership registration or foreign limited liability partnership registration, or a limited partnership certificate or limited partnership or foreign limited partnership certificate of authority, with the office of the secretary of state;
 5. File or renew a trade name registration;
 6. Maintain or renew a roofing contractor registration as provided in this chapter;
 7. Notify the city of a change in name, address, legal business entity, legal service agent, or adjudication by a court of competent jurisdiction for any act or omission specified in 59 O.S. Â§ 1151.14(A) or a violation of this chapter;
 8. Maintain a registration as required by law in another state while registered in this state as a nonresident roofing contractor; or
 9. File and pay all taxes when due in the state.
5. The city shall send a written notice to the person when his registration is not in good standing. Any roofing contractor who has been notified by the city that his registration is not in good standing shall cease soliciting or entering new roofing services and projects as of the date of such notification; however, the roofing contractor shall be allowed to complete roofing projects where actual physical work has begun prior to the date of issuance of the notice that his registration is not in good standing. If the roofing contractor fails to correct the deficiency specified in the notice by evidence satisfactory to the registrar within 30 days of the date of

the notice, or if the roofing contractor solicits or enters into new roofing services contracts or projects while the roofing contractor's registration is not in good standing, or while such registration is suspended or revoked, the roofing contractor shall be in violation of the provisions of this chapter. Any registration that remains not in good standing for a 60-day period shall be suspended on the 60th day from the date of issuance of the notice to the roofing contractor that his registration is not in good standing. Any registration that remains not in good standing, and is suspended for such cause, shall be revoked on the 90th day from the date of issuance of the notice to the roofing contractor that his registration is not in good standing. The city shall notify the roofing contractor upon suspension or revocation of his registration for failure to comply in bringing such registration into good standing as required by law. The roofing contractor may reinstate his registration to good standing by paying the required fees provided in section 5-1007 and complying with all other requirements for issuance of a registration in good standing. Any person aggrieved by the decision of the city to suspend or revoke a registration pursuant to this section may appeal such decision to the city manager's office.

(Code 1999, Â§ 5-1004; Ord. No. 689(10), 12-6-2010) [Sec 5-1005 Criminal History Records Search Or Background Check](#)

1. When deemed appropriate, the city may conduct a criminal history records search or background check on any applicant or registered roofing contractor and may investigate the information submitted on a roofing contractor application or renewal form, provided no adverse action may be taken against the person until the person has been notified and given an opportunity to respond in writing.
2. The city, its agents, employees and assigns shall not be liable and are granted immunity for the acts or omissions of any registered roofing contractor or its employees, or for any person's failure or omission to properly disclose any information on an application or renewal form, including, but not limited to, pending criminal charges, arrests or prior criminal history records, disclosure of his roofing contractor registration status, or his qualifications to perform or act as a roofing contractor.

(Code 1999, Â§ 5-1005; Ord. No. 689(10), 12-6-2010) [Sec 5-1006 Roofing Contractor Registration Certificate, Business Limitations](#)

The holder of a roofing contractor registration certificate is entitled to engage in the roofing business within the city pursuant to the provisions of this chapter, and subject to the following limitations:

1. A roofing contractor's registration certificate number shall be valid and in good standing at the time of soliciting a project and during subsequent job performance;
2. A roofing contractor's registration certificate number shall be submitted when applying for any permit issued by the state, or any of its political subdivisions, for commercial or residential roofing services or projects, if a permit is required by such authority, and shall be written upon each permit issued;
3. A roofing contractor's registration certificate cannot be shared or used by any other individual or business entity; provided, however, a business, firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit may be granted a single roofing registration certificate number for use by designated roofing contractors acting as agents for the business entity when the application for registration contained sufficient information on each member, partner, officer and agent and the state issued a single certificate number to such persons as a business unit;
4. Upon any change to the name, address, business entity, or legal service agent of a roofing contractor or upon adjudication by a court of competent jurisdiction for a violation of this

chapter or an act or omission specified in 59 O.S. Â§ 1151.14(A), the city shall be notified in writing;

5. A roofing contractor shall comply with state laws and local ordinances relating to standards and permits for roofing services and projects; and
6. A roofing contractor must pay taxes due in the state.

(Code 1999, Â§ 5-1006; Ord. No. 689(10), 12-6-2010) [Sec 5-1007 Registration Fee](#)

1. At the time of making application for a roofing contractor registration certificate pursuant to this chapter, the applicant shall pay to the city a fee to be set by resolution for the annual registration certificate.
2. All monies collected by the city for roofing contractor registration applications, renewals and other fee assessments shall be deposited by the city into the general fund.
3. The fee to be submitted with an application for a roofing contractor registration may be prorated as set by the city. Unless prorated at the time of initial registration, fees shall be paid in the amount stated in subsection (A) of this section and such registration certificates shall expire June 30 each year.
4. A renewal fee for a roofing contractor registration shall be set by resolution for the annual renewal registration certificate.

(Code 1999, Â§ 5-1007; Ord. No. 689(10), 12-6-2010) [Sec 5-1008 Applicability Of Roofing Contractor Registration](#)

1. The Roofing Contractor Registration Act does not apply to:
 1. An actual owner of residential or farm property who physically performs, or has employees who perform, roofing services including construction, installation, renovation, repair, maintenance, alteration, waterproofing, or removal of materials or structures on his own dwelling or another structure located on the residential or farm property owned by such person without the assistance of any registered roofing contractor as such term is defined by this chapter;
 2. Any authorized employee, representative or representatives of the United States Government, the state, or any county, municipality, or other political subdivision of the state; and
 3. Any person who furnishes any fabricated or finished product, material, or article of merchandise which is not incorporated into or attached to real property by such person so as to become affixed thereto.
2. Any administrative or governing body with authority to enter into public contracts shall require individual roofing contractor registration for purposes of such persons submitting or entering into any bid or contract.

(Code 1999, Â§ 5-1008; Ord. No. 689(10), 12-6-2010) [Sec 5-1009 Issuance Or Denial Of Registration](#)

Within 25 calendar days from the date of application, the city shall either issue or deny the roofing contractor registration. No registration shall be issued to an applicant until the city receives all documentation and fees necessary to obtain a registration certificate in good standing. The registration certificate issued on an original application entitles the person to act as a roofing contractor within the city subject to the limitations of this chapter, until the expiration of the then current fiscal year ending June 30, except that an initial registration issued in May or June is valid until June 30 of the subsequent year. On the effective date of the ordinance from which this chapter is derived, a prorated registration certificate issued between January 1, 2011, and April 30, 2011, shall

be valid until June 30, 2011.

(Code 1999, Â§ 5-1009; Ord. No. 689(10), 12-6-2010) [Sec 5-1010 Change In Roofing Contractor's Name, Address, Legal Service Agent, Or Cease Of Business, Notification](#)

No later than ten days after the date of a change in a roofing contractor's name, address, or legal service agent, or upon a registered roofing contractor ceasing business as a roofing contractor, the person shall notify the city of the change on a form provided by the city. A name, address, or legal service agent change shall be accompanied by a fee to be set by resolution. A person may not change his name under an active registration certificate if the change is associated with a change in the legal status of the business entity other than a change in marital status. Doing business under a new business name or change in legal status of a business requires issuance of a new registration certificate. When a registered roofing contractor ceases to be active as a roofing contractor, the city shall suspend the registration certificate of such contractor.

(Code 1999, Â§ 5-1010; Ord. No. 689(10), 12-6-2010) [Sec 5-1011 Certificate Of Renewal](#)

1. Any roofing contractor registration certificate issued under this chapter may be renewed for each successive fiscal year by obtaining from the city a certificate of renewal. To obtain a certificate of renewal, the person shall file with the city a renewal application by June 30 and pay the renewal fee. The application for renewal shall require statements under oath that the applicant has properly submitted income and employment taxes due in the state; whether or not the applicant has been convicted of any felony offense, and the nature of such offense, since issuance of the prior registration; and whether or not the applicant has been adjudicated by a court of competent jurisdiction for any violation of this chapter or any act or omission specified in 59 O.S. Â§ 1151.14(A). The city may forward a copy of any information in an application for renewal to the state tax commission and any other state agency. The applicant shall include with the renewal application a copy of certificate of liability insurance, unless the registrar has a current valid certificate of liability insurance on file, proof of workers' compensation coverage, unless exempt under the Administrative Workers' Compensation Act (85A O.S. Â§ 1 et seq.), and, if applicable, a copy of the current registration certificate required by law for roofing contractors. The renewal application need not be notarized.
2. The city shall refuse to renew a roofing contractor's registration certificate for any reason stated in 59 O.S. Â§ 1151.5(B) or section 5-1004 of this chapter. The city shall notify the applicant in writing if the city denies the renewal.
3. If any roofing contractor fails to file a renewal application by the June 30 deadline that contractor's registration shall be not in good standing. A roofing contractor has a 30-day grace period after June 30 to renew the registration certificate without a late fee. The late fee shall be set by the city and such fee shall not exceed \$25.00. A roofing contractor registration certificate not renewed by August 30 shall be suspended for failure to renew, and on January 1, if a roofing contractor's registration certificate still has not been renewed, it shall be revoked for failure to renew.
- 4.
1. A roofing contractor desiring to renew a registration certificate that has been suspended for any cause provided in this chapter shall be assessed a fee equal to twice the amount of the fee established as a renewal amount.
2. The city shall assess a reinstatement fee to be set by resolution plus the fee established by section 5-1007 for any registration that has been revoked for any cause provided in this chapter.
3. A roofing contractor submitting an application for registration after suspension or revocation of that contractor's registration certificate must be otherwise eligible for registration under

this chapter.

5. The city shall include a registration status notation in a roofing contractor's record if the status of registration changes from an active and valid registration to not in good standing, denied, suspended or revoked.

(Code 1999, Â§ 5-1011; Ord. No. 689(10), 12-6-2010) [Sec 5-1012 Contractor's Agent For Service Of Process](#)

Every applicant for a roofing contractor's registration who is a nonresident contractor as defined by this chapter, by signing and filing the application, appoints the secretary of state as the applicant's true and lawful agent upon whom may be served all lawful process in any action or proceeding against such nonresident contractor for construction projects performed in the state. Such appointment in writing is evidence of the roofing contractor's consent that any such process against the contractor which is served upon the secretary of state shall be of the same legal force and effect as if served upon the contractor personally within the state. Registered foreign corporations, registered foreign limited liability companies, foreign limited liability partnerships and foreign limited partnerships entitled to do business in the state having a current registered agent and registered address on file in the office of the secretary of state need not appoint the secretary of state as agent for service of process under this section. Within ten days after service of the summons upon the secretary of state, notice of such service with the summons and complaint in the action shall be sent to the defendant roofing contractor at the defendant contractor's last-known address by registered or certified mail with return receipt requested and proof of such mailing shall be attached to the summons. The secretary of state shall keep a record of all process served upon the secretary of state under this section, showing the day and hour of service. Whenever service of process was made under this section, the court, before entering a default judgment, or at any stage of the proceeding, may order such continuance as may be necessary to afford the defendant contractor reasonable opportunity to defend any action pending against the defendant contractor.

(Code 1999, Â§ 5-1012; Ord. No. 689(10), 12-6-2010) [Sec 5-1013 Application For Building Permits; Disclosure Of Registration Certificate Number](#)

1. When applying for any permit required by the state or any of its political subdivisions for roofing services or jobs, a roofing contractor shall supply the permit-issuing official that roofing contractor's registration certificate number issued pursuant to this chapter. That official shall enter a roofing contractor's registration number on the permit.
2. A person performing as a roofing contractor on his own property, although exempt from the registration requirements of this chapter, shall, when applying for a permit required for the project, supply the permit-issuing official any roofing contractor registration number, as soon as available, of each roofing subcontractor engaged in roofing services and doing work covered by the permit, if any. That official shall enter each roofing contractor registration number so supplied before inspection of the job.
3. A roofing contractor shall display his state roofing contractor registration number issued pursuant to this chapter on each commercial vehicle used for roofing services and upon every business sign, card, correspondence, and contract used to solicit and conduct roofing services in the state.

(Code 1999, Â§ 5-1013; Ord. No. 689(10), 12-6-2010) [CHAPTER 5-11 STORM SHELTERS](#)

[Sec 5-1101 Definitions](#)

[Sec 5-1102 Permits Required](#)

[Sec 5-1103 Standards And Specifications](#)

[Sec 5-1101 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Storm shelter means any under-ground structure designed to current FEMA standards to protect its occupants from the effects of wind and debris resulting from a tornado or severe weather event.

(Code 1999, Â§ 5-1101; Ord. No. 707(11), 10-17-2011) [Sec 5-1102 Permits Required](#)

1. No storm shelter shall be constructed within the city unless a building permit has been issued by the building inspection department.
2. All storm shelter construction shall comply with the standards contained in FEMA Publication 320, FEMA Publication 361 or ICC 500, or the applicable succeeding publication.

(Code 1999, Â§ 5-1102; Ord. No. 707(11), 10-17-2011) HISTORY

Amended by Ord. 864(17) on 8/7/2017

[Sec 5-1103 Standards And Specifications](#)

1. No preshaped shelter, such as metal, plastic, wood, plexiglass, etc., shall be approved unless the design is sufficient to prevent flotation when the shelter is empty. Flotation force is considered to be 100 percent. Weight of earthen fill will not be considered in reducing this flotation factor.
2. All shelters constructed in front yards or, in the case of a corner lot, in side yards that abut a street or public access and are not fenced, shall not have any projection to include backfill, cover, hatches, stairs, or vent pipes exceeding 18 inches above grade in height, with measuring the point to be 12 inches from any side or radius of the constructed shelter.
3. All underground storm shelters constructed in front, side or rear yards that are not enclosed by a fence shall be provided with a locking device.
4. No underground storm shelter shall be used for any type of occupancy other than as a storm shelter.
5. All concrete used in shelter construction shall have a compressive strength of not less than 3,500 pounds per square inch.
6. All shelters shall be adequately waterproofed to prevent seepage.

(Code 1999, Â§ 5-1103; Ord. No. 707(11), 10-17-2011) [PART 6 COURT CHAPTER 6-1](#)

[COURT PROCEDURE](#)

[CHAPTER 6-2 JUDGE](#)

[CHAPTER 6-3 JURY TRIALS](#)

[CHAPTER 6-4 PROCEEDING AGAINST CORPORATIONS](#)

State Law reference— Municipal courts, 11 O.S. Â§ 27-101 et seq.

[CHAPTER 6-1 COURT PROCEDURE Sec 6-101 Definitions](#)

[Sec 6-102 Purpose](#)

[Sec 6-103 Jurisdiction](#)

[Sec 6-104 Change Of Venue; Disqualification Of Judge](#)

[Sec 6-105 Chief Of Police As Principal Officer Of Court](#)

[Sec 6-106 Clerk Of Court; Duties](#)

[Sec 6-107 City Attorney, Powers And Duties](#)

[Sec 6-108 Bond](#)

[Sec 6-109 Authority Of Judge To Prescribe Rules](#)

[Sec 6-110 Traffic Violations Bureau Created; Payment Of Fines, Fines In Lieu Of Appearance](#)

[Sec 6-111 Designation Of Fines, Traffic Violations Bureau](#)

[Sec 6-112 Prosecutions; Filing Of Complaint; Fees, Defects Raised Prior To Trial](#)

[Sec 6-113 Ordinance Violations; Procedures For Issuing Citation; Custody, Arrest](#)

[Sec 6-114 Traffic Bail Bond Act](#)

[Sec 6-115 Issuance Of Summons; Failure To Appear](#)

[Sec 6-116 Failure To Appear According To Terms Of Bond, Bond Forfeiture, Bench Warrant](#)

Sec 6-117 Complainant, Witnesses, Failure To Appear
 Sec 6-118 Arrests, Release By Signing Citation; Bail; Amount And Conditions, Temporary Cash Bond
 Sec 6-119 Procedures For Bail Or Bond Schedule
 Sec 6-120 Arraignment
 Sec 6-121 Postponement Of Trial
 Sec 6-122 Defendant's Presence Required At Trial
 Sec 6-123 Procedure For Trials Not Within Scope Of Chapter
 Sec 6-124 Judgment
 Sec 6-125 Judgment Of Imprisonment
 Sec 6-126 Suspension Or Deferment Of Judgment, Powers
 Sec 6-127 Payment Of Costs By Defendant
 Sec 6-128 Witness Fees
 Sec 6-129 Enforcement Of Fines And Costs, Imprisonment, Work And Community Service
 Sec 6-130 Same Offense Punishable By Different Sections Of Code
 Sec 6-131 Contempt Of Court
 Sec 6-132 Juvenile Traffic Offenses
 Sec 6-133 Penalty Assessments
 Sec 6-134 Fines Recoverable By Civil Action; Failure To Pay Separate Offense, Imprisonment
 Sec 6-101 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of police means the peace officer in charge of the police force of the city.

Clerk means the court clerk as appointed by the city manager, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office.

Court means the municipal criminal court of the city.

Judge means the judge of the municipal criminal court, including any acting judge or alternate judge thereof as provided for by the statutes of the state and this chapter.

This judicial district means the district court judicial district of the state wherein the government of the city is situated.

(Prior Code, Â§ 15-2; Code 1999, Â§ 6-101) **Sec 6-102 Purpose**

This chapter shall govern the organization and operation of the municipal criminal court of the city, as put into operation by resolution duly passed on January 6, 1969, and filed in accordance with law, as authorized by state statutes. To the extent of conflict between any provisions of this chapter and the provisions of any other ordinance of the city, the provisions of this chapter shall control.

(Prior Code, Â§ 15-1; Code 1999, Â§ 6-102) **Sec 6-103 Jurisdiction**

The court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any ordinance of the city is charged.

(Prior Code, Â§ 15-1; Code 1999, Â§ 6-103)

State Law reference— Similar provisions, 11 O.S. Â§ 27-103. **Sec 6-104 Change Of Venue; Disqualification Of Judge**

1. No change of venue shall be allowed from any municipal court, but the judge of the municipal court may be disqualified under the same terms and conditions as are now provided by law for courts of record.

2. In the event of an ethical disqualification by a municipal judge, the senior municipal judge may appoint, on a case-by-case basis, a sitting municipal judge in another municipality within the same county or an adjacent county to act as a special judge for the purposes of hearing the case.

(Prior Code, Â§ 15-15; Code 1999, Â§ 6-104)

State Law reference— Similar provisions, 11 O.S. Â§ 27-105. [Sec 6-105 Chief Of Police As Principal Officer Of Court](#)

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

(Prior Code, Â§ 15-19; Code 1999, Â§ 6-105)

State Law reference— Similar provisions, 11 O.S. Â§ 27-110. [Sec 6-106 Clerk Of Court; Duties](#)

1. The clerk or a deputy designated by him shall be the clerk of the court.
2. The clerk shall:
 1. Assist the judge in recording the proceedings of the court and in preparing writs, processes and other papers;
 2. Administer oaths required in proceedings before the court;
 3. Enter all pleadings, processes and proceedings in the dockets of the courts;
 4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct; and
 5. Receive any receipt for forfeitures, fees, deposits and sums of money payable to the court and as may be established by the court or the city council.
3. The clerk shall pay to the clerk of the city all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the clerk shall be placed in the general fund of the city, or in such other fund as the council may direct.

(Prior Code, Â§ 15-16; Code 1999, Â§ 6-106)

State Law reference— Similar provisions, 11 O.S. Â§ 27-109. [Sec 6-107 City Attorney, Powers And Duties](#)

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

(Prior Code, Â§ 15-18; Code 1999, Â§ 6-107)

State Law reference— Similar provisions, 11 O.S. Â§ 27-108. [Sec 6-108 Bond](#)

The clerk of the court shall give bond in such sum as set by the council, in the form provided by state law. When executed, the bond shall be submitted to the council for approval. When approved, it shall be filed with the clerk and retained in the municipal archives.

(Prior Code, Â§ 15-17; Code 1999, Â§ 6-108)

State Law reference— Similar provisions, 11 O.S. Â§ 27-111. [Sec 6-109 Authority Of Judge To Prescribe Rules](#)

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

(Code 1999, Â§ 6-109)

State Law reference— Similar provisions, 11 O.S. Â§ 27-114. [Sec 6-110 Traffic Violations Bureau Created; Payment Of Fines, Fines In Lieu Of Appearance](#)

1. A traffic violations bureau is established as a division of the office of the clerk of the court, to be administered by the clerk or by subordinates designated for that purpose. Persons who are cited for violation of one of the following traffic ordinances of the city, other than:
 1. Driving while intoxicated or driving while impaired;
 2. Leaving the scene of an accident;
 3. Reckless driving;
 4. Violation of financial responsibility requirements;
 5. Driver's license offenses (e.g., suspended, revoked, etc.); or
 6. Failure to obey citation; may elect to pay a fine in the traffic violations bureau according to a schedule of fines prescribed from time to time by the council. The payment shall constitute a final determination of the cause against the defendant.
2. The court may adopt rules to carry into effect this section. If a defendant who has elected to pay a fine under this section fails so to do, prosecution shall proceed under the provisions of this chapter.

(Code 1999, Â§ 6-110) [Sec 6-111 Designation Of Fines, Traffic Violations Bureau](#)

The city council shall designate by motion or resolution the specified offenses for which payment of fines may be accepted by the traffic violations bureau and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, and shall further specify what number of such offenses shall require appearance before the judge. A copy of the fine schedule shall be kept on file in the office of the court clerk.

(Code 1999, Â§ 6-111) [Sec 6-112 Prosecutions; Filing Of Complaint; Fees, Defects Raised Prior To Trial](#)

1. All prosecutions for violation of ordinances of this city shall be styled "The City of Moore, Oklahoma vs. (naming defendant or defendants)." Except as provided hereinafter, 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.
2. Any person, except a police officer or other employee of the city, filing a criminal offense complaint in the municipal court shall deposit with the clerk of the court, unless waived by order of the court, the court cost fee as provided in this chapter. The court costs so deposited by such a complainant shall be refunded to the complainant or person depositing same upon conviction or acquittal of the defendant; the court costs shall not be refunded if the charges are dismissed at the request of the complainant who made the deposit or because the complainant fails or refuses to appear in court to testify or aid in the prosecution of the charge filed by such complainant.
3. All defects in the form or substance apparent on the face of a complaint charging a violation of an ordinance of the city, and being grounds for motion or demur, may only be raised by an accused in writing and prior to trial.
4. A complaint may be amended in matter of substance or form at any time before the defendant pleads, without leave, and may be amended after plea or order of the court where the same can be done without material prejudice to the rights of the defendant. No amendment shall

cause any delay of the trial, unless good cause is shown by affidavit.

(Prior Code, Â§Â§ 15-20, 15-21; Code 1999, Â§ 6-112)

State Law reference— Similar provisions, 11 O.S. Â§ 27-115. [Sec 6-113 Ordinance Violations; Procedures For Issuing Citation; Custody, Arrest](#)

1. If a resident of the city is arrested by a law enforcement officer for the violation of any traffic ordinance for which other provisions of this chapter do not apply, or is arrested for the violation of a nontraffic ordinance, the officer shall immediately release the person if the person acknowledges receipt of a citation by signing it. However, the arresting officer need not release the 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 the person fails to appear in response to the citation, a warrant shall be issued for his arrest and his appearance shall be compelled.
2. If the arrested resident is not released by being permitted to sign a citation as provided in this section, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance.
3. If a nonresident of the city is arrested by a law enforcement officer for a violation of any ordinance for which section 6-114 does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.
4. 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 this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under subsection (A) of this section.

(Code 1999, Â§ 6-113)

State Law reference— Similar provisions, 11 O.S. Â§ 27-117. [Sec 6-114 Traffic Bail Bond Act](#)

If a resident or nonresident of a municipality having a municipal court is arrested by a law enforcement officer solely for a misdemeanor violation of a traffic ordinance, other than an ordinance pertaining to a parking or standing traffic violation, and the arrested person is eligible to sign a written promise to appear and be released upon personal recognizance as provided for in 22 O.S. Â§ 1115, then the procedures provided for in the State and Municipal Traffic Bail Bond Procedure Act (22 O.S. Â§ 1115 et seq.) as applied to municipalities, shall govern. A municipality, by ordinance, may prescribe a bail bond schedule for this purpose and may provide for bail to be used as payment of the fine and costs upon a plea of guilty or nolo contendere, as provided for in 22 O.S. Â§ 1115.1. Absent such ordinance, the municipal court may prescribe a bail bond schedule for traffic offenses. The amount of bail shall not exceed the maximum fine and costs provided by ordinance for each offense, unless the defendant has a previous history of failing to appear according to the terms or conditions of a bond, in which case the amount of bail shall not exceed \$1,000.00.

(Code 1999, Â§ 6-114)

State Law reference— Similar provisions, 11 O.S. Â§ 27-117.1. [Sec 6-115 Issuance Of Summons; Failure To Appear](#)

1. Upon the filing of a complaint charging violation of an ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense

with which he is charged and giving him notice to answer the charge in the court on a day certain, 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 personally or by certified mail. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this chapter.
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 section 1-108.

(Prior Code, Â§ 15-22; Code 1999, Â§ 6-115) [Sec 6-116 Failure To Appear According To Terms Of Bond, Bond Forfeiture, Bench Warrant](#)

1. 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 judge may be lawfully required or ordered, the judge may direct that fact to be entered upon the court minutes, thereby declaring the bond to be forfeited. The judge may also order a bench warrant to be issued for the defendant as provided in this chapter.
2. The judge, without advancing court costs, may also cause the forfeiture to be certified to the district court of the county, 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 provisions of 59 O.S. Â§Â§ 1330, 1332, 1333 and 1335, and a surety shall have all remedies available under the provisions of 22 O.S. Â§ 1108 and 59 O.S. Â§Â§ 1301 through 1340.
3. Court costs shall be collectible from the proceeds of the bond.

(Code 1999, Â§ 6-116)

State Law reference— Similar provisions, 11 O.S. Â§ 27-118. [Sec 6-117 Complainant, Witnesses, Failure To Appear](#)

No person, having signed a complaint in the municipal court of the city alleging the violation of an ordinance or any other person in response to an order of the court, shall fail, refuse or neglect to appear for the purpose of testifying as a witness at the trial of the case, after having been notified of the time, date and place at which the case is set for trial.

(Code 1999, Â§ 6-117) [Sec 6-118 Arrests, Release By Signing Citation; Bail; Amount And Conditions, Temporary Cash Bond](#)

1. If a resident of the city is arrested by a law enforcement officer for the violation of any traffic ordinance for which 11 O.S. Â§ 27-117.1 does not apply, or is arrested for the violation of a nontraffic ordinance, the officer shall immediately release said person if the person acknowledges receipt of a citation by signing it; provided, however, 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 warrant shall be issued for his arrest and his appearance shall be compelled. If the arrested resident is not released by being permitted to sign a citation as provided for in this subsection, he shall be admitted to bail either before or after arraignment, or shall be released on personal recognizance. A municipality

may prescribe a fine for up to the maximum amount authorized by courts not of record for failure of a person to have a valid driver's license when charged with a traffic violation.

2. If a nonresident of the city is arrested by a law enforcement officer for a violation of any ordinance for which 11 O.S. Â§ 27-117.1 does not apply, the defendant shall be eligible to be admitted to bail either before or after arraignment.
3. The amount and conditions of bail granted pursuant to the provisions of subsections (A) and (B) 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. The amount of bail for each offense shall not exceed the maximum fine plus court costs, unless the defendant has a previous history of failing to appear according to the terms or conditions of a bond, in which case the amount of bail shall not exceed \$1,000.00. 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, unless the defendant has a previous history of failing to appear according to the terms or conditions of a bond, in which case the amount of the cash bond shall not exceed \$1,000.00. The court official, chief of police or his designated representative is authorized, subject to such conditions as shall be prescribed by the judge, to release a resident of the city on personal recognizance.

(Prior Code, Â§ 15-23; Code 1999, Â§ 6-118)

State Law reference— Similar provisions, 11 O.S. Â§ 27-117. [Sec 6-119 Procedures For Bail Or Bond Schedule](#)

1. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant may be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail and release of the defendant. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary bond, in the form of cash, money order, credit card, or surety bond by a licensed bondsman, of not less than \$10.00 nor more than the maximum monetary penalty provided by ordinance for the offense charged. The judge or police chief is authorized, subject to conditions as may be prescribed by the judge, to release a resident of the city on personal recognizance.
2. The city's bail bond schedule setting forth specific offenses and bail bond amounts and procedures therefor, as amended from time to time, is hereby adopted and incorporated herein by reference.

(Prior Code, Â§ 15-24; Code 1999, Â§ 6-119; Ord. No. 408(03), 5-5-2003; Ord. No. 513(05), 8-15-2005) [Sec 6-120 Arraignment](#)

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

(Prior Code, Â§ 15-25; Code 1999, Â§ 6-120) [Sec 6-121 Postponement Of Trial](#)

Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof. If the continuance of any matter is by motion or request of the defendant, a fee as established by the fee schedule shall be added, unless waived by the court, to the court costs authorized by section 6-127.

(Prior Code, Â§ 15-26; Code 1999, Â§ 6-121) HISTORY

Amended by Ord. 794(15) on 7/6/2015

Sec 6-122 Defendant's Presence Required At Trial

The defendant must be present in person at the trial of his case in court.

(Prior Code, Â§ 15-27; Code 1999, Â§ 6-122) **Sec 6-123 Procedure For Trials Not Within Scope Of Chapter**

Except as otherwise provided for by law, the code of procedure in the municipal court shall be the same as is provided for by law for the trial of misdemeanors. The court shall take judicial notice of state statutes and the ordinances of the city in which it is located. Writs and processes of the court may be issued by the judge or clerk thereof to any proper officer. All writs and processes of the municipal court in which a violation of a municipal ordinance is charged shall be directed to the chief of police, a county sheriff, or to some other appropriate peace officer. A law enforcement officer of the city or county sheriff may serve an arrest warrant issued by the municipal court any place within the state. If the warrant is served by a county sheriff, the city shall pay the sheriff's service fee account a fee of \$20.00.

(Prior Code, Â§ 15-28; Code 1999, Â§ 6-123)

State Law reference— Similar provisions, 11 O.S. Â§ 27-113. **Sec 6-124 Judgment**

At the close of trial, judgment must be rendered without undue delay by the judge, who shall cause it to be entered in his docket.

1. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once;
2. If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly; and
3. A judgment that the defendant pay a fine may direct also that he be imprisoned until the fine is satisfied, as provided in section 6-128.

(Prior Code, Â§Â§ 15-30—15-33; Code 1999, Â§ 6-124) **Sec 6-125 Judgment Of Imprisonment**

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

(Prior Code, Â§ 15-34; Code 1999, Â§ 6-125) **Sec 6-126 Suspension Or Deferment Of Judgment, Powers**

1. The judge of the court in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce or suspend or defer the imposition of such sentence or any part thereof and to authorize the person to be released upon his own recognizance for a period not to exceed six months from the date of the sentence, under such terms or conditions as the judge may specify. The judge may, with the consent of the defendant, defer further proceedings, after a verdict, finding or plea of guilty, but before passing a judgment of guilt and imposing a fine, and place the defendant on probation for a period not to exceed six months, under such terms and conditions as prescribed by the court, which may include, but not be limited to, work on the streets, parks or other city-owned or maintained projects, with proper supervision.

2. A defendant is not entitled to a deferred sentence if the defendant has been previously convicted of a felony.
3. Upon a finding of the court that the conditions of release have been violated, the municipal judge may enter a judgment of guilty and may cause a warrant to be issued for the defendant.
4. Upon the issuance of the warrant or judgment of guilty being entered, the person shall be delivered forthwith to the place of confinement to which he is sentenced and shall serve out the full term or pay the full fine for which he was originally sentenced as may be directed by the judge.
5. The judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six months from the date of the sentence. At the expiration of such period, the judge may allow the city attorney to amend the charge to a lesser offense.
6. If a deferred sentence is imposed, an administrative fee or fee in lieu of a fine of up to \$200.00 for traffic offenses involving speeding or parking violations, up to \$500.00 for all other violations, and up to \$800.00 for drug and alcohol violations, may be imposed as costs in the case. The court may make payment of the fee a condition of granting or continuing the imposition of a sentence, if the defendant is able to pay.
7. The court may also require restitution and in the event there was damage done to public or private property during the commission of the offense, the court may require the defendant to repair or replace such damaged property as a condition to a deferred sentence as may be directed by the court.

(Prior Code, Â§Â§ 15-35, 15-36; Code 1999, Â§ 6-126; Ord. No. 459, 8-1-1988; Ord. No. 481(04), 10-18-2004; Ord. No. 553(06), 9-5-2006)

State Law reference— Similar provisions, 11 O.S. Â§ 27-123. [Sec 6-127 Payment Of Costs By Defendant](#)

1. If judgment of conviction is entered, after the conclusion of a trial or by plea of guilty or nolo contendere in open court before the municipal judge, the clerk of the court shall tax the costs to the defendant in the maximum sum permitted by state law, plus the fees and mileage of jurors and witnesses, plus a technology fee, plus a fee for the filing of an expungement order, continuance fees, all of which the defendant shall pay, in addition to any fine may which be imposed.
2. Except as otherwise provided in this section, the municipal attorney may ask the court to require a person confined in a city or county jail, for any offense, to pay the jail facility the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. The costs of incarceration shall be collected by the clerk of the court. Costs of incarceration shall include booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. The costs of incarceration shall be an amount equal to the actual cost of the services and shall be determined by the chief of police for city jails, or by contract amount, if applicable. The cost of incarceration shall be paid to the municipality, county or other public entity responsible for the operation of all jail facilities where the person is held before and after conviction. The costs shall not be assessed if the defendant is a mentally ill person as defined by 43A O.S. Â§ 1-103. Ten percent of any amount collected shall be paid to the municipal attorney's office, the remaining amount shall be paid to the municipality, the sheriff's service fee account, if the sheriff does not operate the jail facility, the remaining amount shall be deposited with the public entity responsible for the operation of the jail facility where the person is held.
3. Any offender injured during the commission of a felony or misdemeanor offense shall be required to reimburse the sheriff, municipality or other public entity responsible for the

operation of the jail, the full amount paid by the sheriff, municipality or other public entity responsible for the operation of the jail for any medical care or treatment administered to such offender during any period of incarceration or preceding incarceration in that jail facility. The sheriff, municipality or other public entity responsible for the operation of the jail may deduct the costs of medical care and treatment resulting from the commission of a felony or misdemeanor offense from any money collected from such inmate's jail account as authorized by 19 O.S. Â§ 531. If the funds collected from the inmate's jail account are insufficient to satisfy the actual medical costs paid as a result of the commission of a felony or misdemeanor offense, the court shall order the remaining balance of the medical care treatment to be paid.

(Prior Code, Â§ 15-37; Code 1999, Â§ 6-127; Ord. No. 467, 10-17-1988; Ord. No. 274(00), 2-22-2000; Ord. No. 409(03), 5-19-2003; Ord. No. 564(06), 10-16-2006) HISTORY

Amended by Ord. 795(15) on 7/6/2015

Sec 6-128 Witness Fees

1. Witnesses in any proceeding in the court, other than police or peace officers who shall be employed by the city, shall be entitled to a witness fee as established by the city council by motion or resolution per each day of attendance, plus mileage per mile actually and necessarily traveled in going to and returning from the place of attendance, if the residence is more than ten miles distant from the place of trial. No witness, however, shall receive fees or mileage in more than one case for the same period of time or for the same travel. A defendant seeking to subpoena witnesses must deposit with the court clerk a sum sufficient to cover fees and mileage for one day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting forth:
 1. The names of no more witnesses than the municipal judge for the city shall determine to be just, necessary and reasonable for the proper defense of such indigent's case;
 2. That the defendant by reason of his poverty is unable to provide the fees and mileage allowed by law;
 3. That the testimony of such witness is material; and
 4. That the attendance at the trial is necessary to his proper defense.
2. In any case where an indigent defendant has properly filled out and filed with the city an affidavit setting forth the above-mentioned information, the fees for such witnesses shall be paid for by the city.

(Prior Code, Â§ 15-29; Code 1999, Â§ 6-128) **Sec 6-129 Enforcement Of Fines And Costs, Imprisonment, Work And Community Service**

1. If a defendant who is financially able refuses or neglects to pay a fine or costs, or both, payment may be enforced:
 1. By imprisonment until the same shall be satisfied at the rate of \$25.00 per day;
 2. The amount established by state law; or
 3. In the same manner as is prescribed in subsection (B) of this section for a defendant who is without means to make such payment.
2. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court in the county where the situs of the municipal government is located, where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. The same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

3. All defendants, upon conviction or on plea of guilty, may work on community projects, the public streets, avenues or ways, public buildings or other public premises or property as may be ordered by the judge. For such work, the defendant shall be credited toward any fine or costs or witness or juror fees or mileage until the same are satisfied.
4. The city shall direct where the work shall be performed. The appropriate officer shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

(Code 1999, Â§ 6-129)

State Law reference— Similar provisions, 11 O.S. Â§ 27-122. [Sec 6-130 Same Offense Punishable By Different Sections Of Code](#)

In all cases where the same offense is made punishable or is created by different sections of this Code, the city attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

(Code 1999, Â§ 6-130) [Sec 6-131 Contempt Of Court](#)

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

(Prior Code, Â§ 15-38; Code 1999, Â§ 6-131) [Sec 6-132 Juvenile Traffic Offenses](#)

1. The municipal court of the city shall have the power to try minors for violation of all ordinances pertaining to traffic matters and as otherwise set forth by state law.
2. When the person charged with a municipal traffic violation is a minor, the citing police officer shall ascertain from the minor the name and address of his parent or legal guardian, and that officer shall cause a copy of the violation or a letter containing the same information to be mailed to the address of the parent or legal guardian, within three days after the date of the violation.
3. All actions against minors for violation of municipal traffic offenses shall be heard and determined in the manner provided by law for the trial of all other municipal traffic offenses and shall carry the same penalty upon conviction, except no minor may be detained in any jail, adult lockup, or other adult detention facility.
4. For purposes of enforcing this section relation to traffic offenses committed by minors, a minor shall be defined as a person between the ages of 18 and 14 years of age, inclusive.

(Prior Code, Â§ 15-4, in part; Code 1999, Â§ 6-132)

State Law reference— Juvenile jurisdiction, 10A O.S. Â§ 2-2-103. [Sec 6-133 Penalty Assessments](#)

1. Any person:
 1. Convicted of an offense punishable by a fine of \$10.00 or more or by imprisonment, excluding parking and standing violations; or
 2. Forfeiting bond when charged with such an offense under subsection (A)(1) of this section; shall pay a sum as set by state law as a separate penalty assessment for law enforcement training, and as a separate fingerprinting fee, which shall be in addition to and not in substitution for any and all fines and penalties and costs otherwise provided for such offense. The court shall provide for separate bail for the assessments; however, a defendant admitted to bail on an undertaking by a surety may include the amount of the assessment in the undertaking.

2. Upon conviction or bond forfeiture, the court shall collect the assessment and deposit the monies for payment as required by state law.
3. At the end of every quarter the city shall deposit with the state treasury the funds deposited in the law enforcement training funds and the A.F.I.S. (automated fingerprint identification system) fund as required by law. The court clerk shall also furnish to the state treasury reports required on the funds collected and penalty assessments imposed each quarter.
4. For the purpose of this section, the term "conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.

(Prior Code, Â§ 15-37.1; Code 1999, Â§ 6-133; Ord. No. 349, 12-19-1983) [Sec 6-134 Fines Recoverable By Civil Action; Failure To Pay Separate Offense, Imprisonment](#)

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, subject to a fine as provided in section 1-108.
3. If a fine is not paid by the defendant, the fine may be collected by working in accordance with other provisions of this Code or state law.

(Code 1999, Â§ 6-134) [CHAPTER 6-2 JUDGE Sec 6-201 Created; Qualifications](#)

[Sec 6-202 Term Of Office](#)

[Sec 6-203 Acting Judge](#)

[Sec 6-204 Appointment Of Judge, Alternate Judge](#)

[Sec 6-205 Compensation](#)

[Sec 6-206 Removal Of Judge From Office](#)

[Sec 6-207 Vacancy](#)

[Sec 6-208 Additional Duties Of Judge, Advice To Boards And Commissions](#)

[Sec 6-201 Created; Qualifications](#)

There shall be one judge of the court. The judge shall be duly licensed to practice law in the state. He need not reside within the city. He may engage in the practice of law while serving as municipal judge. He may serve as judge of other municipal courts if such service may be accomplished consistently with his duties as judge of this court, with the consent of the council.

(Prior Code, Â§ 15-5; Code 1999, Â§ 6-201)

State Law reference— Similar provisions, 11 O.S. Â§ 27-104. [Sec 6-202 Term Of Office](#)

The official term of the judge shall be indefinite.

(Prior Code, Â§ 15-7; Code 1999, Â§ 6-202)

State Law reference— Similar provisions, 11 O.S. Â§ 27-104. [Sec 6-203 Acting Judge](#)

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

(Prior Code, Â§ 15-11; Code 1999, Â§ 6-203) [Sec 6-204 Appointment Of Judge, Alternate Judge](#)

1. Judges shall be appointed as provided in the city Charter.
2. There may be appointed for each judge of the court an alternate judge possessed of the same qualifications as the judge. His appointment shall be for the same term and made in the same manner as the judge. He shall sit as judge of the court in any case if the judge is absent from court, unable to act as judge, or disqualified from acting as judge in the case.

(Prior Code, Â§Â§ 15-6, 15-11; Code 1999, Â§ 6-204) [Sec 6-205 Compensation](#)

A judge shall receive such salary as may be established and shall be paid in the same manner as the salaries of other officials of the city.

(Code 1999, Â§ 6-205) [Sec 6-206 Removal Of Judge From Office](#)

1. Judges shall be subject to removal from office by the council for the causes prescribed by the constitution and laws of the state for the removal of public officers. Proceedings for removal shall be instituted by the filing of a verified written petition, setting forth facts sufficient to constitute one or more legal grounds for removal. Petitions may be signed and filed by the mayor, or 25 or more qualified electors of the city. In the latter event, verification may be executed by one or more of the petitioners.
2. The council shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the judge at least ten days before the hearing. At the hearing, the judge shall be entitled to representation by counsel, to present testimony and to cross examine the witnesses against him, and to have all evidence against him presented in open hearing.
3. So far as can be made applicable, the provisions of the Oklahoma Administrative Procedure Act (75 O.S. Â§ 250 et seq.) governing individual proceedings shall govern removal proceedings hereunder.
4. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the council, in favor of such removal.

(Prior Code, Â§ 15-13; Code 1999, Â§ 6-206)

State Law reference— Similar provisions, 11 O.S. Â§ 27-104. [Sec 6-207 Vacancy](#)

1. A vacancy in the office of judge shall occur if the incumbent:
 1. Dies;
 2. Resigns;
 3. Ceases to possess the qualifications for the office; or
 4. Is removed, and the removal proceeding has been affirmed finally in judicial proceedings or is no longer subject to judicial review.
2. Upon the occurrence of a vacancy in the office of judge, the city manager shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made.

(Prior Code, Â§ 15-14; Code 1999, Â§ 6-207) [Sec 6-208 Additional Duties Of Judge, Advice To Boards And Commissions](#)

1. The judge is hereby given additional duties and responsibilities to appear and advise all boards and commission on all procedural and other legal matters that may come before the boards and commissions while the boards and commissions are hearing contested appeals and conducting adversary proceedings. Such boards shall include, but not be limited to, the personnel board, board of adjustment, planning and zoning commission, pre-determination employment hearings, grievance hearings conducted by the personnel board or by boards established in labor contracts with the city, and any other contested hearings or adversary proceeding hearing for which the judge is directed by the city council or the city manager to appear and advise.
2. The judge shall be paid extra compensation for the additional services require by the terms of this section. The judge shall submit a claim at the conclusion of each hearing for his fee for the time devoted to such individual hearing.

(Code 1999, Â§ 6-208; Ord. No. 415, 10-20-1986) **CHAPTER 6-3 JURY TRIALS** **Sec 6-301**

Right To Trial By Jury, Waiver

Sec 6-302 Selection Of Jurors

Sec 6-303 Summons Of Jurors; Form; Service

Sec 6-304 Composition Of Jury; Duty Of Jurors

Sec 6-305 Determination Of Questions Of Law

Sec 6-306 Verdict

Sec 6-307 Juror's Fees

Sec 6-308 Cost Bond For Jury Trial

Sec 6-309 Misconduct Of Jurors Generally

Sec 6-310 Responsibility Of Officer In Charge Of Jury

Sec 6-301 Right To Trial By Jury, Waiver

1. In all prosecutions for violations of ordinances punishable by fine of more than the amount specified under 11 O.S. Section 27-119, or by imprisonment, or by both fine and imprisonment, trial shall be by jury unless waived by the defendant. If trial by jury is waived, trial shall be by the court.
2. At arraignment, the defendant shall be asked whether he demands or waives trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the court respecting proceedings in the case.
3. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the court is set. An election demanding jury trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial; but if that change occurs after the case has been set for jury trial, it may not thereafter be rechanged so as again to demand trial by jury.

(Prior Code, Â§Â§ 15-51—15-53; Code 1999, Â§ 6-301; Ord. No. 135(95), 11-6-1995)

State Law reference— Similar provisions, 27 O.S. Â§ 27-119. **HISTORY**

Amended by Ord. 969(21) on 3/15/2021

Sec 6-302 Selection Of Jurors

Jurors in the municipal court shall be selected pursuant to this section under the same terms and conditions as are provided for by law for the district courts, or in the alternative, pursuant to 38 O.S. Â§ 18.1. Upon written request of the judge of the municipal court for a stated number of jurors to the chief judge of the appropriate district court, it shall be the duty of the clerk of the district court to draw from the jury wheel a requested number of jurors in the same manner as is provided by law for the district court until the number requested, who from their addresses appear to reside within the corporate limits of the city, is drawn, and to prepare a list of names drawn and certify such list to the judge of the municipal court. On completion of the draw, the clerk shall immediately return to the jury wheel all names drawn which are not placed on the certified list. The judge of the municipal court shall make written request to the chief judge of the district court for a stated number of additional jurors if, after allowance of claimed statutory exemptions, the listed number is found to be insufficient. Summons of the prospective jurors shall be issued as set out by ordinance, and may be served in person by the chief of police or any member of the police force of the city, or may be served by the clerk of the municipal court by mail.

(Prior Code, Â§ 15-54; Code 1999, Â§ 6-302)

State Law reference— Similar provisions, 27 O.S. Â§ 27-120. **Sec 6-303 Summons Of Jurors; Form; Service**

1. Upon receipt of the jury list, the clerk of the court shall cause a summons substantially in the following form to be issued and served upon each person on the list:

delim(@@) tab(); lw(23.3n) lw(23.3n) lw(23.3n). T{ State of Oklahoma
T} T{) T} T{
T} T{
T} T{) T} T{ ss. T} T{ County of Cleveland
T} T{) T} T{
T}

To (name of juror) Greetings: You hereby are summoned to appear in the Municipal Court for the City of Moore, Oklahoma, to be held at (specify the address, room number, etc.) on the ____ day of _____, ____, at the hour of (specify hour) to serve as a juror in the Court, and to continue in such service until discharged by the Court.

Hereof fail not, under penalty of law.

Issued under the authority of the Court, this ____ day of _____, 2____.

Clerk of the Municipal Court of Moore, Oklahoma

Seal of the Court

2. Service shall be made, as the judge may prescribe by rule or direct by order, either in person upon the juror by the marshal of the court or by any member of the police force of the city, or the clerk of the court, through certified mail, directed to the juror at his address as given in the jury list, with request for a personally signed return receipt. In any proceeding wherein service of summons by mail is in issue, evidence of the due mailing of the summons by the clerk or a member of his staff and the presentation of an official postal return receipt purportedly signed by the addressee shall be prima facie evidence that the summons was duly received by the addressee and, therefore, that he was properly served therewith.

(Prior Code, Â§ 15-55; Code 1999, Â§ 6-303) [Sec 6-304 Composition Of Jury; Duty Of Jurors](#)

1. A jury in the court shall consist of six jurors, good and lawful men or women, citizens of the county possessing the qualifications of jurors in district court.
2. After the jurors are sworn, they must sit together and hear the proofs and oral arguments of the parties, which must be delivered in public and in the presence of the defendant.
3. A verdict of the jury may be rendered by the vote of five jurors.

(Prior Code, Â§Â§ 15-56, 15-57, 15-60; Code 1999, Â§ 6-304)

State Law reference— Similar provisions, 27 O.S. Â§ 27-119. [Sec 6-305 Determination Of Questions Of Law](#)

In all actions tried before a jury, the judge shall determine all questions of law, including questions as to the introduction of evidence, arising during the trial. He also shall instruct the jury as to the law.

(Prior Code, Â§ 15-58; Code 1999, Â§ 6-305) [Sec 6-306 Verdict](#)

1. The verdict of the jury, in all cases, must be general. When the jury has arrived at its verdict, it must deliver the verdict in the docket or cause it to be so entered.
2. The jury must not be discharged after the cause is submitted to it until a verdict is rendered unless the judge, for good cause, discharges it sooner, in which event the court may proceed again to trial until a verdict is rendered.

(Prior Code, Â§Â§ 15-59, 15-61; Code 1999, Â§ 6-306) [Sec 6-307 Juror's Fees](#)

Jurors shall receive for their services the sum as set by the council per day, plus mileage at a rate per mile for each mile necessarily traveled by the most direct route in going to and from the court one time each day from their respective places of residence. The claims for such compensation shall show the location of the juror's residence and the route and miles traveled, and must be

verified as other claims against the city are verified.

(Prior Code, Â§ 15-64; Code 1999, Â§ 6-307) [Sec 6-308 Cost Bond For Jury Trial](#)

When an accused requests a jury trial in the municipal court, the court may fix a reasonable sum as a cost bond and require the accused to deposit the same prior to trial.

(Code 1999, Â§ 6-308) [Sec 6-309 Misconduct Of Jurors Generally](#)

1. No juror or person drawn or summoned as a juror in the municipal court shall either make any promise or agreement to give a verdict for or against the city, permit any communication to be made to him, or receive any book, paper, instruments or information relative to any cause pending before him, except in the regular course of proceedings and the trial of the case.
2. No juror summoned by the court shall ask, receive or agree to receive, any bribe upon any understanding concerning his vote or decision upon any case in which he may be selected as a juror in the court.
3. No person shall attempt to influence a juror summoned to appear in the court, or any person summoned as a juror, in respect to his verdict, either by means of communication, oral or written, had by him, except in the regular course of proceedings; by means of any books, paper or instruments, exhibited otherwise than in the regular course of proceedings, by any means of threat or intimidation; by means of any assurance, promise of any pecuniary or other advantage, by publishing any statement, argument, or observation relating to the case; or by talking with such juror concerning the case in any way.

(Prior Code, Â§ 15-62; Code 1999, Â§ 6-309) [Sec 6-310 Responsibility Of Officer In Charge Of Jury](#)

No officer to whose charge any jury is committed by the municipal court shall neglect or willfully permit such juror or any of them, either to receive any communication from any person; to make any communication to any person; to obtain or to receive any book, paper, or refreshment; or to leave the jury room without leave of the court being first obtained.

(Prior Code, Â§ 15-63; Code 1999, Â§ 6-310) [CHAPTER 6-4 PROCEEDING AGAINST CORPORATIONS](#) [Sec 6-401 Summons; Issuance To Corporations](#)

[Sec 6-402 Form Of Corporation Summons](#)

[Sec 6-403 Service Of Summons](#)

[Sec 6-404 Trial](#)

[Sec 6-405 Collection Of Fines](#)

[Sec 6-401 Summons; Issuance To Corporations](#)

Upon complaint against a corporation being filed with the municipal court, the judge shall issue a summons signed by him with his title of office, requiring a duly authorized officer of the corporation to appear before him at a specific time and place to answer the complaint. The time for such appearance shall not be less than five days after issuance of summons.

(Code 1999, Â§ 6-401) [Sec 6-402 Form Of Corporation Summons](#)

The summons authorized by section 6-401 must be in substantially the following form:

In the name of the City of Moore, Oklahoma.

To _____.

You are hereby summoned to appear before me at _____ (place) on _____ (date and hour) to answer the complaint made against you upon the complaint of _____ for the offense of _____ (designating offense generally).

Dated at the City of Moore, Oklahoma, this _____.

Municipal Judge

(Code 1999, Â§ 6-402) [Sec 6-403 Service Of Summons](#)

The summons authorized by section 6-401 must be served by certified mail, personally delivering a copy to, or other means authorized by state law on the registered agent of the corporation at least ten days before the day of appearance fixed therein, and may also be served by certified mail or other means to the president or head of the corporation, or to the secretary, cashier or managing agent thereof.

(Code 1999, Â§ 6-403) [Sec 6-404 Trial](#)

At the time appointed in the summons authorized by section 6-401, the municipal judge shall try the complaint in the same manner as in the case of a natural person brought before him.

(Code 1999, Â§ 6-404) [Sec 6-405 Collection Of Fines](#)

When a fine is imposed upon a corporation, 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 of the county. Execution shall be issued thereon and served by the sheriff of the county as in cases of execution generally.

(Code 1999, Â§ 6-405) [PART 7 FINANCE AND TAXATION CHAPTER 7-1 FINANCES GENERALLY](#)

[CHAPTER 7-2 PURCHASES BY CITY](#)

[CHAPTER 7-3 SALES TAX](#)

[CHAPTER 7-4 USE TAX](#)

[CHAPTER 7-5 HOTEL TAX](#)

[CHAPTER 7-6 TELEPHONE EXCHANGE FEE](#)

[CHAPTER 7-7 UTILITY TAX](#)

[CHAPTER 7-8 UNCLAIMED PROPERTY](#)

[CHAPTER 7-1 FINANCES GENERALLY](#) [Sec 7-101 Appropriation Of Monies](#)

[Sec 7-102 Investments](#)

[Sec 7-103 Depositories Designated, Deposit Of Funds](#)

[Sec 7-104 Capital Improvement Fund](#)

[Sec 7-105 Authorized Signature On Checks And Warrants](#)

[Sec 7-106 General Fund Reserve Fund](#)

[Sec 7-101 Appropriation Of Monies](#)

All monies, however derived, belonging to the city shall only be appropriated for such objects, and defraying such expenses as accrue or necessarily arise in the exercise of powers granted by law, the Charter and ordinances of the city. No appropriation shall be made without an order to that effect entered upon a proper book to be kept for that purpose by the city.

(Prior Code, Â§ 2-196; Code 1999, Â§ 7-101) [Sec 7-102 Investments](#)

The city treasurer or any other person authorized to invest public monies shall invest the same in those investments authorized by the city council or authorized by state law in a manner authorized by either or both such council and statutes.

(Prior Code, Â§ 2-198; Code 1999, Â§ 7-102) [Sec 7-103 Depositories Designated, Deposit Of Funds](#)

All banks and financial institutions as are designated by the city council shall be designated as depositories for the funds of the city. The city treasurer shall deposit daily all public funds received by him in these banks. Funds may be transferred from one depository to another upon direction of

the treasurer.

(Prior Code, Â§ 2-211; Code 1999, Â§ 7-103) [Sec 7-104 Capital Improvement Fund](#)

1. There is hereby created a capital improvement fund and monies for capital improvement shall be deposited therein. Money in the fund may be accumulated from year to year. Such fund shall be placed in an insured interest bearing account. Such fund shall be nonfiscal and shall not be considered in computing any levy when the city makes an estimate for needed appropriations. Money in the capital improvement fund may be expended for any capital improvement.
2. No funds shall be appropriated or expended from the capital improvement fund in the absence of a recorded vote of the city council and until claims duly verified by affidavit are presented and approved by the city council.
3. As used in this section, the term "capital improvement" means all items and articles, either new or replacements, not consumed with use but only diminished in value with prolonged use, including, but not limited to, roads and streets, drainage improvements, water and sewage improvements, machinery, equipment, furniture and fixtures, all real property, all construction or reconstruction of buildings, appurtenances and improvements to real property, the cost and expenses related thereto of rights-of-way or other real property, engineering, architectural or legal fees, and payment for improvements for which subsequent reimbursement is made to the capital improvement fund.

(Prior Code, Â§ 2-246; Code 1999, Â§ 7-105) [Sec 7-105 Authorized Signature On Checks And Warrants](#)

All checks or warrants issued by the city shall be signed by either the mayor or the city treasurer, the vice-mayor or the assistant city treasurer, using either original or facsimile signatures. The facsimile signatures shall be filed with the secretary of state.

(Code 1999, Â§ 7-106; Ord. No. 84(94), 6-6-1994)

State Law reference— Uniform Facsimile Signature of Public Officials Act, 62 O.S. Â§ 601 et seq. [Sec 7-106 General Fund Reserve Fund](#)

1. There is hereby created a general fund reserve fund and monies shall be deposited therein. The amount committed to this fund will initially be \$200,000.00 with a future goal of three months of operating capital in reserve of \$11,000,000.00. Each year, after the fiscal year has closed, staff will review the amount and will recommend to council the same or a different amount to transfer to the general reserve fund based on excess revenues over expenditures. Once reached, should the balance fall below the three months operating reserve, a plan will be established to replenish the fund to the required level.
2. Should economic events occur that cause sales & use tax growth to fall below two percent of budget for two consecutive quarters or if unforeseen emergencies occur, a budget amendment confirming the nature of the event and authorizing the appropriation of reserve funds shall be approved by a two-third vote of the city council members present.
3. The general fund reserve fund is intended to assist in mitigating the effects of economic and financial crisis, for necessary cash flow management, and to enable the city to manage unforeseen emergencies including natural disasters or catastrophic events. **HISTORY**

Adopted by Ord. 923(19) on 10/7/2019

[CHAPTER 7-2 PURCHASES BY CITY Sec 7-201 Definitions](#)

[Sec 7-202 By Whom Made](#)

[Sec 7-203 Prior Approval Required; Splitting Contracts Prohibited](#)

[Sec 7-204 Bidding Generally](#)

[Sec 7-205 When Bidding Not Required](#)

Sec 7-206 Emergency Purchases
Sec 7-207 Disposition Of Surplus Or Obsolete Materials, Bidding
Sec 7-208 When Competitive Bidding Not Required
Sec 7-209 Sale Of Property
Sec 7-210 Sale Of Property
Sec 7-201 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contractual services means services performed for the city by persons not in the employment of the city, and may include the use of equipment or the furnishing of commodities in connection with such services under express or implied contract. Contractual services includes travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; repairs, alterations, and maintenance of buildings, equipment, streets, and bridges, and other physical facilities of the city; and other services performed for the city by persons not in the employment of the city.

(Prior Code, Â§ 2-226; Code 1999, Â§ 7-201; Ord. No. 95(94), 9-19-1994; Ord. No. 127(95), 6-19-1995; Ord. No. 142(96), 1-16-1996) **Sec 7-202 By Whom Made**

1. All purchases of supplies, materials, equipment and contractual services for the offices, departments and agencies of the city government shall be made by the city manager or by other city personnel in accordance with purchase authorizations issued by the city manager, and section 7-203.
2. The city council does hereby authorize the city manager or designee, as authorized by 62 O.S. Â§ 310.1(C), to approve payment of any claims or invoices in an amount of \$22,500.00 or less for supplies, materials, services or equipment submitted to the city for payment. The city manager shall establish an internal control structure adequate to provide reasonable assurance against the unauthorized or illegal payment of invoices. Such system of internal control should include the following control procedures:
 1. Proper authorization of transaction and activities;
 2. Adequate segregation of duties;
 3. Adequate documents and records;
 4. Adequate safeguards over access to and use of assets and records; and
 5. Independent checks on performance.
3. Elements of the internal control structures, which are the control environment and the accounting system, must be included. The control environment shall consist of the overall attitude, awareness and actions of the governing body and management, including a foresighted management policy toward financial reporting. The methods and records of an effective accounting system shall result in:
 1. Identification and recording of all valid transactions;
 2. Description on a timely basis of the type of transaction in sufficient detail to permit proper classification of the transaction for financial reporting;
 3. Measurements of the transactions value in a manner that permits recording of its monetary value in the financial statements;
 4. Determination of the time period in which the transaction occurred to permit recording of the transaction in the proper accounting period;
 5. Proper presentation of the transaction and related disclosures in financial statements.

4. Exceptions.

1. The city manager shall not receive, consider, analyze, process, settle or litigate claims against the city and the authority arising out of any of the areas or risks covered by or included in the program whether or not they are or may be payable from the general operating account created under section 6 of Moore Public Works Authority Resolution 166(97). The city risk management board approval shall be required to settle all non-health related claims in the amount of \$5,000.00 or more and to settle all health related claims regardless of an amount; provided, however, all health related claims in the amount of \$10,000.00 or more shall be considered as a separate item at any regular or special meeting of the city risk management board. The city manager/general manager of the authority may approve the settlement of any non-health related claims \$5,000.00 or less. The authority shall approve the settlement of all non-health related claims or more as stated in Moore Public Works Authority Resolution 166(97); provided however, all non-health related claims in the amount of \$10,000.00 or more shall be considered as a separate item at any regular or special meeting of the City Council or Moore Public Works Authority.
2. The city council does hereby authorize the city manager or designee to approve payment of any claim or invoices for supplies, materials, services or equipment submitted to the city for payment of monthly utility billing, payments on prior council-approved contractual agreements, and general obligation bond projects pursuant to their contract. Examples of this include the following vendors:
 1. Oklahoma Natural Gas.
 2. Oklahoma Gas and Electric.
 3. Oklahoma Electric Cooperative.
 4. City of Oklahoma City.
 5. Republic Services.
 6. Veolia Water/US Filter/Professional Services Group.
 7. Silverstar Construction.
 8. Construction or engineering companies related to G.O. Bond projects.
 9. Software vendors.

(Prior Code, Â§ 2-227; Code 1999, Â§ 7-202; Ord. No. 95(94), 9-19-1994; Ord. No. 127(95), 6-19-1995; Ord. No. 142(96), 1-16-1996; Ord. No. 213(97), 11-3-1997; Ord. No. 478(04), 9-20-2004; Ord. No. 545(06), 6-5-2006; Ord. No. 571(07), 1-2-2007) HISTORY

Amended by Ord. 960(21) on 1/19/2021

Amended by Ord. 991(21) on 10/18/2021

Amended by Ord. 1030.23 on 6/5/2023

Sec 7-203 Prior Approval Required; Splitting Contracts Prohibited

1. Except as limited herein, every contract for, or purchase of, supplies, materials, equipment or contractual services for more than \$22,500.00 shall require prior approval of the city council. The following contracts or purchases must have council approval regardless of the dollar amount involved, or whether or not they are required to be competitively bid:
 1. Contracts for professional services or employment contracts for nonclassified personnel, in excess of \$20,000.00 whether on a full- or part-time basis, or whether for a term certain or at will;

2. All lease purchase agreements or contract which terms will extend beyond the fiscal year or wherein at the time of termination the city shall be or may be obligated for additional expenditures above the lease purchase price. Under no circumstances may such contracts or purchases be made without first obtaining approval of the council.
2. No contracts involving sums in excess of \$50,000.00 shall be split into partial contracts involving sums of below \$50,000.00, nor shall any contracts be made in two or more iterations or sequential executions with the intent to evade the competitive bidding requirements of this Code or state law or with the intent to evade the monetary spending limits imposed by this section. All such partial contracts involving less than \$25,000.00 shall be void.

(Prior Code, Â§ 2-228; Code 1999, Â§ 7-203; Res. No. 262, 10-16-1989; Ord. No. 542, 1-22-1991; Ord. No. 63(93), 10-18-1993; Ord. No. 95(94), 9-19-1994; Ord. No. 127(95), 6-19-1995; Ord. No. 142(96), 1-16-1996; Ord. No. 467(04), 9-20-2004; Ord. No. 572(07), 1-2-2007) HISTORY

Amended by Ord. 991(21) on 10/18/2021

Amended by Ord. 1052.24 on 4/2/2024

Sec 7-204 Bidding Generally

Before any purchase of, or contract for, supplies, materials, equipment, or contractual services is made, except as otherwise provided in section 7-203, the city purchasing authority shall submit to at least three persons dealing in and able to supply the same, a request for quotation (or invitation to bid) and specifications, to give them opportunity to bid; or publish notice of the proposed purchase in a newspaper of general circulation within the city. He shall favor a person in the city when this can be done without additional cost to the city; but he shall submit requests for quotation to those outside the city when this may be necessary to secure bids or to create competitive conditions, or when he thinks that by so doing he can make a saving for the city; and shall purchase from them when he can make a saving for the city. All bids shall be sealed and shall be opened in public at a designated time and place. He may repeatedly reject all bids, and again may submit to the same or other persons the request for quotation (or invitation to bid), or again publish notice of the proposed purchase. He may purchase only from the bidder whose bid is most advantageous to the city, considering price, quality, date of delivery, and so on. In the case of a tie, he may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bids most advantageous to the city.

(Prior Code, Â§ 2-229; Code 1999, Â§ 7-204; Ord. No. 95(94), 9-19-1994; Ord. No. 127(95), 6-19-1995; Ord. No. 142(96), 1-16-1996)

State Law reference—Public competitive bidding, 61 O.S. Â§ 101 et seq. **Sec 7-205 When Bidding Not Required**

The following may be purchased without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services where cost does not exceed \$100,000.00 in a single transaction or construction management trade contracts or subcontracts not exceeding \$50,000.00;
2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought. Computer software purchases may be purchased without competitive bidding as a sole source purchase upon verification of any of the following conditions are present and verified in writing prior to any purchase.
 1. Only a single vendor offers a software program that meets the City's needs and requirements;
 2. Only a single vendor offers a software program that is compatible with an existing interface and/or system in use by the City of Moore.

3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus, or purchased at auction at a price deemed below that obtainable elsewhere;
4. Equipment to replace existing equipment which has become inoperable when the council declares the purchase an emergency;
5. Contractual services (gas, electricity, telephone service, and the like) purchased from a public utility at a price or rate determined by the state corporation commission or other government authority;
6. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency, the Federal Purchasing Agency known as the United States General Services Administration (GSA), or any other state or federal agency authorized to regulate prices for things purchased by the state or United States (whether such price is determined by a contract negotiated with a vendor or otherwise); Department of Corrections (DOC) products;
7. Contractual services of a professional nature, such as engineering, architectural, medical and legal services;
8. Supplies, materials or equipment purchased from a vendor or another state governmental entity, at a price not exceeding a price established under the competitive bidding process undertaken by the governmental entity, such as a county or city government, provided that the competitive bid was a valid competitive bid, was submitted to more than three vendors, and no more than six months have passed since the receipt of the bids or proposals by the governmental entity. Proof of the above shall be presented to council with any request for an exception under this section;
9. Public construction contracts not exceeding the amount established by state law, awarded by the city for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance on the same. Public improvement as used in the previous sentence shall mean any beneficial or valuable change or addition, betterment, enhancement or amelioration of or upon any real property, or interest therein, belonging to a public agency, intended to enhance its value, beauty or utility or to adapt it to new or further purposes. The term "public improvement" does not include the direct purchase of materials, equipment or supplies by a public agency or any personal property as defined in 62 O.S. Â§ 430.1(B); or
10. Material or equipment needing repair when covered by a policy of insurance where the repair does not exceed \$100,000.00.
11. Supplies, materials or equipment purchased from a vendor known as a national or regional bidding cooperative at a price established under a competitive bidding process undertaken by the bidding cooperative.
1. Supplies, materials or equipment purchased from a vendor known as a national regional bidding cooperative at a price established under a competitive bidding process undertaken by the bidding cooperative.

HISTORY

Amended by Ord. 986(21) on 9/20/2021

Amended by Ord. 991(21) on 10/18/2021

Amended by Ord. 999(21) on 1/18/2022

Amended by Ord. 1001.22 on 2/7/2022

Sec 7-206 Emergency Purchases

1. An emergency condition is a situation which creates a threat to public health, welfare or safety, such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as may be proclaimed by the city manager. The existence of such condition creates an immediate and serious need for supplies, services or construction that cannot be met through normal procurement methods and the lack of which would seriously threaten:
 1. The function of the city government;
 2. The preservation or protection of property; or
 3. The health or safety of any persons.
2. The city manager may make emergency procurements in accordance with the purchasing policies when an emergency condition arises and the need cannot be met through normal procurement methods.

(Code 1999, Â§ 7-206; Ord. No. 95(94), 9-19-1994; Ord. No. 127(95), 6-19-1995; Ord. No. 142(96), 1-16-1996) [Sec 7-207 Disposition Of Surplus Or Obsolete Materials, Bidding](#)

Surplus or obsolete supplies, materials or equipment of a value of more than \$1000.00 may not be sold until the council shall have declared them surplus or obsolete. Before the city manager disposes of any surplus or obsolete supplies, materials or equipment, except as otherwise provided in this chapter, he shall advertise them for sale in a newspaper of general circulation in the city or give notice in such other manner as he deems necessary adequately to reach prospective buyers to give them opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The city manager may repeatedly reject all bids and advertise or give notice again. He may sell such supplies, materials or equipment only to the highest responsible bidder for cash. In case of a tie, he may sell to either of the bidders tying, or may divide the sale among two or more tying, always selling to the highest responsible bidders for cash.

(Prior Code, Â§ 2-231; Code 1999, Â§ 7-207; Ord. No. 63(93), 10-18-1993) HISTORY

Amended by Ord. 1024.23 on 6/5/2023

[Sec 7-208 When Competitive Bidding Not Required](#)

The city manager may dispose of the following without giving an opportunity for competitively bidding:

1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed \$1000.00 in a single transaction;
2. Supplies, materials or equipment when sold at a price at least as great as that paid by the city for the same; or
3. When any surplus or obsolete supplies, materials or equipment has a value in excess of \$1000.00 and the city council in its discretion and upon such terms, conditions and for such consideration as it deems advisable may lease, loan, sell or donate said surplus material or equipment which it has declared obsolete to any not-for-profit corporation as defined in 18 O.S., other governmental agencies, political subdivisions, charitable groups or organizations, boards of education for any vocational and technical schools or area school district, and any legitimate organization as determined by the council to be in need of said surplus or obsolete supplies, materials or equipment.

(Prior Code, Â§ 2-232; Code 1999, Â§ 7-208; Ord. No. 353(02), 4-1-2002) HISTORY

Amended by Ord. 1024.23 on 6/5/2023

[Sec 7-209 Sale Of Property](#)

1. The real property described as Lots 2 and 3, Oldtowne Industrial Addition, being a part of the NE/4, Section 14, T10N, R3W, I.M., Moore, Cleveland County, Oklahoma, also known as

1000 and 1004 Messenger Lane owned by the City of Moore free and clear of all liens and encumbrances shall be sold to the best and most responsible bidder as determined by the city council through advertising and receipt of sealed bids. The city council reserves the right to reject all bids and rebid the sale at a later date.

2. This chapter shall be referred to a vote of the electors of the city if a legal and sufficient referendum petition is properly filed within 30 days after its passage; otherwise it shall go into effect 30 days after its passage and publication.

(Code 1999, Â§ 7-211) HISTORY

Amended by Ord. 783(14) on 11/3/2014

Sec 7-210 Sale Of Property

1. The personal property described as 130 guns previously declared as surplus, owned by the City of Moore shall be sold to the best and most responsible bidder as determined by the city council through advertising and receipt of sealed bids. The City Council reserves the right to reject all bids and rebid the sale at a later date.
2. This chapter shall be referred to a vote of the electors of the city if a legal and sufficient referendum petition is properly filed within 30 days after its passage; otherwise it shall go into effect 30 days after its passage and publication.

HISTORY

Adopted by Ord. 981(21) on 7/19/2021

CHAPTER 7-3 SALES TAX ARTICLE 7-3A GENERAL SALES TAX

State Law reference— State sales tax, 68 O.S. Â§ 1350 et seq.; municipal sales taxes, 68 O.S. Â§ 2701 et seq.

ARTICLE 7-3A GENERAL SALES TAX Sec 7-301 Citation Of Chapter

Sec 7-302 Definitions

Sec 7-303 Classification Of Taxpayers

Sec 7-304 Subsisting State Permits

Sec 7-305 Purpose Of Revenues; Disposition Of Proceeds

Sec 7-306 Tax Rate; Sales Subject To Tax

Sec 7-307 Exemptions, Sales Subject To Other Tax

Sec 7-308 Tax Due And Payable

Sec 7-309 Payment Of Tax; Brackets

Sec 7-310 Tax Constitutes Prior Claim

Sec 7-311 Vendor's Duty To Collect Tax

Sec 7-312 Returns And Remittances; Discounts

Sec 7-313 Interest And Penalties; Delinquency; Discount Forfeiture

Sec 7-314 Waiver Of Interest And Penalties

Sec 7-315 Erroneous Payments; Claim For Refund

Sec 7-316 Failure To File, Fraudulent Returns; Penalties

Sec 7-317 Tax Records Confidential

Sec 7-318 Provisions Cumulative

Sec 7-319 Amendments To Chapter

Sec 7-320 Additional 0.50 Percent Sales Tax

Sec 7-321 Additional 0.25 Percent Sales Tax

Sec 7-322 Additional 0.1250 Percent Sales Tax

Sec 7-301 Citation Of Chapter

This chapter shall be known and may be cited as the "City Sales Tax Ordinance."

(Prior Code, Â§ 21-16; Code 1999, Â§ 7-301) **Sec 7-302 Definitions**

The definitions of words, terms and phrases contained in 68 O.S. Â§ 1352 are hereby adopted by reference and made a part of this chapter. In addition thereto, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tax collector means the department of the city 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.

(Prior Code, Â§ 21-18, in part; Code 1999, Â§ 7-302) [Sec 7-303 Classification Of Taxpayers](#)

For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the state sales tax code (68 O.S. Â§ 1350 et seq.).

(Prior Code, Â§ 21-28; Code 1999, Â§ 7-303) [Sec 7-304 Subsisting State Permits](#)

All valid and subsisting permits to do business issued by the state tax commission pursuant to the state sales tax code (68 O.S. Â§ 1350 et seq.) are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

(Prior Code, Â§ 21-19; Code 1999, Â§ 7-304) [Sec 7-305 Purpose Of Revenues; Disposition Of Proceeds](#)

1. It is hereby declared to be the purpose of the revenues generated by the first and second cent sales taxes levied herein to provide revenues for the support of the functions of the municipal government of the city.
2. It is hereby declared to be the purpose of the revenues levied by the one cent sales tax levied by Ordinance No. 331 to provide revenues for the making of capital improvements to physical properties of the city; paying the costs and expenses of general and special purposes of the municipal government of the city; improving the sanitary sewer system throughout the city; and the payment of the principal of, and interest on, indebtedness incurred by the city or any duly constituted authority thereof.

(Prior Code, Â§ 21-20; Code 1999, Â§ 7-305) [Sec 7-306 Tax Rate; Sales Subject To Tax](#)

There is hereby levied an excise tax of three percent upon the gross proceeds or gross receipts derived from all sales taxable under the state sales tax code (68 O.S. Â§ 1350 et seq.).

(Prior Code, Â§ 21-21; Code 1999, Â§ 7-306; Ord. No. 595(07), 7-16-2007; Ord. No. 677(10), 8-16-2010) HISTORY

Amended by Ord. 725(12) on 8/20/2012

[Sec 7-307 Exemptions, Sales Subject To Other Tax](#)

There is hereby specifically exempted from the tax levied by this chapter the gross receipts or gross proceeds exempted from the state sales tax code.

(Prior Code, Â§ 21-22, in part; Code 1999, Â§ 7-307) [Sec 7-308 Tax Due And Payable](#)

The tax levied under this chapter 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.

(Prior Code, Â§ 21-25; Code 1999, Â§ 7-313) [Sec 7-309 Payment Of Tax; Brackets](#)

1. The tax herein levied shall be paid to the tax collector at the time in form and manner provided for payment of state sales tax under the sales tax law of the state.
2. The bracket system for the collection of the city sales tax by the tax collector shall be as the same is hereafter adopted by the agreement of the city and the tax collector, in the collection of both the city sales tax and the state sales tax.

(Prior Code, Â§ 21-26; Code 1999, Â§ 7-314) [Sec 7-310 Tax Constitutes Prior Claim](#)

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.

(Prior Code, Â§ 21-27; Code 1999, Â§ 7-315) [Sec 7-311 Vendor's Duty To Collect Tax](#)

1. The tax levied hereunder shall be paid by the consumer or user to the vendor; and each and every vendor shall collect from the consumer or user the full amount of the tax levied, 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 at law in the same manner as other debts.
3. No vendor shall willfully or intentionally fail, neglect or refuse to collect the full amount of the tax levied; or willfully or intentionally fail, neglect or refuse to comply with the provisions of this chapter; or remit or rebate to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied; or make in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever.

(Prior Code, Â§ 21-28; Code 1999, Â§ 7-316)

State Law reference— Vendor's duty to collect tax, 68 O.S. Â§ 1310. [Sec 7-312 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; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for collection of state sales taxes.

(Prior Code, Â§ 21-30; Code 1999, Â§ 7-317) [Sec 7-313 Interest And Penalties; Delinquency; Discount Forfeiture](#)

1. 68 O.S. Â§ 217 is adopted and made a part of this chapter.
2. Interest and penalties at the rates and in amounts specified in the state statute cited in subsection (A) of this section are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter.
3. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent.
4. If such delinquency continues for a period of five days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

(Prior Code, Â§ 21-31; Code 1999, Â§ 7-318) [Sec 7-314 Waiver Of Interest And Penalties](#)

1. The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the city tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state sales tax provided in 68 O.S. Â§ 220.
2. To accomplish the purposes of this section, the applicable provisions of 68 O.S. Â§ 220 are adopted by reference and made a part of this chapter.

(Prior Code, Â§ 21-32; Code 1999, Â§ 7-319) [Sec 7-315 Erroneous Payments; Claim For Refund](#)

1. Refund or erroneous payment of the city 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 68 O.S. Â§ 227.
2. To accomplish the purposes of this section, the applicable provisions of 68 O.S. Â§ 227 are adopted by reference and made a part of this chapter.

(Prior Code, Â§ 21-33; Code 1999, Â§ 7-320) [Sec 7-316 Failure To File, Fraudulent Returns; Penalties](#)

1. No person shall:
 1. Intentionally fail or refuse to make tax reports and remittances as required under this chapter; or
 2. Intentionally make false and fraudulent tax reports for the purpose of avoiding or escaping payment of any tax or portion thereof due under this chapter.
2. Any person required to collect and remit sales tax pursuant to the state sales tax code or this Code, and engaging in any of the callings, trades, avocations, professions, businesses or occupations for which a license is required by the city, and applying for such license, must submit proof as a condition precedent to issuing such license of a valid sales tax permit number issued by the state.
3. Any license issued by the city to any person engaging in any of the callings, trades, avocations, businesses, professions or occupations for which a license is required by this Code may be suspended or revoked for failure to maintain a lawful sales tax license or collect and remit sales tax if and as required by the state sales tax code or this Code.
4. In addition to all civil penalties provided by this chapter, any violation of this section shall subject the offending taxpayer to the penalty set forth in section 1-108. Each day of such violation shall be considered a separate offense and charged separately.

(Prior Code, Â§ 21-34; Code 1999, Â§ 7-321; Ord. No. 416, 11-3-1986) [Sec 7-317 Tax Records Confidential](#)

The confidential and privileged nature of the records and files concerning the administration of the city sales tax is legislatively recognized and declared; and to protect the same the provisions of 68 O.S. Â§ 205, and all subsections thereof, are hereby adopted by reference and made fully effective and applicable to administration of the city sales tax as if here set forth in full.

(Prior Code, Â§ 21-35; Code 1999, Â§ 7-322) [Sec 7-318 Provisions Cumulative](#)

The provisions of this chapter shall be cumulative and in addition to any and all other taxing provisions of city ordinances.

(Prior Code, Â§ 21-37; Code 1999, Â§ 7-323) [Sec 7-319 Amendments To Chapter](#)

The council, by ordinance duly enacted, is authorized to make such administrative and technical changes or additions in the method and manner of administration and enforcing this chapter as may be necessary or proper for efficiency and fairness, except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the city as provided by law.

(Prior Code, Â§ 21-36; Code 1999, Â§ 7-324) [Sec 7-320 Additional 0.50 Percent Sales Tax](#)

1. *Definitions.* The definitions of words, terms, and phrases contained in the state sales tax code (68 O.S. Â§ 1350 et seq.), as amended from time to time (hereinafter referred to as the "state sales tax code") are hereby adopted by reference and made a part of this section.

2. *Effective date and date of termination.* Subject to approval of a majority of the registered voters of the City of Moore, Oklahoma, voting on same as prescribed by law, to be held on November 6, 2018, the ordinance shall commence and be effective April 1, 2019, provided, that such extension of the existing sales tax shall be limited to a duration of four years and shall terminate March 31, 2023.
3. *Purpose of revenues.* The City of Moore, Oklahoma sales tax ordinance, the same being Ordinance No. 60, as amended by Ordinance No. 331(83), as amended by Ordinance No. 470(88), as amended by Ordinance No. 551(06), as amended by Ordinance No. 677(10), as amended by Ordinance No. 780(14) (collectively referred to as the "sales tax ordinance"), is hereby amended by adding the following language to said sales tax ordinance, for the following purpose:
 1. *Purpose of extension of existing 0.50 percent sales tax.* It is hereby declared that the extension of the existing 0.50 percent sales tax levied by this section shall be in addition to the other sales tax levied by said sales tax ordinance as may be hereafter amended from time to time, and the proceeds of such sales tax, or proceeds of borrowings by the city or a public trust of which the city is beneficiary payable from the sales tax, shall be expended on capital improvements, as determined by the city council, including, to the extent legal and practical, the following projects:
 1. *Residential street and residential collector street repair.* Seventy percent of the proceeds of such sales tax shall be used for residential street and residential collector street repair, including, but not limited to, construction, repair and/or maintenance of streets, and the construction and/or repair of sidewalks, curbs, drainage and utility lines pertaining to same;
 2. *Public safety machinery and/or equipment.* Twenty percent of the proceeds of such sales tax shall be used for expenditures for public safety involving fire, police and emergency management, including, but not limited to, the purchase of public safety machinery and/or equipment; and
 3. *Public safety operations.* Ten percent of the proceeds of such sales tax shall be used for expenditures for public safety operations involving fire, police and emergency management including, but not limited to, training, new positions and salary increases for existing personnel.
 4. *Levy of Tax—This Tax In addition; Administration Procedures; Exemptions.* There is hereby levied an excise tax of 0.50 percent upon the gross proceeds or gross receipts derived from all sales taxable under the state sales tax code, as set out therein. There is hereby specifically exempted from the tax levied by this section the gross receipts or gross proceeds exempted from the state sales tax code, as set out therein.
 5. *Total effective excise tax.* The rate of tax set forth in the sales tax ordinance of the City of Moore, Oklahoma, is hereby maintained at 3.75 percent.
 6. *Amendments.* The people of the city, by their approval of this section at the election hereinabove provided, hereby authorize the city council by ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this section as may be necessary or proper for efficiency and fairness, except that the rate and limitation of time for collection of the tax herein provided shall not be changed without approval of the registered voters of the city as provided by law.
 7. *Provisions severable.* The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this section 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.

8. *Provisions cumulative.* The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the sales tax ordinance.
9. *Incorporation of section.* The provisions of this section shall be included and incorporated in the sales tax ordinance of the city, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of this Code. HISTORY
Adopted by Ord. 780(14) on 8/18/2014
Amended by Ord. 888(18) on 8/6/2018
Sec 7-321 Additional 0.25 Percent Sales Tax
1. *Definitions.* The definitions of words, terms, and phrases contained in the state sales tax code (68 O.S. Â§ 1350 et seq.), as amended from time to time (hereinafter referred to as the "state sales tax code"), are hereby adopted by reference and made a part of this section.
2. *Effective date and date of termination.* Subject to approval of a majority of the registered voters of the city, voting on same as prescribed by law, to be held on November 3, 2020 this section shall commence and be effective April 1, 2021, provided that such additional sales tax shall be limited to a duration of four years and shall terminate March 31, 2025.
3. *Purpose of revenues.* It is hereby declared that the extension of the existing 0.25 percent sales tax levied by this section shall be in addition to the other sales tax levied by said sales tax ordinance as may be hereafter amended from time to time, and the proceeds of such sales tax, or proceeds of borrowings by the city or a public trust of which the city is beneficiary payable from the sales tax, shall be expended on capital improvements involving (i) the acquisition, construction, equipping and/or remodeling of existing Parks and Recreation facilities; and (ii) The Moore Public Works Authority, as determined by the City Council.
4. *Levy of tax; this tax in addition; administration procedures; exemptions.* There is hereby levied an excise tax of 0.25 percent upon the gross proceeds or gross receipts derived from all sales taxable under the state sales tax code, as set out therein. There is hereby specifically exempted from the tax levied by this section the gross receipts or gross proceeds exempted from the state sales tax code, as set out therein.
5. *Total effective excise tax.* The rate of tax set forth in the sales tax ordinance of the city is hereby maintained at 3.75 percent.
6. *Amendments.* The people of the city, by their approval of this section at the election hereinabove provided, hereby authorize the city council by ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this section as may be necessary or proper for efficiency and fairness, except that the rate and limitation of time for collection of the tax herein provided shall not be changed without approval of the registered voters of the City as provided by law.
7. *Provisions cumulative.* The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the sales tax ordinance.
8. *Incorporation of section.* The provisions of this section shall be included and incorporated in the sales tax ordinance of the city, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of this Code. HISTORY
Adopted by Ord. 829(16) on 8/1/2016
Amended by Ord. 949(20) on 8/3/2020
Amended by Ord. 961(21) on 2/1/2021
Sec 7-322 Additional 0.1250 Percent Sales Tax
1. *Definitions.* The definitions of words, terms, and phrases contained in the Oklahoma Sales Tax Code; Title 68, Oklahoma Statutes 2011, Section 1350 et seq., as amended from time to time (hereinafter referred to as the "Oklahoma Sales Tax Code") are hereby adopted by

reference and made a part of this section.

2. *Effective date and date of termination.* Subject to approval of a majority of the registered voters of the City of Moore, Oklahoma, voting on same as prescribed by law, to be held on November 12, 2019, the ordinance shall commence and be effective April 1, 2020.
3. *Purpose of revenues.* The City of Moore, Oklahoma Sales Tax Ordinance, the same being Ordinance No. 60, as amended by Ordinance No. 331(83), as amended by Ordinance No. 470(88), as amended by Ordinance No. 551(06), as amended by Ordinance No. 677(10), as amended by Ordinance No. 725(12), as amended by Ordinance No. 780(14), as amended by Ordinance No. 829(16), as amended by Ordinance No. 888(18) (collectively referred to as the "sales tax ordinance"), is hereby amended by adding the following language to said sales tax ordinance, for the following purpose:
 1. *Purpose of additional one-eighth of one percent sales tax.* It is hereby declared that the additional one-eighth of one percent (0.1250%) sales tax levied by said sales tax ordinance shall be in addition to the other sales tax levied by said sales tax ordinance as may be hereafter amended from time to time, and the proceeds of such sales tax, or proceeds of borrowings by the city or a public trust of which the city is beneficiary payable from the sales tax, shall be expended on capital improvements and regulatory requirements, as determined by the city council, including, to the extent legal and practical, the following projects:
 1. Water system improvements, including, but not limited to, water line replacement, leak detection and modeling technology and upgrading city water wells, storm water systems and management, and drainage improvements.
4. *Levy of Tax—This Tax In addition; Administration Procedures; Exemptions.* There is hereby levied an excise tax of one-eighth of one percent upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code, as set out therein. There is hereby specifically exempted from the tax levied by this section the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code, as set out therein.
5. *Total effective excise tax.* The rate of tax set forth in the sales tax ordinance of the City of Moore, Oklahoma, is hereby increased to three and seven-eighths percent.
6. *Amendments.* The people of the City of Moore, Oklahoma, by their approval of this section at the election hereinabove provided, hereby authorize the city council by ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this section as may be necessary or proper for efficiency and fairness except that the rate and limitation of time for collection of the tax herein provided shall not be changed without approval of the registered voters of the city as provided by law.
7. *Provisions severable.* The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of this section 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.
8. *Provisions cumulative.* The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the sales tax ordinance.
9. *Incorporation of section.* The provisions of this section shall be included and incorporated in the sales tax ordinance of the city, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of this Code. HISTORY Adopted by Ord. 922(19) on 9/3/2019

CHAPTER 7-4 USE TAX Sec 7-401 Citation And Codification

[Sec 7-402 Definitions](#)
[Sec 7-403 Use Tax On Storage, Use Or Other Consumption Of Intangible, Personal Property Levied](#)
[Sec 7-404 Purpose Of Revenues](#)
[Sec 7-405 Exemptions](#)
[Sec 7-406 Time When Due, Returns, Payment](#)
[Sec 7-407 Tax Constitutes Debt](#)
[Sec 7-408 Bracket System](#)
[Sec 7-409 Collection Of Tax By Retailer Or Vendor](#)
[Sec 7-410 Collection Of Tax By Retailer Or Vendor Not Maintaining A Place Of Business Within State Or Both Within And Without State, Permits](#)
[Sec 7-411 Revoking Permits](#)
[Sec 7-412 Remunerative Deductions Allowed Vendors Or Retailers Of Other States](#)
[Sec 7-413 Interest And Penalties, Delinquency](#)
[Sec 7-414 Waiver Of Interest And Penalties](#)
[Sec 7-415 Erroneous Payments, Claim For Refund](#)
[Sec 7-416 Fraudulent Returns](#)
[Sec 7-417 Records Confidential](#)
[Sec 7-418 Classification Of Taxpayers](#)
[Sec 7-419 Subsisting State Permits](#)
[Sec 7-420 Provisions Cumulative](#)

State Law reference— State use tax, 68 O.S. Â§ 1401 et seq.

[Sec 7-401 Citation And Codification](#)

This chapter shall be known and may be cited as the "City of Moore Use Tax."

(Code 1999, Â§ 7-401; Ord. No. 21(92), 4-20-1992) [Sec 7-402 Definitions](#)

The definitions of words, terms and phrases contained in 68 O.S. Â§ 1401 are hereby adopted by reference and made a part of this chapter. In addition thereto, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tax collector means the department of the city 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.

Transaction means sale.

(Code 1999, Â§ 7-402; Ord. No. 21(92), 4-20-1992) [Sec 7-403 Use 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 city tangible, personal property purchased or brought into the city, an excise tax on the storage, use or other consuming within the city of such property at the rate of three percent of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the city, tangible, personal property purchased or brought into the city. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the city and shall be assessed to only property purchased outside the state, provided that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the city, but which is stored in the city pending shipment outside the city or which is temporarily retained in the city for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services, provided that the amount deducted shall not exceed the amount that would have been due if the taxes

imposed by the city had been levied on the sale of such goods or services.

(Code 1999, Â§ 7-403; Ord. No. 21(92), 4-20-1992) [Sec 7-404 Purpose Of Revenues](#)

It is hereby declared to be the purpose of this chapter to provide revenues for the support of the functions of the municipal government of the city, and any and all revenues derived hereunder may be expended by the governing body of the city for any purpose for which funds may be lawfully expended as authorized.

(Code 1999, Â§ 7-404; Ord. No. 21(92), 4-20-1992) [Sec 7-405 Exemptions](#)

The provisions of this chapter shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the city by a non-resident individual visiting in the city for his personal use or enjoyment while within the city;
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 state use tax code (68 O.S. Â§ 1401 et seq.) and the city use tax, has been paid by the person using such tangible, personal property in the city, whether such tax was levied under the laws of the state or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by the state or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the state use tax code (68 O.S. Â§ 1401 et seq.) and city use tax, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the state use tax code (68 O.S. Â§ 1401 et seq.) and the city use tax, and the rate by which the previous tax upon the sale or use was computed, provided that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in the state and the city;
4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the city, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the city. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the sales tax code of the city. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;
5. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the city;
6. In respect to the use of any article of tangible, personal property brought into the city by an individual with intent to become a resident of the city where such personal property is for such individual's personal use or enjoyment;
7. In respect to the use of any article of tangible, personal property used or to be used by commercial airlines or railroads; or
8. In respect to livestock purchased outside the state and brought into the city for feeding or breeding purposes, and which is later resold.

(Code 1999, Â§ 7-405; Ord. No. 21(92), 4-20-1992) [Sec 7-406 Time When Due, Returns, Payment](#)

The tax levied by this chapter is due and payable at the time and in the manner and form prescribed for payment of the state use tax under the state use tax code (68 O.S. Â§ 1401 et seq.).

(Code 1999, Â§ 7-406; Ord. No. 21(92), 4-20-1992) [Sec 7-407 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.

(Code 1999, Â§ 7-407; Ord. No. 21(92), 4-20-1992) [Sec 7-408 Bracket System](#)

The bracket system guidelines established by the state tax commission for the collection of sales taxes, including any amendment of same, are hereby adopted for convenience in collecting both the state use tax and the city use tax. The use of the bracket system guidelines does not relieve the retailer or vendor from the duty and liability to remit to the tax collector an amount equal to the applicable percentage of the purchase price of such property as required by state law and these revised ordinances.

(Code 1999, Â§ 7-408; Ord. No. 21(92), 4-20-1992) [Sec 7-409 Collection Of Tax By Retailer Or Vendor](#)

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

(Code 1999, Â§ 7-409; Ord. No. 21(92), 4-20-1992) [Sec 7-410 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 the state but who makes sales of tangible, personal property for use in the city and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without the state and making sales of tangible, personal property such out-of-state place of business for use in the city. Such retailer or vendor may be issued, without charge, a permit to collect such taxes by 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 the city. Such authority and permit may be canceled when at any time the tax commission considers that such tax can more effectively be collected from the person using such property in the city; provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within the city by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable city sales tax at the point of delivery and the tax shall be collected and reported under the taxpayer's sales tax permit number accordingly.

(Code 1999, Â§ 7-410; Ord. No. 21(92), 4-20-1992) [Sec 7-411 Revoking Permits](#)

Whenever any retailer or vendor not maintaining a place of business in the state, or both within and without the state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this chapter, the state use tax code or any orders, rules or regulations of the tax commission, the tax commission may, upon notice and hearing as provided for in 68 O.S. Â§ 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 the state may, after notice and hearing above provided, cancel the corporation's license to do business in the state and shall issue a

new license only when such corporation has complied with the obligations under this chapter, the state use tax code, or any orders, rules or regulations of the tax commission.

(Code 1999, Â§ 7-411; Ord. No. 21(92), 4-20-1992) [Sec 7-412 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 state use tax code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by the code for the collection of state use taxes.

(Code 1999, Â§ 7-412; Ord. No. 21(92), 4-20-1992) [Sec 7-413 Interest And Penalties, Delinquency](#)

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

(Code 1999, Â§ 7-413; Ord. No. 21(92), 4-20-1992) [Sec 7-414 Waiver Of Interest And Penalties](#)

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the city tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state use tax provided in 68 O.S. Â§ 220 and to accomplish the purposes of this section the applicable provisions of 68 O.S. Â§ 220 are hereby adopted by reference and made a part of this chapter.

(Code 1999, Â§ 7-414; Ord. No. 21(92), 4-20-1992) [Sec 7-415 Erroneous Payments, Claim For Refund](#)

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

(Code 1999, Â§ 7-415; Ord. No. 21(92), 4-20-1992) [Sec 7-416 Fraudulent Returns](#)

In addition to all civil penalties provided by this chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter, shall be an offense, and, upon conviction thereof, the offending taxpayer shall be punished as provided in section 1-108. Each day of noncompliance with this chapter shall constitute a separate offense.

(Code 1999, Â§ 7-416; Ord. No. 21(92), 4-20-1992) [Sec 7-417 Records Confidential](#)

The confidential and privileged nature of the records and files concerning the administration of the city use tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. Â§ 205, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to the administration of the city use tax as is herein set forth in full.

(Code 1999, Â§ 7-417; Ord. No. 21(92), 4-20-1992) [Sec 7-418 Classification Of Taxpayers](#)

For the purpose of this chapter, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the state use tax code (68 O.S. Â§ 1401 et seq.).

(Code 1999, Â§ 7-418; Ord. No. 21(92), 4-20-1992) [Sec 7-419 Subsisting State Permits](#)

All valid and subsisting permits to do business issued by the state tax commission pursuant to the state use tax code (68 O.S. Â§ 1401 et seq.) are for the purpose of this chapter hereby ratified, confirmed and adopted in lieu of any requirement for an additional city permit for the same purpose.

(Code 1999, Â§ 7-419; Ord. No. 21(92), 4-20-1992) [Sec 7-420 Provisions Cumulative](#)

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

(Code 1999, Â§ 7-420; Ord. No. 21(92), 4-20-1992) [CHAPTER 7-5 HOTEL TAX](#) [Sec 7-501 Citation](#)

[Sec 7-502 Definitions](#)

[Sec 7-503 Tax Rate](#)

[Sec 7-504 Exemptions](#)

[Sec 7-505 Certificate Of Exemption Required](#)

[Sec 7-506 Operator Responsible For Collection; Tax Designated On Separate Bills](#)

[Sec 7-507 Records To Be Kept](#)

[Sec 7-508 Returns](#)

[Sec 7-509 Payment Of Tax](#)

[Sec 7-510 Delinquent Taxes](#)

[Sec 7-511 Interest On Delinquent Taxes](#)

[Sec 7-512 Bond Required](#)

[Sec 7-513 Assessment And Determination Of Tax](#)

[Sec 7-514 Refunds](#)

[Sec 7-515 Notices](#)

[Sec 7-516 Remedies Exclusive](#)

[Sec 7-517 General Powers Of The City Clerk](#)

[Sec 7-518 Collection Permits](#)

[Sec 7-519 Use Of Funds](#)

[Sec 7-520 Records Confidential](#)

[Sec 7-521 Fraudulent Returns](#)

[Sec 7-522 Collection By Suit](#)

[Sec 7-523 Amendments](#)

[Sec 7-524 Provisions Cumulative](#)

[Sec 7-525 Penalty](#)

[Sec 7-501 Citation](#)

This chapter shall be known and cited as the "City Hotel Tax."

(Prior Code, Â§ 21-46; Code 1999, Â§ 7-501) [Sec 7-502 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel means any buildings, structures, trailers, or other facilities in which the public may, for consideration, obtain sleeping accommodations in which five or more rooms are used for the accommodation of such guests whether such rooms are in one or several structures. The term "hotel" shall include hotels, apartment hotels, motels, tourist homes, houses or courts, lodginghouses, inns, roominghouses, trailer houses, trailer motels, dormitory space, where bed space is rented to individuals or groups, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term "hotel" shall not include hospitals, sanitariums or nursing homes.

Occupancy means the use or possession, or the right to the use or possession, of any room in a hotel, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Occupant means a person who, for a consideration, uses, possesses, or has the right to the use or possession of any room in a hotel under the lease, concession, permit, right of access, license to use, or other agreement.

Operator means any person operating a hotel in the city, including, but not limited to, the owner, proprietor, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.

Permanent resident means any occupant who has or shall have the right of occupancy of any room in a hotel for at least 30 consecutive days during the current calendar year or preceding year.

Rent means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which credit is allowed by the operator to the occupant, without any deductions therefrom whatsoever.

Return means any return filed or required to be filed as herein provided.

Room means any room of any kind in any part or portion of a hotel which is available for or let out for use or possessed for any purpose other than a place of assembly. As used herein, the term "place of assembly" means a room or space which is capable of being occupied by 75 or more persons and which is used for educational, recreational or amusement purposes and shall include:

1. Dance halls;
2. Cabarets;
3. Night clubs;
4. Restaurants;
5. Any room or space for public or private banquets, feasts, socials, card parties or weddings;
6. Lodge and meeting halls or rooms;
7. Skating rinks;
8. Gymnasiums;
9. Swimming pools;
10. Billiard, bowling and table tennis rooms;
11. Halls or rooms used for public or private catering purposes;
12. Funeral parlors;
13. Markets;
14. Recreational rooms;
15. Concert halls;
16. Broadcasting studios; and
17. All other places of similar type of occupancy.

Tax means the tax levied pursuant to this chapter.

(Prior Code, Â§ 21-47; Code 1999, Â§ 7-502) [Sec 7-503 Tax Rate](#)

There is hereby levied an excise tax of five percent upon the gross proceeds or gross receipts derived from all rent received for every occupancy of a room in a hotel or motel in the city, except

that the tax shall not be imposed where the rent is less than the rate of \$3.00 per day.

(Prior Code, Â§ 21-48; Code 1999, Â§ 7-503; Ord. No. 378(02)-B, Â§ 2, 9-3-2002) [Sec 7-504 Exemptions](#)

The following shall be exempt from the tax levied in this chapter:

1. Permanent residents;
2. The United States Government or any agency or division thereof;
3. The state or any political subdivision thereof; and
4. Any organization, corporation or association organized and operated exclusively for religious, charitable, philanthropic or educational purposes, provided that its primary purpose is not carrying on a trade or business for profit.

(Prior Code, Â§ 21-49; Code 1999, Â§ 7-504) [Sec 7-505 Certificate Of Exemption Required](#)

Every hotel claiming exemptions shall submit a monthly exemption form, as provided by the City Clerk, with each monthly room tax report. This exemption form shall indicate beginning and ending occupancy dates, number of rooms, number of nights, room(s) occupied, room rate, exempted amount, the name of the occupant seeking exemption, the exemption organization with which they are affiliated, reason for the exemption, and any other information required by the City Clerk. Every exemption form shall be signed by the hotel manager or authorized agent, so that the signature shall serve as an acknowledgement that all information contained on the exemption form is true and correct. Upon submission of these forms to the City, the City Clerk shall make a final determination as to the validity of all claimed exemptions. Should the City Clerk determine that a claimed exemption is not valid, the hotel shall be assessed the applicable hotel tax plus applicable interest and penalties. The hotel claiming such exemption is liable for payment of the hotel tax.

(Prior Code, Â§ 21-49; Code 1999, Â§ 7-505) HISTORY

Amended by Ord. 1025.23 on 6/5/2023

[Sec 7-506 Operator Responsible For Collection; Tax Designated On Separate Bills](#)

1. The operator shall be responsible for the collection of the tax from the occupant and shall be liable to the city for the tax.
2. The operator shall separately designate, charge and show the tax on all bills, statements, receipts or any other evidence of charges or payment of rent for occupancy issued or delivered by the operator.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-506) [Sec 7-507 Records To Be Kept](#)

Every operator shall keep records of every occupancy and of all rent paid, charged, or due thereon and of the tax payable thereon in such form as the city clerk may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the city clerk, or a duly authorized agent or employee of the city, and shall be preserved for a period of three years, except that the city clerk may consent to their destruction within that period or may require that they be kept longer.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-507) [Sec 7-508 Returns](#)

1. Every operator shall file with the city clerk a return of occupancy and of rents and of the taxes payable thereon on a monthly basis. The return shall be filed no later than the tenth calendar day of the following month for the occupancy, rents and taxes payable for the preceding month.
2. The city clerk may permit or require returns to be made by shorter or longer periods and upon such dates as he may specify. The form of return shall be prescribed by the city clerk and shall contain such information as he may deem necessary for the proper administration of this

chapter. The city clerk may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-508; Ord. No. 50(93), 3-1-1993) [Sec 7-509 Payment Of Tax](#)

At the time of filing a return of occupancy and of rents, each operator shall pay to the city clerk the taxes imposed by this chapter upon the rents included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this chapter. All the taxes for the period for which a return is required to be filed shall be due from the operator and payable to the city clerk on or before the date fixed for the filing of the return for such period without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-509) [Sec 7-510 Delinquent Taxes](#)

The tax levied by this chapter shall be due and payable at the time filing of the returns provided for in this chapter is required. All taxes not paid within five days from the time they become due shall be delinquent.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-510) [Sec 7-511 Interest On Delinquent Taxes](#)

1. If any tax levied by this chapter becomes delinquent, the person responsible and liable for such tax shall pay interest on such unpaid tax at the rate of one percent per month on the unpaid balance from the date of delinquency.
2. In addition to the interest, if a return is not filed or the total amount of taxes due remitted within 30 days of the due date as defined in this chapter, a penalty of ten percent of the total amount of taxes due shall be assessed. If a return is not filed or the total amount of taxes due is not paid after 30 days from such due date, the penalty shall increase to 25 percent of the total amount of taxes due.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-511; Ord. No. 489, 7-3-1989) [Sec 7-512 Bond Required](#)

Where the city clerk believes that any operator is about to cease business, leave the state, or remove or dissipate assets, or for any other similar reason he deems it necessary to protect the revenues under this chapter, he may require such operator to file with the city a bond issued by a surety company authorized to transact business in the state in such amount as the city clerk may fix to secure the payment of any tax or penalties and interest due, or which may become due from such operator. In the event that the city clerk determines that an operator is to file such bond, he shall give notice to such operator specifying the amount of bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the city council, at which hearing the necessary propriety and amount of the bond shall be determined by the city council. Such determination shall be final and shall be compiled within 15 days thereafter. In lieu of such bond, securities approved by the city clerk, or cash in such amount as he may prescribe, may be deposited with the city clerk who may, at any time after five days' notice to the depositor, apply them to any tax or any penalties due and for that purpose the securities may be sold at private or public sale.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-512) [Sec 7-513 Assessment And Determination Of Tax](#)

1. If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be assessed by the city clerk from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as:
 1. Number of rooms;

2. Location;
 3. Scale of rents;
 4. Comparable rents;
 5. Types of accommodations and services;
 6. Number of employees; or
 7. Other factors.
2. Such assessment shall not be performed in an arbitrary or capricious manner and in no event shall exceed the amount of tax that was due and payable. Written notice of such assessments shall be given to the person liable for the collection and payment of the tax. Such assessment shall finally and irrevocably fix and determine the tax, unless the person against whom it is assessed, within 90 days after the giving of notice of such assessment, shall apply in writing to the city council for a hearing, or unless the city clerk on his own motion shall reassess the same. After such hearing, the city council shall give written notice of its determination to the person against whom the tax is assessed and such determination shall be final.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-513) [Sec 7-514 Refunds](#)

1. The city clerk shall refund or credit any tax erroneously or illegally collected if written application to the city clerk for such refund shall be made within two years from the date of payment thereof. For like causes, and in the same period, a refund may be so made upon the initiative and the order of the city clerk. Whenever a refund is made, the reasons therefor shall be stated in writing. Such application may be made by the person upon whom such tax was imposed and who has actually paid the tax. Such application may also be made by the person who has collected and paid such tax to the city clerk providing that the application is made within two years of the payment by the occupant to the operator, but no refund of money shall be made to the operator until he has repaid to the occupant the amount for which the application for the refund is made. The city clerk, in lieu of any refund required to be made, may allow credit therefor on payments due from the applicant.
2. Upon application for a refund, the city clerk may receive evidence with respect thereof and make such investigation as he deems necessary. After making a determination as to the refund, the city clerk shall give notice thereof to the applicant. Such determination shall be final unless the applicant, within 90 days after such notice, shall apply in writing to the city council for a hearing. After such hearing the city council shall give written notice of its decision to the applicant.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-514) [Sec 7-515 Notices](#)

Notices provided for under this chapter shall be deemed to have been given when such notice has been delivered personally to the operator or deposited in the United States mail to the last-known address of the operator.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-515) [Sec 7-516 Remedies Exclusive](#)

The remedies provided in this chapter shall be exclusive remedies available to any person for the review of tax liability imposed by this chapter.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-516) [Sec 7-517 General Powers Of The City Clerk](#)

1. In addition to all other powers granted to the city clerk, the city clerk is hereby authorized and empowered to:
 1. Make, adopt and amend rules and regulations appropriate to the carrying out of this chapter for the purposes thereof;

2. Extend for cause shown the time for filing any return for a period not exceeding 60 days; and, for cause shown, to waive, remit or reduce penalties or interest;
 3. Delegate his functions hereunder to an assistant or other employee of the city;
 4. Assess, reassess, determine, revise and readjust the taxes imposed by this chapter, but not the tax rate; and
 5. Prescribe methods for determining the taxable and nontaxable rents.
2. The city clerk, or his designated representative, shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this chapter. The city clerk shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this chapter and to examine them in relation thereto.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-517) [Sec 7-518 Collection Permits](#)

Every operator shall apply with the city clerk for a collection permit in a form prescribed by the city clerk within ten days after the effective date of the ordinance from which this chapter is derived, or in the case of the operator's commencing business or opening new hotels after such effective date, within three days after such commencement or opening. The city clerk shall, within five days after such application, issue, without charge, to each operator, a collection permit empowering such operator to collect the tax from the occupant and duplicates thereof for each additional hotel. Each collection permit or duplicate shall state the hotel to which it is applicable. Such collection permit shall be permanently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such collection permits shall be nonassignable and nontransferable and shall be surrendered immediately to the city clerk upon the cessation of business at the hotel named or upon its sale, lease, assignment or transfer.

(Prior Code, Â§ 21-50; Code 1999, Â§ 7-518) [Sec 7-519 Use Of Funds](#)

All taxes collected pursuant to the provisions of this chapter shall be used for the acquisition and development of parks and recreational facilities of the City, as well as for operational expenses and capital outlay for repairs and maintenance of said parks and recreational facilities of the City.

(Prior Code, Â§ 21-51; Code 1999, Â§ 7-519) **HISTORY**

Amended by Ord. 950(20) on 8/3/2020

Amended by Ord. 962(21) on 2/1/2021

[Sec 7-520 Records Confidential](#)

The confidential and privileged nature of the records and files concerning the administration of the hotel tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. Â§ 205, and subsections thereof, are hereby adopted by reference and made fully effective and applicable to the administration of the hotel tax as if herein set forth.

(Prior Code, Â§ 21-52; Code 1999, Â§ 7-520) [Sec 7-521 Fraudulent Returns](#)

The willful failure or refusal of any operator to make reports and remittances herein required, or the making of any false or fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter, shall be an offense, and, upon conviction thereof, the offending operator shall be subject to penalty as provided in section 1-108.

(Prior Code, Â§ 21-53; Code 1999, Â§ 7-521; Ord. No. 416, 11-3-1986) [Sec 7-522 Collection By Suit](#)

The taxes and interest or penalty due under this chapter shall at all times constitute a prior, superior and paramount claim as against the claim of unsecured creditors and may be collected by suit

as any other debt. Any taxes which are delinquent, according to the terms of this chapter, on or subsequent to July 5, 1989, shall be subject to these enforcement provisions.

(Code 1999, Â§ 7-522; Ord. No. 489, 7-3-1989) [Sec 7-523 Amendments](#)

The people, by their approval of this chapter at the election herein provided, hereby authorize the city council, by ordinance or resolution duly enacted, to make such administrative and technical changes or additions in the method and manner of administration and enforcing this chapter as may be necessary or proper for efficiency and fairness, except that the rate of the tax herein provided shall not be changed without approval of the qualified electors of the city as provided by law.

(Prior Code, Â§ 21-54; Code 1999, Â§ 7-523) [Sec 7-524 Provisions Cumulative](#)

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

(Code 1999, Â§ 7-524) [Sec 7-525 Penalty](#)

Violations of this chapter are punishable as provided in section 1-108.

(Code 1999, Â§ 7-525) [CHAPTER 7-6 TELEPHONE EXCHANGE FEE](#) [Sec 7-601 Inspection Fee And Service Charge](#)

[Sec 7-602 Charge In Lieu Of Other License Tax](#)

[Sec 7-601 Inspection Fee And Service Charge](#)

1. There is hereby levied an annual inspection fee and service charge upon each and every person operating a telephone exchange in the city to compensate the city for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of the telephone company in the city.
2. The amount of the inspection fee and service charge shall be an amount equal to two percent of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the city.
3. The inspection fee and charge shall be due and payable to the city on or before May 1 of each year and shall be paid into and appropriated and expended from the general revenue fund of the city.

(Prior Code, Â§ 6-371; Code 1999, Â§ 7-601) [Sec 7-602 Charge In Lieu Of Other License Tax](#)

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied by this chapter shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. This section is not intended to extinguish or abrogate any existing arrangement whereby the city is permitted to use the underground conduit, duct space or pole contracts of the company for the fire alarm and police call systems of the city, or either of them.

(Prior Code, Â§ 6-372; Code 1999, Â§ 7-602) [CHAPTER 7-7 UTILITY TAX](#) [ARTICLE 7-7A GAS UTILITY TAX](#)

[ARTICLE 7-7B ELECTRIC UTILITY TAX](#)

[ARTICLE 7-7A GAS UTILITY TAX](#) [Sec 7-701 Gas Utility Tax Levied](#)

[Sec 7-702 Tax To Be In-Lieu Of Franchise](#)

[Sec 7-703 Payable Monthly](#)

[Sec 7-704 Tax Constitutes Lien](#)

[Sec 7-705 Ouster For Failure To Pay](#)

[Sec 7-701 Gas Utility Tax Levied](#)

From and after September 2, 1980, there is hereby levied and assessed an annual tax of two percent upon the gross receipts from residential and commercial sales of gas in the city, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the city, all as provided by 68 O.S. Â§ 2601 et seq.

(Code 1999, Â§ 7-701; Ord. No. 250, 9-2-1980) [Sec 7-702 Tax To Be In-Lieu Of Franchise](#)

The tax levied under this chapter shall, when levied, apply to all persons, firms, associations or corporations engaged in the business of furnishing gas within the corporate limits of the city, except it shall not apply to any person, firm, association or corporation operating under a valid franchise from the city.

(Code 1999, Â§ 7-702; Ord. No. 250, 9-2-1980) [Sec 7-703 Payable Monthly](#)

The tax levied under this chapter shall be levied for a term of not less than one year and shall be payable monthly and placed in the general revenue fund of the city.

(Code 1999, Â§ 7-703; Ord. No. 250, 9-2-1980) [Sec 7-704 Tax Constitutes Lien](#)

The tax so imposed in this chapter shall constitute a first a prior lien on all the assets located within the city of any person, firm or corporation engaged in the business of selling gas within the city limits.

(Code 1999, Â§ 7-704; Ord. No. 250, 9-2-1980) [Sec 7-705 Ouster For Failure To Pay](#)

Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from the city. In addition thereto, an action may be maintained against such person, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney's fees.

(Code 1999, Â§ 7-705; Ord. No. 250, 9-2-1980) [ARTICLE 7-7B ELECTRIC UTILITY TAX Sec 7-711 Electric Utility Tax Levied](#)

[Sec 7-712 Tax To Be In-Lieu Of Franchise](#)

[Sec 7-713 Payable Monthly](#)

[Sec 7-714 Tax Constitutes Lien](#)

[Sec 7-715 Ouster For Failure To Pay](#)

[Sec 7-711 Electric Utility Tax Levied](#)

From and after September, 2009, there is hereby levied and assessed an annual tax of the greater amount of any voter-approved franchise fee, currently three percent, or the annual tax on gross receipts levied as a result of a municipal ordinance enacted pursuant to 68 O.S. Â§ 2601 upon the gross receipts from residential and commercial sales of electricity in the city, which tax shall be in lieu of any other franchise, license, occupation or excise tax levied by the city.

(Code 1999, Â§ 7-706; Ord. No. 655(09), 12-8-2009) [Sec 7-712 Tax To Be In-Lieu Of Franchise](#)

The tax levied under this chapter shall, when levied, apply to all persons, firms, associations or corporations engaged in the business of furnishing electricity within the corporate limits of the city, except it shall not apply to any person, firm, association or corporation operating under a valid franchise from the city.

(Code 1999, Â§ 7-707; Ord. No. 655(09), 12-8-2009) [Sec 7-713 Payable Monthly](#)

The tax levied under this chapter shall be levied for a term of not less than one year and shall be payable monthly and placed in the general revenue fund of the city.

(Code 1999, Â§ 7-708; Ord. No. 655(09), 12-8-2009) [Sec 7-714 Tax Constitutes Lien](#)

The tax so imposed in this chapter shall constitute a first a prior lien on all assets located within the city of any person, firm or corporation engaged in the business of selling electricity within the city limits.

(Code 1999, Â§ 7-709; Ord. No. 655(09), 12-8-2009) [Sec 7-715 Ouster For Failure To Pay](#)

Any person, firm or corporation failing or refusing to pay such tax when levied shall be regarded as a trespasser and may be ousted from the city. In addition thereto, an action may be maintained against such person, firm or corporation for the amount of the tax, and all expenses of collecting same, including reasonable attorney's fees.

(Code 1999, Â§ 7-710; Ord. No. 655(09), 12-8-2009) [CHAPTER 7-8 UNCLAIMED PROPERTY Sec 7-801 Delivery Required; Records](#)

[Sec 7-802 Disposition Of Personal Property, General Procedures](#)

[Sec 7-803 Seized Illegal Alcohol And Gambling Paraphernalia](#)

[Sec 7-804 Property Of Deceased Persons](#)

[Sec 7-805 Exchange Of Unclaimed Or Confiscated Weapons](#)

[Sec 7-806 Recovery By Owner](#)

State Law reference— Disposition of personal property by police chief, procedures, application to destroy, 11 O.S. Â§ 34-104; Uniform Unclaimed Property Act, 60 O.S. Â§ 650 et seq.; finders of lost goods, 15 O.S. Â§ 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. Â§ 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. Â§ 1261 et seq.; illegal alcoholic beverages seized, 37 O.S. Â§ 539.

[Sec 7-801 Delivery Required; Records](#)

1. All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of or charged with being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the police chief. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof and the name of the person from whom it was taken and the place where it was found. The record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.
2. For the purpose of this chapter, the term "police chief" means the police chief or his designee.

(Prior Code, Â§ 18-46, in part; Code 1999, Â§ 7-801) [Sec 7-802 Disposition Of Personal Property, General Procedures](#)

1. The police chief is authorized to sell personal property, other than animals, money or legal tender of the United States, except as provided in subsection (B) of this section, which has come into his possession in any manner if:
 1. The owner of the personal property is unknown or has not claimed the property;
 2. The property has been in the custody of the police chief for at least 90 days; or
 3. The property or any part thereof is no longer needed to be held as evidence or for any other purpose in connection with any litigation. Any owner, to recover or claim property, must be able to satisfactorily prove ownership to the police chief.
2. Any property found by a person other than public official which shall be delivered to any police officer for identification and registration, if not claimed or identified within 30 days, shall, within ten additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. However, in all other cases, only property in which the finder relinquishes any future claim to its ownership will be stored in the city police property room.
3. The police chief shall file an application in the district court of the county requesting the authority of the court to conduct a sale of such personal property or money or legal tender which has a fair market value of more than its face value. The police chief shall attach to his

application a list describing such property or money or legal tender, including any identifying numbers and marks, the date the property or money or legal tender came into his possession, and the name of the owner and his address, if known. The court shall set the application for hearing not less than ten days nor more than 20 days after filing of the application.

4. In any instance where the property has an actual or apparent value of more than \$250.00, at least ten days prior to the date of the hearing, notice of the hearing shall be sent by first class mail to each owner at his address as listed in the application. If the owner of any property with an actual or apparent value exceeding \$500.00 is unable to be served notice by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county. The notice shall contain a brief description of the property or money or legal tender of the owner and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of city notices, and at two other public places in the city.
5. If no owner appears and establishes ownership to the property at the hearing, the court shall enter an order authorizing the chief of police to dispose of the property as follows:
 1. Donate the property having value of less than \$500.00 to a not-for-profit corporation as defined in 18 O.S. for use by needy families;
 2. Sell the personal property for cash to the highest bidder, after at least five days' notice of the sale has been published;
 3. Transfer the property to a third-party agent under contract with the governing body or the chief of police for sale by Internet or other electronic means, regardless of whether the sale structure or distribution site is within the state; or
 4. By any other means as determined appropriate by the court, including, but not limited to, destruction.

Regardless of the means of disposition, the chief of police shall make a return of the donation or sale and the order of the court confirming the donation or sale shall vest title to the property in the recipient or purchaser. After payment of court costs and other expenses, the remainder of money received from the sale of the personal property shall be deposited in the city general fund.
6. All money or legal tender of the United States, except as provided in subsection (B) of this section, which has come into the possession of the police chief pursuant to the circumstances provided for in subsection (A) of this section, shall be transferred by the police chief to the city clerk for deposit in the general fund. Prior to any such transfer, the police chief shall file an application in the district court requesting the court to enter an order authorizing him to transfer the money for deposit in the general fund. The application shall describe the money or legal tender, any serial numbers, the date the same came into his possession, and the name of the owner and his address, if known. Upon filing the application which may be joined with an application as described in subsection (C) of this section, a hearing shall be set not less than ten days nor more than 20 days from the filing of the application. Notice of the hearing shall be given as provided for in subsection (D) of this section. The notice shall state that upon failure of anyone to appear to prove ownership to the money or legal tender, the court shall order the same to be deposited in the general fund. The notice may be combined with a notice to sell personal property as provided for in subsection (B) of this section. If no one appears to claim and prove ownership to the money or legal tender at the hearing, the court shall order the same to be transferred to the general fund as provided in this subsection.
7. The provisions of this section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law, nor to any property for which a specific procedure is otherwise established by law, ordinance or proper order. By order of the trial court, any such property filed

as an exhibit or held by the city shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such order.

8. Property authorized to be destroyed herein or by state or other law, or which cannot be sold or used by the city, shall be destroyed on order of the police chief. The destruction of personal property must be witnessed by at least three members of the police department who must sign a certificate of destruction listing all property destroyed, a general description of same, and the date, time, place and manner of such destruction.

(Prior Code, Â§ 18-47, in part; Code 1999, Â§ 7-802; Ord. No. 435(03), 12-1-2003)

State Law reference— Similar provisions, 11 O.S. Â§ 34-104. [Sec 7-803 Seized Illegal Alcohol And Gambling Paraphernalia](#)

The disposition of seized illegal alcohol and gambling paraphernalia shall be as provided in 22 O.S. Â§Â§ 1261—1264.

[Sec 7-804 Property Of Deceased Persons](#)

The personal property of a deceased person shall be delivered only to the next of kin of such person or to the legally appointed representative of his estate. If the personal property is claimed by the legally appointed representative of the estate of the deceased, a certified copy of the order of the district court appointing such person shall be deemed sufficient authority to support the claim. If the personal property is claimed by the next of kin, the claimant shall furnish an affidavit to the effect that he is the person entitled to possession of the property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of 90 days, it shall be disposed of in the appropriate manner provided in this chapter.

(Prior Code, Â§ 18-47, in part; Code 1999, Â§ 7-805) [Sec 7-805 Exchange Of Unclaimed Or Confiscated Weapons](#)

1. Unclaimed or confiscated weapons which have been in the possession of the police department for 120 days or more may be traded by the police chief or his designee, for new weapons for use by the police department. The unclaimed or confiscated weapons may only be traded to such gun dealers who have complied with applicable state and federal regulations concerning firearms and, in the opinion of the police chief or his designee, are reputable.
2. In trading such unclaimed or confiscated weapons, the police chief or his designee shall advertise for bids for such trade. Such advertisement for bids shall be done in accordance with prevailing and established bid procedure as formulated by the purchasing entity of the city.
3. The value of such unclaimed and confiscated weapons as hereinabove discussed shall in all cases be determined by their fair market value of the new weapons received in such trade.

(Code 1999, Â§ 7-806) [Sec 7-806 Recovery By Owner](#)

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

(Prior Code, Â§ 18-47, in part; Code 1999, Â§ 7-807) [PART 8 HEALTH AND NUISANCES](#)

[CHAPTER 8-1 NUISANCES AND HEALTH GENERALLY](#)

[CHAPTER 8-2 WEEDS, GRASS AND TRASH](#)

[CHAPTER 8-3 DILAPIDATED BUILDINGS](#)

[CHAPTER 8-4 ABANDONED, JUNK VEHICLES](#)

[CHAPTER 8-5 LITTER AND TRASH](#)

[CHAPTER 8-6 FOOD AND MILK REGULATIONS](#)

[CHAPTER 8-7 SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES](#)

[CHAPTER 8-8 PUBLIC BATHING/TANNING](#)

CHAPTER 8-9 ENFORCEMENT
CHAPTER 8-10 GRAFFITI
CHAPTER 8-11 EXTERIOR PROPERTY MAINTENANCE
CHAPTER 8-12 MEDICAL MARIJUANA
CHAPTER 8-13 MULTI-FAMILY CODE

State Law reference— Nuisances generally, 50 O.S. Â§ 1 et seq.; power of city to summarily abate, 50 O.S. Â§ 16.

CHAPTER 8-1 NUISANCES AND HEALTH GENERALLY Sec 8-101 Definitions

Sec 8-102 Agricultural Exemption
Sec 8-103 Certain Public Nuisances Defined
Sec 8-104 Nuisance Prohibited
Sec 8-105 Person Responsible For Continuing Nuisance
Sec 8-106 Time Does Not Legalize Nuisance
Sec 8-107 Remedies Against Public Nuisances
Sec 8-108 Remedies Against Private Nuisances
Sec 8-109 City Has Power To Define And Summarily Abate Nuisance
Sec 8-110 Summary Abatement Of Nuisances
Sec 8-111 Health Nuisances; Abatement
Sec 8-112 City Actions Not To Jeopardize Private Action
Sec 8-113 Escape Of Water Prohibited
Sec 8-114 Open Burning Prohibited
Sec 8-115 Abatement By Suit In District Court
Sec 8-116 Procedure Cumulative
Sec 8-117 Toilet Facilities Required
Sec 8-118 Hypodermic Syringes, Purchase Regulated
Sec 8-119 Obstructing Health Or Enforcement Officer
Sec 8-120 Outside Storage Of Appliances
Sec 8-121 Waste Stabilization Lagoons

State Law reference— Nuisances generally, 50 O.S. Â§ 1 et seq.; power of city to summarily abate, 50 O.S. Â§ 16.

Sec 8-101 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nuisance means unlawfully doing an act, or omitting to perform a duty, or is any thing or condition which either:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
4. In any way renders other persons insecure in life or in the use of property.

Private nuisance means every nuisance not included the definition of the term "public nuisance" as provided in this section.

Public nuisance means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, or three or more properties under separate ownership in the vicinity of such nuisance, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

(Prior Code, Â§Â§ 12-121, 12-122; Code 1999, Â§ 8-101)

State Law reference— Similar provisions, 50 O.S. Â§ 1. [Sec 8-102 Agricultural Exemption](#)

1. 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:

Agricultural activities includes, but is not limited to, the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, aquaculture, grain, mint, hay, dairy products and forestry activities. The term "agricultural activities" also includes improvements or expansion to the activities provided for in this definition, including, but not limited to, new technology, pens, barns, fences, and other improvements designed for the sheltering, restriction, or feeding of animal or aquatic life, for storage of produce or feed, or for storage or maintenance of implements. If the expansion is part of the same operating facility, the expansion need not be contiguous.

Farmland includes, but is not limited to, land devoted primarily to production of livestock or agricultural commodities.

Forestry activity means any activity associated with the reforestation, growing, managing, protecting and harvesting of timber, wood and forest products, including, but not limited to, forestry buildings and structures.
2. Agricultural activities conducted on farm or ranch land, if consistent with good agricultural practices and established prior to nearby nonagricultural activities, are presumed to be reasonable and do not constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety. If that agricultural activity is undertaken in conformity with federal, state and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety.
3. No action for nuisance shall be brought against agricultural activities on farm or ranch land which has lawfully been in operation for two years or more prior to the date of bringing the action. The established date of operation is the date on which an agricultural activity on farm or ranch land commenced. The established date of operation for each change is not a separately and independently established date of operation and commencement of the expanded activity does not divest the farm or ranch of a previously established date of operation if:
 1. The physical facilities of the farm or ranch are subsequently expanded or new technology adopted;
 2. The farming or ranching is interrupted for no more than three years; or
 3. The farm or ranch participates in a government-sponsored agricultural program.
4. In any action for nuisance in which agricultural activities are alleged to be a nuisance, and which action is found to be frivolous or malicious by the court, the defendant shall recover the aggregate amount of costs and expenses determined by the court to have been reasonably incurred in connection with defending the action, together with a reasonable attorney fee.
5. This section does not relieve agricultural activities of the duty to abide by state and federal laws, including, but not limited to, the Oklahoma Concentrated Animal Feeding Operations Act (2 O.S. Â§ 20-40 et seq.) and the Oklahoma Registered Poultry Feeding Operations Act (2 O.S. Â§ 10-9.1 et seq.). [Sec 8-103 Certain Public Nuisances Defined](#)
1. In addition to other public nuisances declared by other sections of this Code or law, the following are hereby declared to be public nuisances:
 1. The sale or offering of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;

2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or the keeping of a place where intoxicating liquor is sold, offered for sale, or furnished in violation of the state law or ordinances of the city;
3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;
4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise;
5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced;
6. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on;
7. The public exposure of a person having a contagious disease as defined by applicable health laws and regulations;
8. The continued making of loud or unusual noises, music or sounds, or strong vibrations which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
9. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;
10. 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 ordinances;
11. Permitting water or other liquid to flow, fall or accumulate, or ice or snow to fall, from any building or structure upon any street or sidewalk where mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public safety;
12. All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;
13. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin or disease germs, and the premises on which such exist;
14. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;
15. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;
16. Any fire or explosion hazard which endangers the public safety;
17. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;
18. Permitting bagworms to be upon any trees or other plants within the city;
19. Permitting foul, noxious or offensive odors to escape from premises; or unusual quantities of dust or other deleterious substances to escape or emanate across the property line upon which the same originates;

20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the city, by reason of any noise made by the animal therein, or by reason of lack of sanitation;
 21. The keeping in violation of section 4-101 et seq., of any dog kennels within the city for the breeding and raising of dogs that shall become offensive or annoying to the public by reason of the barking and noise made by the animals therein contained;
 22. Any vault, cesspool or sink used to receive human excrement, slops, garbage, refuse or other filthy substance;
 23. Any pond, slop, trash, refuse, cobs, manure, decayed or decaying vegetable matter, left, kept or maintained in such condition as to endanger the public health;
 24. The keeping of any hog pen within the limits of the city in violation of this Code;
 25. Every privy or water closet which shall be in an overflowing, leaking or filthy condition, or in a condition dangerous, injurious or annoying to the comfort, health and welfare of any resident of the city;
 26. Any green or unsalted hides of any animal kept in any exposed or open place within the limits of the city;
 27. Any unclean, foul, leaking or broken or defective ditch, drain, gutter, slop, garbage or manure barrel, box, grease barrel or other receptacle in the city;
 28. Every building or other structure that shall become unsafe and dangerous from fire, decay or other cause, or shall become hazardous from fire, by reason of age, decay or construction, location or other cause, or shall be detrimental to the health, safety or welfare of the city or its inhabitants from any cause;
 29. Allowing the exterior of buildings and structures to be maintained in such a manner that their appearance constitutes a blighting influence for adjoining property. As used in this subsection, the term "blighting influence" shall mean the maintaining of the exterior of a building or structure in a condition that, if not corrected, would or could cause surrounding buildings and structures to become likewise maintained leading to an overall deterioration of the surrounding area;
 30. Failing to remove, allowing to remain or permitting any unsightly condition commonly referred to as graffiti, which is defined and prohibited in section 8-1001 et seq.
 31. Any tree kept, maintained or not removed in which a limb, branch, stem, stump or part thereof may cause injury to the property owner/occupant or any passerby, or may cause damage to any fence, structure, vehicle or any other property or utilities.
2. The enumeration in subsection (A) of this section of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

(Prior Code, Â§ 12-123, in part; Code 1999, Â§ 8-102; Ord. No. 73(94), 1-3-1994; Ord. No. 316(01), 3-5-2001; Ord. No. 621(08), 6-2-2008) [Sec 8-104 Nuisance Prohibited](#)

No person shall create or maintain a nuisance within the city or permit a nuisance to remain on premises under his control within the city.

(Prior Code, Â§ 12-124; Code 1999, Â§ 8-103) [Sec 8-105 Person Responsible For Continuing Nuisance](#)

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

(Prior Code, Â§ 12-124; Code 1999, Â§ 8-104)

State Law reference— Similar provisions, 50 O.S. Â§ 5. [Sec 8-106 Time Does Not Legalize Nuisance](#)

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

(Code 1999, Â§ 8-105)

State Law reference— Similar provisions, 50 O.S. Â§ 7. [Sec 8-107 Remedies Against Public Nuisances](#)

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal court;
2. Prosecution on information or indictment before another appropriate court;
3. Civil action; or
4. Abatement:
 1. By the person injured as provided in 50 O.S. Â§ 12;
 2. By the city in accordance with law or ordinance.

(Code 1999, Â§ 8-106)

State Law reference— Similar provisions, 50 O.S. Â§ 5. [Sec 8-108 Remedies Against Private Nuisances](#)

The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
 1. By the person injured as provided in 50 O.S. Â§Â§ 14 and 15; or
 2. By the city in accordance with law or ordinance.

(Code 1999, Â§ 8-107)

State Law reference— Similar provisions, 50 O.S. Â§ 13. [Sec 8-109 City Has Power To Define And Summarily Abate Nuisance](#)

As provided in 50 O.S. Â§ 16, the city is empowered to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the city has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done.

(Code 1999, Â§ 8-108) [Sec 8-110 Summary Abatement Of Nuisances](#)

1. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require, the city manager or other appropriate officer or agency of the city government to take immediate and proper action summarily to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.
2. An officer subordinate to the city manager may submit to the city manager a statement as to the existence of a nuisance as defined by the ordinances of the city or law, and a request or recommendation that it be abated.

3. The city manager or his designee shall determine if a nuisance exists as defined by the ordinances of the city or law. If he finds that a nuisance does in fact exist, he shall direct the owner or other persons responsible for or causing the nuisance by:
 1. Certified mail;
 2. Publication if the owner cannot be so served or found;

to abate the nuisance within a specified time if the peace, health, safety, morals or welfare of the persons or public adversely affected would not be unduly jeopardized by the consequent delay. If such peace, health, safety, morals or welfare would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, or if the persons responsible authorize the city to abate the nuisance, the manager shall direct the appropriate officer to abate the nuisance or have it abated, if summary abatement is practical, as authorized by 50 O.S. Â§ 16. The city shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the city collectible as other debts may be collected.
4. The determination of the existence of a nuisance and order to abate it, as made by the city manager, may be appealed by the occupant or owner or person causing the nuisance by filing a request for hearing in writing with the city clerk within the period of time specified in the notice for abatement of the nuisance. The clerk shall cause the matter to be placed on the agenda of the city council for final determination with appropriate notice of the hearing provided to the person requesting the appeal.

(Prior Code, Â§ 12-125, in part; Code 1999, Â§ 8-109) [Sec 8-111 Health Nuisances; Abatement](#)

1. Pursuant to authority granted by 63 O.S. Â§ 1-1011, the city shall have the authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within 24 hours, or within such other time as may be reasonable. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the city or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown or is outside the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the city.
2. If the order is not complied with, the city may cause the order to be executed and complied with, and the cost thereof shall be certified and the cost of removing or abating such nuisance shall be charged to the owner or occupant, enforceable as a lien or any other method allowed by law or ordinance.

(Prior Code, Â§ 12-151; Code 1999, Â§ 8-110) [Sec 8-112 City Actions Not To Jeopardize Private Action](#)

Nothing herein contained shall be construed to abridge the rights of citizens of the city to bring and maintain actions in the proper courts for the abatement of private nuisances or those specially injurious to them.

(Prior Code, Â§ 12-6; Code 1999, Â§ 8-111) [Sec 8-113 Escape Of Water Prohibited](#)

1. No person shall permit or cause the escape or flow of water in such quantity as to cause flooding, or impede vehicular or pedestrian traffic, or create a hazardous condition to such traffic,

or cause damage to the public streets of the city.

2. Water from private pools shall be drained or disposed of in such manner as to not run on adjacent property, and if not directly connected to the sanitary sewer system, private pools shall be drained into a sanitary sewer cleanout. If a sanitary sewer cleanout is not available, the private pool shall be pumped into a container truck and disposed of properly. In no way shall chlorinated or unclean pool water, including water with algae, chemicals, or dirt or sediment, be allowed to drain into the storm sewer system, creeks, or drainage channels.

(Code 1999, Â§ 8-112; Ord. No. 590(07), 6-18-2007) [Sec 8-114 Open Burning Prohibited](#)

It is unlawful to burn any fire outside of any enclosed building in the city for the purpose of burning grass, trash, leaves, weeds, papers, refuse, garbage or any other substance, except in an approved incinerator and except as may be allowed by the city fire code and any applicable state or city regulations.

(Code 1999, Â§ 8-113) [Sec 8-115 Abatement By Suit In District Court](#)

In cases where it is deemed impractical summarily to abate a nuisance, the city may bring suit in the district court.

(Prior Code, Â§ 12-6, in part; Code 1999, Â§ 8-114) [Sec 8-116 Procedure Cumulative](#)

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

(Prior Code, Â§ 12-5; Code 1999, Â§ 8-115) [Sec 8-117 Toilet Facilities Required](#)

1. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Human excrement means the bowel and kidney discharge of human beings.

Sanitary pit privy means a waterless privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.

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

2. Every owner of a residence or other building in which humans reside, are employed or congregate within the city shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within 200 feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the state health department.
3. All human excrement disposed of within the city shall be disposed of by depositing it in closets and privies of the type provided for in this section. It is unlawful for any owner of property within the city to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the city in any other manner.
4. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the health officer.

5. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies and closets so constructed, situated or maintained as to endanger the public health are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

(Code 1999, Â§ 8-116) [Sec 8-118 Hypodermic Syringes, Purchase Regulated](#)

1. No person may sell a hypodermic syringe of any type to any person, company, hospital, medical facility or other organization or pharmacist not licensed for the medical treatment of people, animals or fowl or licensed to sell drugs or medical supplies at retail without first requiring identification of the purchaser and production by the purchaser of a certificate of need or a prescription for the purchase of the hypodermic syringe from a licensed physician, surgeon, or official of a state, county, or city-county health department, and if the need is for use of the hypodermic syringe with animals or fowl the certificate or prescription may be from a doctor of veterinary medicine.
2. The seller shall maintain a record of such sales, including the person to whom the hypodermic syringe was sold, the address of the buyer, the date of sale and the number of hypodermic syringes sold.
3. The records required by this section shall be kept open at all times to the inspection of the chief of police or his deputy, to any officer of the police department, or to any other person so authorized in writing by the chief of police or a court of competent jurisdiction.
4. Any person who uses a disposable syringe shall, immediately after use of such syringe, destroy it or render it inoperable so that such used syringe cannot be used again by any other person.
5. Any person who uses a permanent type needle or syringe shall, immediately after final use of such needle or syringe, destroy the needle or syringe rendering it inoperable so that such needle or syringe cannot be used again by any other person.
6. Every article sold and every day a sale is conducted in violation of this section shall constitute a separate offense.

(Prior Code, Â§ 12-3; Code 1999, Â§ 8-117) [Sec 8-119 Obstructing Health Or Enforcement Officer](#)

It is unlawful for any person to willfully obstruct or interfere with any health officer or other code enforcement officer charged with the enforcement of the health or nuisance laws of the city.

(Prior Code, Â§ 12-4; Code 1999, Â§ 8-118) [Sec 8-120 Outside Storage Of Appliances](#)

1. It is unlawful and an offense for any person to leave outside of any building or dwelling any range, stove, oven, ice box, refrigerator, washer, dryer, plumbing fixture, such as, but not limited to, bathtubs, sinks, and toilets, or other container of any kind of a capacity of 1½ cubic feet or more.
2. The use of said aforementioned items for a purpose different than its original use shall not operate to change the use from its originally intended purpose.

(Code 1999, Â§ 8-119; Ord. No. 465, 10-3-1988; Ord. No. 514(05), 8-15-2005; Ord. No. 587(07), 5-21-2007)

State Law reference— Similar provisions, 21 O.S. Â§ 1208. [Sec 8-121 Waste Stabilization Lagoons](#)

1. *Definition.* A waste stabilization lagoon is a structure specifically designed to treat liquid organic wastes by biological, chemical and physical processes commonly referred to as natural

self-purification. It is normally a relatively shallow, diked structure and may receive either raw or pretreated wastes. The satisfactory operation of the process depends upon the growth of algae and like organisms for the production of oxygen through photosynthesis; therefore, conditions must be maintained which are conducive to the growth of algae, such as proper water depth, sufficient dissolved oxygen, and maximum penetration of sunlight.

2. *Construction.*

1. No waste stabilization lagoons shall be installed or constructed within the limits of the city until and unless the city council has approved the proposal for such construction and installation. The review herein contemplated to be made by the council shall consist of, but not necessarily limited to, the following matters:
 1. The location of the lagoon site;
 2. Its proximity to residential areas;
 3. A consideration of the effect on the surrounding area if the lagoon breaks or its proper operation is interrupted for any cause;
 4. The effect of such lagoon on surrounding property values;
 5. If the lagoon is not a full retention lagoon, the direction of flow and ultimate disposition of the effluent from overflow.
2. If city council approves a proposed waste stabilization lagoon, construction and installation shall comply with the state department of environmental quality regulations.

(Code 1999, Â§ 8-120; Ord. No. 267(99), 11-15-1999) **CHAPTER 8-2 WEEDS, GRASS AND TRASH** Sec 8-201 Definitions

Sec 8-202 Accumulation Of Trash Or Weeds; Unlawful, Nuisance

Sec 8-203 Same; Duty Of Owner, Occupant To Maintain Private Property

Sec 8-204 Same; Reports Of Accumulation On Property

Sec 8-205 Same; Receipt Of Report, Hearing And Notice

Sec 8-206 Same; Abatement By City, Selection Of Contractors

Sec 8-207 Same; Summary Abatement Of Subsequent Accumulations

Sec 8-208 Same; Determination And Assessment Of Costs

Sec 8-209 Same; Lien On The Property, Civil Remedy

Sec 8-210 Dead Or Diseased Trees; Allowing To Remain On Any Lot Within The City

Sec 8-211 Same; Duty Of Owner, Occupant To Maintain Private Property

Sec 8-212 Same; Reports

Sec 8-213 Same; Receipt Of Report, Hearing And Notice

Sec 8-214 Same; Abatement By City

Sec 8-215 Same; Determination And Assessment Of Costs

Sec 8-216 Same; Lien On The Property, Civil Remedy

State Law reference— Cleaning and mowing of property, 11 O.S. Â§ 22-111.

Sec 8-201 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative officer means the community development director or his designee.

Owner means the owner of record as shown by the most current tax rolls of the county treasurer.

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

Weed.

1. The term "weed" includes, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 1. Exceeds 12 inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden, unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
 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.
2. The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural use.

(Code 1999, Â§ 8-201; Ord. No. 453, 7-18-1988) [Sec 8-202 Accumulation Of Trash Or Weeds; Unlawful, Nuisance](#)

1. It is unlawful and a nuisance for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow trash or weeds to grow, stand or accumulate upon such premises, or along the sidewalk, street or improved alleys adjacent to such premises. It is the duty of such owner or occupant to cut, remove or destroy any such weeds and remove any such trash.
2. No owner or occupant of land or lots shall:
 1. Knowingly permit the throwing or dumping upon his premises of any refuse, rubbish or trash; or
 2. Permit such materials to remain on his premises for more than ten days after being notified to remove them by the city or the county health department whether or not the owner or occupant knew of or permitted such throwing or depositing.
3. In addition to a penalty for violation of this section or section 8-203, the city may abate as a public nuisance any condition prohibited herein pursuant to this chapter, any other law or ordinance, all of which shall be cumulative.

(Code 1999, Â§ 8-202; Ord. No. 537, 9-4-1990) [Sec 8-203 Same; Duty Of Owner, Occupant To Maintain Private Property](#)

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any refuse, rubbish, trash or similar material except dirt thereon; nor shall such person allow the accumulation of any such material; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given ten days' notice by the city of the condition and an order to fully abate the alleged deficiency.

(Code 1999, Â§ 8-203; Ord. No. 537, 9-4-1990) [Sec 8-204 Same; Reports Of Accumulation On Property](#)

Any officer or employee of the city who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the city, shall report the condition to the administrative officer if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;
2. A hazard to traffic;
3. A fire hazard to property; or
4. Any two or more of these conditions.

(Code 1999, Â§ 8-204; Ord. No. 453, 7-18-1988) [Sec 8-205 Same; Receipt Of Report, Hearing And Notice](#)

1. Upon determination that a nuisance or violation section 8-202 exists, the administrative officer shall give written notice of the finding and direct the owner or occupant to abate the condition within ten days. However, the administrative officer may grant additional time as deemed to be reasonable for the cutting, removal or destruction of weeds or trash.
2. The written notice in subsection (A) of this section shall be sent by mail to the occupant or owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the property owner cannot be located, notice may be given by posting a copy of the notice on the property or by publication as provided in 11 O.S. Â§ 1-102 one time not less than ten days prior to any hearing or action by the city. At the time of mailing of notice to the owner or occupant, 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 mailer.
3. If the city anticipates summary abatement as provided in section 8-207, the notice shall contain further language as required by state law as to possible future summary abatement action which may be taken by the city.
4. The owner or occupant may give written consent, authorizing the city to abate the nuisance. Such consent shall waive the right of the owner or occupant to a hearing under subsections (E) through (G) of this section.
5. At any time within ten days after the date of mailing, posting or publication of the notice required in this section, the owner or occupant may request, in writing addressed to the administrative officer, a hearing for the purpose of contesting the determination that a nuisance exists on the property. The administrative officer shall conduct a hearing as soon as practicable but not earlier than ten days after receipt of the owner's request for such hearing, and not later than 15 days after such receipt. At such hearing such owner shall have the right to be represented by counsel, to present testimony, other evidence and arguments, and to cross examine witnesses. All testimony shall be taken under oath. If the director, after such hearing, shall determine that any weeds or trash constitute a nuisance which is immediately detrimental to the health or a fire or traffic hazard on such property, and shall determine that the persons requesting such hearing are owners of the property upon which such nuisance is located, he shall file in writing his findings of fact and his order that such nuisance be abated within ten days, and shall cause such findings and order to be served upon such owner at the conclusion of the hearing. If the nuisance has not been abated following fifth day, a citation will be issued to the owner or occupant pursuant to section 8-202.
6. An appeal from a final order of the director made pursuant to the provisions of this chapter may be had by any person aggrieved thereby by filing with the court clerk within five days from the date of the director's final order a written notice of appeal. The court clerk shall thereupon set the matter for a hearing before the municipal judge, and shall notify the

appellant by registered mail of the time and date when the matter will be heard. Upon the filing of the notice of appeal, the director shall forthwith transmit to the court clerk all records and orders pertaining thereto.

7. The municipal judge, after hearing the matter in a summary manner, may sustain, reverse, or modify the order of the director. The court's review shall be limited to a review of the finding of facts and order of the administrative officer to determine if the provisions of this chapter have been complied with.

(Code 1999, Â§ 8-205; Ord. No. 453, 7-18-1988) [Sec 8-206 Same; Abatement By City, Selection Of Contractors](#)

1. In the event that:
 1. No hearing shall have been requested as provided for in this chapter;
 2. The administrative officer or municipal judge, after such hearing, shall have ordered such nuisance to be abated; and
 3. Such nuisance shall not have been abated within the respective period specified; the administrative officer may cause such nuisance to be abated forthwith by directing the city's successful contract bidder to cut, mow, or clear the property or abate, remove or destroy the nuisance, in as many instances as may be necessary for continual abatement of the nuisance, and shall cause a citation to be issued and a complaint to be filed through the city attorney against such owner in municipal court for the violation of this Code.
2. The administrative officer shall prepare appropriate specifications and advertise for bids, in the manner prescribed by law, and, with city council approval, shall award a contract for one year to the lowest and best bidder to cut, mow or clean property. The cost of abating such nuisance, in each and every instance where it is abated, shall be borne by the property owner, and shall be assessed as provided in this chapter.

(Code 1999, Â§ 8-206; Ord. No. 453, 7-18-1988; Ord. No. 198(97), 7-21-1997) [Sec 8-207 Same; Summary Abatement Of Subsequent Accumulations](#)

If the city causes property within the corporate limits to be cleaned of trash and weeds in accordance with the procedures provided for in this chapter, any subsequent accumulations of trash or weeds on the property within a six-month period may be declared a nuisance and may be summarily abated without prior notice to the property owner. At the time of such summary abatement the city clerk shall notify the property owner of the abatement and of the costs thereof. The notice shall state that the property owner may request a hearing within ten days from the date of mailing the notice. The notice and hearing shall be as provided in section 8-205. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as hereinafter provided. This section shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to section 8-205.

(Code 1999, Â§ 8-207) [Sec 8-208 Same; Determination And Assessment Of Costs](#)

Upon the completion of the work ordered to be performed under section 8-205, the administrative officer shall certify the actual and necessary cost required to be expended in the abatement of the nuisance, together with such administrative expense for mailing of notices and other allowable costs, with a demand for payment of the total cost, and forward it by mail to:

1. The occupant or owner of the property at the address shown by the current tax rolls in the office of the treasurer of the country in which the property lies; or
2. To the address given by the person giving his written consent or requesting the appeal as provided in section 8-205(b).

(Code 1999, Â§ 8-208; Ord. No. 453, 7-18-1988; Ord. No. 376(02), 7-15-2002) [Sec 8-209 Same; Lien On The Property, Civil Remedy](#)

If the costs of the work performed under this chapter are not paid within 30 days from the date of mailing the notice prescribed by section 8-208, the clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of the state. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner and a lien against the property as provided by law. The lien on the property is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this section the city may pursue any 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. Upon receiving payment, in full, the clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

(Code 1999, Â§ 8-209; Ord. No. 453, 7-18-1988) [Sec 8-210 Dead Or Diseased Trees; Allowing To Remain On Any Lot Within The City](#)

It is unlawful for any owner or occupant of any lot, tract or parcel of land situated wholly or in part within the corporate limits of the city to allow a dead or diseased tree to stand upon such premises, or along the sidewalk, street or improved alleys adjacent to such premises. It is the duty of such owner or occupant to remove said dead or diseased tree which shall be cumulative. HISTORY

Adopted by Ord. 812(16) on 5/2/2016

[Sec 8-211 Same; Duty Of Owner, Occupant To Maintain Private Property](#)

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or allow any dead or diseased tree thereon in the neighborhood in which the premises are located. No prosecution may be undertaken under this section until such person shall have been given 45 days' notice by the city of the condition and an order to fully abate the alleged deficiency by removal of the dead or diseased tree. HISTORY

Adopted by Ord. 812(16) on 5/2/2016

[Sec 8-212 Same; Reports](#)

Any officer or employee of the city who discovers a dead or diseased tree upon any premises within the limits of the city shall report the condition to the community development director or his designee. HISTORY

Adopted by Ord. 812(16) on 5/2/2016

[Sec 8-213 Same; Receipt Of Report, Hearing And Notice](#)

1. Upon determination that a violation of section 8-210 exists, the administrative officer shall give written notice of the finding and direct the owner or occupant to abate the condition by removing the dead or diseased tree within 45 days. The administrative officer may grant additional time as deemed to be reasonable for the cutting, removal or destruction of the dead or diseased tree.
2. The written notice in subsection (A) of this section shall be sent by certified mail to the occupant or owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the property owner cannot be located, notice may be given by posting a copy of the notice on the property or by publication as provided in 11 O.S. Â§ 1-102, one time not less than ten days prior to any hearing or action by the city. At the time of mailing of notice to the owner or occupant, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicated the date of mailing and the name and address of the mailer.

3. The owner or occupant may give written consent, authorizing the city to abate the dead or diseased tree. Such consent shall waive the right of the owner or occupant to a hearing under subsection (D) of this section.
4. At any time within ten days after the date of mailing, posting or publication of the notice required in this section, the owner or occupant may request, in writing addressed to the community development director or his designee, a hearing for the purpose of contesting the determination that a dead or diseased tree exists on the property. The community development director or designee shall conduct a hearing as soon as practicable but not earlier than five days after receipt of the owner's request for such hearing, and not later than 15 days after such receipt. At such hearing said owner shall have the right to be represented by counsel, to present testimony, offer evidence and arguments, and to cross examine witnesses. If the community development director, or designee, after such hearing shall determine that any dead or diseased tree exists on the property, and that the persons requesting such hearing are owners of the property upon which said dead or diseased tree is located, the community development director, or designee, shall file in writing their findings of fact and order that such dead or diseased tree be removed within 45 days, and shall cause such findings and order to be served upon such owner within ten days of the conclusion of the hearing. HISTORY

Adopted by Ord. 812(16) on 5/2/2016

Sec 8-214 Same; Abatement By City

In the event that no hearing shall have been requested as provided for in this chapter, or such dead or diseased tree shall not have been abated within the respective period specified, the community development director or designee may cause such dead or diseased tree to be abated. HISTORY

Adopted by Ord. 812(16) on 5/2/2016

Sec 8-215 Same; Determination And Assessment Of Costs

Upon the completion of the work ordered to be performed under section 8-213, the community development director or designee shall certify the actual and necessary cost required to be expended in the abatement of the dead or diseased tree, together with such administrative expense for mailing of notices and other allowable costs, with a demand for payment of the total cost, and forward it by mail to:

1. The occupant or owner of the property at the address shown by the current tax rolls in the office of the county treasurer; or
2. To the address given by the person giving his written consent or requesting the appeal as provided in 8-213. HISTORY

Adopted by Ord. 812(16) on 5/2/2016

Sec 8-216 Same; Lien On The Property, Civil Remedy

If the costs of the work performed under this chapter are not paid within 30 days from the date of mailing the notice prescribed by section 8-215, the clerk shall forward a certified statement of the amount of the costs to the county treasurer, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of the state. Until fully paid, the cost and the interest thereon shall be the personal obligation of the property owner and a lien against the property as provided by law. The lien on the property is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this section the city may pursue any 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. Upon receiving payment, in full, the clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien. HISTORY

Adopted by Ord. 812(16) on 5/2/2016

CHAPTER 8-3 DILAPIDATED BUILDINGS Sec 8-301 Definitions

Sec 8-302 Report To Be Made

Sec 8-303 Condemnation Of Dilapidated Buildings, Notice, Removal, Lien, Payment

Sec 8-304 Clearing Up Of Premises From Which Buildings Have Been Removed

Sec 8-305 Boarding And Securing Dilapidated Buildings, Procedure

Sec 8-306 Penalty

State Law reference— Authority to abate dilapidated buildings, 11 O.S. Â§ 22-112 et seq.

Sec 8-301 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative officer means the community development director or his designee.

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.

Cleaning or cleaned means the removal of trash or weeds from the premises.

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 council or administrative officer of the city council to be an unsecured building, more than three times within any 12-month period;
4. A structure which has been boarded and secured as provided in 11 O.S. Â§ 22-112.1, for more than six(6) consecutive months; or
5. A structure declared by the city council to constitute a public nuisance.

Unsecured building means any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

(Prior Code, Â§ 5-28, in part; Code 1999, Â§ 8-301)

State Law reference— Similar provisions, 11 O.S. Â§ 22-112. HISTORY

Amended by Ord. 1017.22 on 11/7/2022

Sec 8-302 Report To Be Made

Any officer or employee of the city who discovers or receives a report of a dilapidated building which has become detrimental to the health, benefit and welfare of the public and the community or creates a fire hazard to the danger of property, shall report such conditions to the administrative officer.

(Prior Code, Â§ 5-28, in part; Code 1999, Â§ 8-302) **Sec 8-303 Condemnation Of Dilapidated Buildings, Notice, Removal, Lien, Payment**

The administrative officer may cause dilapidated buildings within the city limits to be torn down and removed, in accordance with the following procedure:

1. At least ten days' notice shall be given to the owner of the property before the city takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owners or mortgage holders, 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. 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 by 11 O.S. Â§ 1-102. Such notice may be published once not less than ten days prior to any hearing or action to be taken pursuant to this section;
2. A hearing shall be held by the administrative officer to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit and welfare of the public and the community, or creates a fire hazard to the danger of property;
3. If the administrative officer finds that the condition of the property constitutes a detriment or a hazard, and that the property would be benefited by the removal of such conditions, the administrative officer may cause the dilapidated building to be torn down and removed, and shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of lien with the county clerk describing the property, the findings of the administrative officer at the hearing, and stating that the city claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;
4. The property owner shall have a right of appeal to the city council from an order of the administrative officer, and as provided by law. The appeal shall be filed in writing with the city clerk within ten days after the administrative order is rendered;
5. If the work is not performed by the property owner within the dates fixed by the administrative officer, the administrative officer shall direct the tearing down and removal be done by one of the following methods:
 1. By the city;
 2. On a private contract basis, in which case it shall be awarded to the lowest and best bidder;
6. After the building has been torn down and removed, the administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings, and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The city clerk shall forward a statement of such actual cost attributable to the dismantling and removal and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed to any mortgage holder at the address specified in this section. At the time of mailing of the statement of costs to any property owners or mortgage holders, 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. If the city dismantles or removes any dilapidated buildings, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for the dismantling and removal of the dilapidated buildings. If dismantling and removal of the dilapidated buildings is done on a private contract basis, the contract shall be awarded to the lowest and best bidder if required to be competitively bid;
7. If payment is not made within six months from the date of the mailing of the statement, 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. The city shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid as provided by law;

8. When payment is made to the city for costs incurred, the city shall file a release of lien or part thereof;
9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes; and
10. Nothing in this section shall prevent the city from otherwise abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the public health, safety or welfare.

(Prior Code, Â§ 5-28, in part; Code 1999, Â§ 8-303) [Sec 8-304 Clearing Up Of Premises From Which Buildings Have Been Removed](#)

In all cases in which:

1. A house or building has been removed before the taking effect of this chapter; or
2. A house or building is torn down or demolished pursuant to order of the state fire marshal or one of his assistants or the sheriff of the county or the chief of the fire department as provided by state law or as provided in this chapter;

and in which any of the following conditions exist:

1. The premises have not been cleaned up;
2. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;
3. The materials have been removed but the cellar space and excavations have not been filled;
4. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the city plumbing inspector and securely closed; and
5. The lots have not been leveled and left entirely free from trash or the same is not immediately done;

then the owners of the lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this chapter by having all of the things done.

(Code 1999, Â§ 8-304) [Sec 8-305 Boarding And Securing Dilapidated Buildings, Procedure](#)

After a building has been declared dilapidated as provided in this chapter, and before the commencement of the tearing and removal of a dilapidated building, the city may cause the building to be boarded and secured in accordance with the following procedure. The city may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this section even though such building has not been declared by city to be dilapidated.

1. Before the city orders such action, at least ten days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in section 8-303. At the time of mailing of notice to any property owners or mortgage holders, the city clerk shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of the mailing and the name and address of the mailer. A copy of the notice shall also be posted on the property to be affected. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property or by publication as defined in 11 O.S. Â§ 1-102. Such notice shall be published one time, not less than ten days prior to any hearing or action by the city pursuant to the provisions of this section. If the administrative officer anticipates

summary abatement of a nuisance in accordance with the provisions of this section, the notice shall state that: any subsequent need for boarding and securing the building 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, that the costs of such boarding and securing shall be assessed against the owner, and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owners or mortgage holders;

2. The owner of the property may give his written consent to the city authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving the written consent, the owner waives his right to a hearing as provided in this section;
3. If the property owner does not give his written consent to such actions, a hearing may be held by the administrative officer to determine whether the boarding and securing would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to this Code. In making such determination, the administrative officer shall apply the following standard: the administrative officer may order the boarding and securing of the unsecured building when the boarding and securing thereof would make such building less available for transient occupation, decrease a fire hazard created by such building, or decrease the hazard that such building would constitute an attractive nuisance to children. Upon making such a determination, the administrative officer may order the boarding and securing of the unsecured building;
4. After the administrative officer orders the boarding and securing of such unsecured building, the city clerk shall immediately file a notice of unsecured building and lien with the county clerk describing the property, stating the findings of the city at the hearing at which the building was determined to be unsecured, and stating that the city claims a lien on the property for the costs of boarding and securing the building and that such costs are the personal obligation of the property owner from and after the date of filing the notice;
5. Pursuant to the order of the administrative officer, the agents of the city are granted the right of entry on the property for the performance of the boarding and securing of such building and for the performance of all necessary duties as a governmental function of the city;
6. After an unsecured building has been boarded and secured, the administrative officer shall determine the actual costs of such actions and any other expenses that may be necessary in conjunction therewith, including the cost of the notice and mailing. The 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 mail to any property owners and mortgage holders as provided in section 8-303. At the time of mailing of the statement of costs to any property owners or mortgage holders, the city clerk 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 mailer;
7. If the city boards and secures any unsecured building, the cost to the property owner shall not exceed the actual cost of the labor, materials and equipment required for the performance of such actions. If such actions are done on a private contract basis, the contract shall be awarded to the lowest and best bidder;
8. 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 30 days from the date of the mailing of the statement to the owner of the 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. 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. 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, and shall continue until the costs and interest are fully paid. At any time prior to collection as provided herein, the city may pursue any civil remedy for collection of the amount owing and interest thereon, including an action in personam against the property owner and an action in rem to foreclose its lien against the property. A mineral interest if severed from the surface owner shall not be subject to any tax or judgment lien created pursuant to this section. Upon receipt of payment in full, the city clerk shall forward to the county treasurer a notice of such payment and direct discharge of the lien;

9. An appeal may be taken from the decision of the administrative officer to the city council if filed in writing with the city clerk within ten days after the administrative order is rendered;
10. If the city causes a structure to be boarded and secured, in accordance with the procedures provided for in this section, any subsequent need for boarding and securing the property within a six-month period may be declared a nuisance and may be summarily abated without prior notice to the property owner. At the time of such summary abatement, the city clerk shall notify the property owner of the boarding and securing and of the costs thereof. The notice shall state that the property owner may request a hearing within ten days from the date of mailing the notice. The notice and hearing shall be as provided in this section. Unless otherwise determined at the hearing, the cost of such abatement shall be determined and collected as provided in this section. This section shall not apply if the records of the county clerk show that the property was transferred after notice was given pursuant to this section.

(Code 1999, Â§ 8-305) [Sec 8-306 Penalty](#)

Any person who shall violate any provision of this chapter, shall be guilty of an offense against the city and, upon conviction thereof, shall be punished as provided in section 1-108.

(Code 1999, Â§ 8-306) [CHAPTER 8-4 ABANDONED, JUNK VEHICLES](#) [Sec 8-401 Definitions](#)

[Sec 8-402 Prohibited Acts; Nuisances Declared; Exceptions](#)

[Sec 8-403 Permits For Reconstruction/Repair Of Vehicles](#)

[Sec 8-404 Procedures For Abatement](#)

[Sec 8-405 Presumption Of Abandoned, Junk Vehicle](#)

[Sec 8-406 Notice To Remove From Public Property](#)

[Sec 8-407 Responsibility For Removal From Public Property](#)

[Sec 8-408 Notice To Remove From Private Property](#)

[Sec 8-409 Hearing](#)

[Sec 8-410 Removal Of Motor Vehicles From Property](#)

[Sec 8-411 Notice Of Removal](#)

[Sec 8-412 Appraisal](#)

[Sec 8-413 Redemption Of Impounded Vehicles Or Motor Vehicles](#)

[Sec 8-414 Collection Of City's Costs Of Removal](#)

[Sec 8-415 Penalty; Continuing Violations](#)

[Sec 8-416 Vehicle Parking Prohibited On Non-Paved Surfaces In Certain Districts](#)

[Sec 8-417 Storage And Parking Of Recreational Vehicles, Trailers, Vessels And Commercial Vehicles](#)

[Sec 8-418 Truck Parking Restricted In Residential Subdivisions](#)

[Sec 8-401 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicate a different meaning:

Director means the director of the community development department.

Enforcement officer means the community development director, code enforcement officer or any city police officer.

Junk vehicle means any motor vehicle or vehicle, as defined herein, which is wrecked, dismantled, partially dismantled, inoperative, abandoned, operable unlicensed or discarded, but does not include motor vehicles or vehicles for which a permit has been obtained pursuant to this chapter for so long as the terms and conditions of the permit are in force and obeyed.

Motor vehicle means any vehicle which is self-propelled and designed to travel along the ground or water and the term shall include, but not be limited to, automobiles, boats, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, and golf carts.

Operable condition means immediately capable of being legally operated on a public street.

Private property means any real property within the city which is not public property.

Public property means any real property which is dedicated to the public use which the federal or any state or municipal government, or any political subdivision thereof, owns or leases, or exercises control and dominion over for public purposes.

Vehicle means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides and to transport persons or property or pull machinery and includes, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggys and wagons.

Vessel means every device, other than a seaplane on the water, used or capable of being used as a means of transportation on water, including, but not limited to, personal watercraft.

(Code 1999, Â§ 8-401; Ord. No. 454, 7-18-1988; Ord. No. 460, 8-15-1988; Ord. No. 360(02), 5-6-2002; Ord. No. 653(09), 8-8-2009) [Sec 8-402 Prohibited Acts; Nuisances Declared; Exceptions](#)

1. It is unlawful and an offense for any person to park, store or leave, or to permit the parking, storing, or leaving of, any junk vehicle of any kind which is in an abandoned, operative unlicensed, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any private property within the city for a period of time in excess of ten days.
2. The presence of any junk vehicle or any abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat or parts thereof on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.
3. It shall be unlawful to paint any vehicle, motor vehicle, automobile, or boat in any area of the city with a residential zoning classification as designated in part 12.
4. The provisions of subsections (A) and (B) of this section shall not apply to any vehicle or motor vehicle:
 1. Enclosed within a building on private property;
 2. Held in connection with a lawful business enterprise which is properly operated as such business enterprise in the appropriate zone, pursuant to the zoning provisions of this Code;
 3. In operable condition which is not a junk vehicle as defined herein.

5. The provisions of subsection (C) of this section shall not apply to any vehicle, motor vehicle, automobile, or boat held in connection with a lawful business enterprise which is properly operated as such business enterprise in the appropriate zone, pursuant to the zoning provisions of this code.
6. It shall be unlawful for the owner of a vehicle to make extensive auto repairs on the property of another.
7. Any tarp, cloth, canvas or other similar covering shall be allowed to cover vehicles not meeting the definition of the term "junk" or "abandoned" as defined herein. However, such covering shall be kept in good condition at all times and free from significant tears and holes.

(Code 1999, Â§ 8-402; Ord. No. 454, 7-18-1988; Ord. No. 460, 8-15-1988; Ord. No. 254(99), 4-5-1999; Ord. No. 653(09), 8-8-2009) [Sec 8-403 Permits For Reconstruction/Repair Of Vehicles](#)

1. Any person desiring to:
 1. Reconstruct; or
 2. Make repairs to an inoperable vehicle or motor vehicle; for a period in excess of ten days may, upon making application to the city, payment of an application fee, and compliance with the terms of a permit, make repairs to such vehicle on a cement, asphalt or other sealed driveway or space; and keeping such vehicle in a wholly enclosed garage or other wholly enclosed structure between the hours of 10:00 p.m. and 7:00 a.m. the following day pursuant to the terms of the permit.
2. The application shall state that the owner, only, of such vehicle or motor vehicle seeks to have a permit issued, permitting such vehicle or motor vehicle to be on private property, owned or leased by the vehicle owner, within the city in an inoperable, unlicensed or untagged condition for a specific period of time. All applications shall state with specificity how the reconstruction or repairs shall be accomplished and contain deadlines for the completion of each stage, which shall become part of the permit.
3. No permit shall be issued unless the applicant agrees in the application to allow the city to abate any violation of the terms of any permit within ten days of the mailing by certified mail of a written demand to do so.
4. Initial permits for any vehicle or motor vehicle shall be issued for a maximum period of six months, and may be extended for periods not to exceed six months each upon successful completion of a full application process for each and every renewal period.
5. No permit shall be in force as to more than one person or one residence at any time.
6. Such vehicle or motor vehicle for which a permit has been issued shall prominently display a sticker to be provided by the city, indicating the permit number and its date of expiration. The sticker may be physically inspected without notice by any officer of the city between the hours of 9:00 a.m. and 5:00 p.m., during weekdays, and the right to inspect shall be a condition of the issuance of a permit.
7. A permit may be revoked by the director upon reasonable notice and opportunity for a hearing, if any of the terms of the permit are not complied with.

(Code 1999, Â§ 8-403; Ord. No. 460, 8-15-1988; Ord. No. 653(09), 8-8-2009) [Sec 8-404 Procedures For Abatement](#)

The provisions for abatement of public nuisances contained in sections 8-101 through 8-119 shall not apply to junk vehicles or to those which are in abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition, whether attended or not, upon any public property within the city for a period of time in excess of 24 hours. The notice, hearing and abatement shall be pursuant to the procedures described herein for public nuisance on public property.

(Code 1999, Â§ 8-404; Ord. No. 454, 7-18-1988) [Sec 8-405 Presumption Of Abandoned, Junk Vehicle](#)

A rebuttable presumption shall exist that vehicles have been abandoned or fall within the definition of a junk vehicle when:

1. Weed or grass undergrowth would indicate to a reasonable person that the vehicle has not been moved, thereby permitting such growth to occur;
2. One or more wheels are flat or missing or the vehicle or boat displays an expired license;
3. Portions of the vehicle which are needed for its street legal operation or control are missing, including, but not limited to, missing, broken, or inoperable headlights, taillights, and/or turn signals;
4. The city has received reports from others as to the length of time such vehicle has been standing in one place without being moved, or that parts are being taken from or added to such vehicle, indicating a salvage or garage operation;
5. Evidence exists that provisions of this Code pertaining to zoning or to junk and salvage yards are being violated;

provided, however, the owner/operator may rebut the presumption by driving the vehicle a distance of at least 30 feet on a public street in the presence of an enforcement officer.

(Code 1999, Â§ 8-405; Ord. No. 454, 7-18-1988; Ord. No. 653(09), 8-8-2009) [Sec 8-406 Notice To Remove From Public Property](#)

Whenever it comes to the attention of the director or enforcement officer that any junk vehicle, as defined herein, exists as a public nuisance in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the event that there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. A written, public nuisance "Notification to Remove" shall be placed on the vehicle advising the owner of the violation of this Code and of the 24 hours to remove the nuisance from the public property. Concurrent with the abatement notice placed on the vehicle or motor vehicle, the owner of the vehicle or motor vehicle may be issued a citation. Failure to remove the vehicle or motor vehicle shall be an offense, and shall be punishable as provided in section 1-108.

(Code 1999, Â§ 8-406; Ord. No. 454, 7-18-1988; Ord. No. 653(09), 8-8-2009) [Sec 8-407 Responsibility For Removal From Public Property](#)

Upon proper notice and opportunity to be heard, the owner of the junk vehicle or other abandoned, wrecked, dismantled, or inoperative vehicle or boat on public property shall be liable for all expenses reasonably incurred by the removal and disposition.

(Code 1999, Â§ 8-407; Ord. No. 454, 7-18-1988) [Sec 8-408 Notice To Remove From Private Property](#)

1. The enforcement officer shall give notice of removal to the owner or occupant of the private property where any junk vehicle or any abandoned, wrecked, dismantled or inoperative vehicle or boat is located at least ten days before the time set for compliance. Minimum standards of due process require that administrative proceedings which may directly and adversely affect legally protected interests be preceded by notice calculated to provide knowledge of the exercise of adjudicative power and an opportunity to be heard. Notice will be by certified mail addressed to the vehicle owner and owner of the private property, if different from the vehicle owner, return receipt requested. When certified mail is returned unclaimed, a reasonable effort shall be made to determine if another address for the vehicle and/or property owner may be found before undertaking removal.

2. The notice to remove shall contain the demand for removal within ten days, and the notice to remove shall state that, upon failure to comply with the notice to remove, the city shall prosecute a criminal complaint for failure to abate the nuisance or undertake such removal with the cost to be levied against the owner of the junk vehicle or the occupant of the property.

(Code 1999, Â§ 8-408; Ord. No. 454, 7-18-1988; Ord. No. 653(09), 8-8-2009) [Sec 8-409 Hearing](#)

1. Any person to whom any notice to remove is directed pursuant to the provisions of this chapter or any other interested party, or any duly authorized agent thereof, may file a written request for hearing before the director within the ten-day compliance period, for the purpose of contesting the city's demand for removal. The director, chief of police or his designee and the city attorney or his designee shall constitute a hearing board to hear the request.
2. The hearing shall be held as soon as practicable, but not earlier than five days after receipt of the request, and not later than 15 days after such receipt. Notice of the time and place of hearing shall be directed to the person making the request. At any such hearing the city and the person to whom notice has been directed may introduce witnesses and evidence.
3. Persons to whom the notice to remove is directed pursuant to the provisions of this chapter, or their duly authorized agent, may appear in municipal court pursuant to the citation and summons. Those convicted of failing to abate a public nuisance pursuant to this chapter shall be assessed court costs in addition to any other penalty assessed by the municipal court. If the public nuisance is abated prior to the hearing date stated on the summons, and the person issued the summons to appear in municipal court signs an affidavit before the court clerk attesting to the abatement, the city attorney may recommend to the municipal court that charges be dropped.

(Code 1999, Â§ 8-409; Ord. No. 454, 7-18-1988) [Sec 8-410 Removal Of Motor Vehicles From Property](#)

If the violation described in the notice to remove has not been remedied within the ten-day period of compliance, or in the event that a notice requesting hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the director or his designee, the city attorney shall institute and prosecute additional charges on a daily basis, for failure to abate the nuisance, and the city shall, in the discretion of the enforcement officer, take possession of the junk vehicle and remove it from the premises. It shall be unlawful for any person to interfere with or hinder anyone whom the city or the director authorizes to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(Code 1999, Â§ 8-410; Ord. No. 454, 7-18-1988; Ord. No. 653(09), 8-8-2009) [Sec 8-411 Notice Of Removal](#)

Within 48 hours of the removal of such junk vehicle, the director or his designee shall give notice to the registered owner of the junk vehicle, if known, that the vehicle or motor vehicle was removed and that the vehicle or motor vehicle has been impounded and stored for violation of this chapter. The notice shall give the location where the vehicle is stored and the proper procedure for redeeming the vehicle, including cost of redemption.

(Code 1999, Â§ 8-411; Ord. No. 454, 7-18-1988) [Sec 8-412 Appraisal](#)

Upon removing a junk vehicle under the provisions of this chapter, the city shall, after ten days, cause it to be appraised. If the vehicle or boat appraises at \$75.00 or less, the director or his designee shall execute an affidavit so attesting and describing the vehicle or motor vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle or motor vehicle. After complying with the above, the city may summarily dispose of the vehicle or boat and execute a bill of sale. If the vehicle or boat is appraised at over \$75.00, notice of public sale shall

be given not less than ten days before the date of the proposed sale.

(Code 1999, Â§ 8-412; Ord. No. 454, 7-18-1988) [Sec 8-413 Redemption Of Impounded Vehicles Or Motor Vehicles](#)

The owner of any vehicle or motor vehicle impounded under the provisions of this chapter may redeem such vehicle or motor vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the city clerk of such sum as may be determined by the director and fixed as the actual and reasonable expense of removal, plus storage.

(Code 1999, Â§ 8-413; Ord. No. 454, 7-18-1988) [Sec 8-414 Collection Of City's Costs Of Removal](#)

1. Upon the failure of the owner or occupant of property on which junk vehicles have been removed by the city to pay the unrecovered expense incurred by the city in such removal, the amount of the unrecovered cost may be added to the municipal utility bills directed to the occupants of the private property from which the junk vehicle was removed, and may be recovered in the same manner of such utility bills.
2. If the private property is not served by the municipal utilities, or if collection efforts are not successful, the costs may be certified by the city clerk to the county clerk, who shall add the same to the ad valorem taxes assessed against the property, until paid, and shall be collected in the same manner as ad valorem taxes against the property; and when collected shall be paid to the city.

(Code 1999, Â§ 8-414; Ord. No. 454, 7-18-1988) [Sec 8-415 Penalty; Continuing Violations](#)

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall, upon conviction, be deemed guilty of an offense against the city. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be punishable as such as provided in section 1-108.

(Code 1999, Â§ 8-415; Ord. No. 454, 7-18-1988) [Sec 8-416 Vehicle Parking Prohibited On Non-Paved Surfaces In Certain Districts](#)

1. In the following zoning classifications, Single-Family R-1, Two-Family Dwelling R-2, General Residential R-3, Multiple Family Dwelling R-4, and Mobile Home Dwelling R-5, vehicles shall be parked in the following manner:
 1. Vehicles shall be parked on a permanent hard surfaced (paved) driveway or parking area meeting the requirements of this section;
 2. A parking area shall be of a pad or slab type design at least equal to the length and width of the vehicle with no ground exposed underneath the vehicle.
2. Whenever any vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this section, the code enforcement officer or police officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a citation in written form, provided by the city, for the owner of the vehicle to answer to the charge against him within ten days at the time and place specified in the citation. The issuing officer shall deliver a copy to the municipal court clerk. Any owner found in violation of this section shall be punished according to section 1-108. Nothing in this section shall prevent the code enforcement officer or police officer from issuing a warning to the vehicle owner that they are in violation of this section.
3. In any prosecution charging a violation of this section, proof that the vehicle described in the citation was parked in violation of this section, together with proof that the defendant named

in the citation was, at the time the citation was issued, the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(Code 1999, Â§ 8-416; Ord. No. 117(95), 3-20-1995; Ord. No. 141(95), 1-2-1996; Ord. No. 359(02), 5-6-2002) **Sec 8-417 Storage And Parking Of Recreational Vehicles, Trailers, Vessels And Commercial Vehicles**

1. Commercial vehicles, trailers of all types, including camping and hauling, mobile homes, recreational vehicles and vessels shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:
 1. Not more than one commercial vehicle, which does not exceed 1½ tons rated capacity, per family living on the premises, shall be permitted, and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted;
 2. Not more than one camping or travel trailer or hauling trailer, recreational vehicle or vessel per family living on the premises shall be permitted which shall not be parked on or in the public utility, street or highway. The term "street" or "highway" means all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, alleys, courts, places, squares, curbs, sidewalks, recreations or parklands used for vehicular traffic, or other parkways or thoroughfares in the city over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state, provided that the trailer, recreational vehicle or vessel shall not be parked or stored for more than 48 hours unless it is located behind the front yard building line. Vehicles commonly known as recreational vehicles shall be parked on a sealed surface complying with section 8-416. In the event it is impossible to park the trailer, recreation vehicle or vessel behind the front building, the trailer, recreational vehicle or vessel may be parked in front of the front building line so long as the trailer, recreational vehicle, or vessel does not create a traffic hazard and the trailer, recreational vehicle or vessel is parked on a sealed surface complying with section 8-416. A camping trailer or recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinance of the city;
 3. A mobile home shall be parked or stored only in a mobile home park which is in the conformity with the ordinances of the city; and
 4. A travel trailer or manufactured home may be parked and used, with hookup of all utilities, for the office and living quarters only of a security officer or guard on the premises on which the manufactured home is parked and used, provided that the security officer or guard is C.L.E.E.T. certified. An occupancy permit shall be obtained from the community development department prior to occupancy of any trailer or manufactured home for security purposes.

(Prior Code, app. B, Â§ 16-92; Code 1999, Â§ 8-417; Ord. No. 61(93), 9-20-1993; Ord. No. 296(00), 11-20-2000; Ord. No. 361(02), 5-6-2002; Ord. No. 476(04), 9-7-2004) **Sec 8-418 Truck Parking Restricted In Residential Subdivisions**

1. 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:

Bus means any vehicle designed for carrying more than 18 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation excluding school buses owned and operated by public or private schools or school districts and church buses from 6:00 a.m. to 6:00 p.m.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Tank vehicle means any commercial motor vehicle designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks as defined by 49 CFR 171; provided, however, the term "tank vehicle" shall not include a portable tank having rated capacity of under 1,000 gallons.

Truck means any truck above 1 1/2 tons rated capacity or truck-tractor with or without a semi-trailer or pole trailer attached or any other combination of vehicles.

2. It is unlawful for any truck, bus, semi-trailer, pole trailer, or tank vehicle to be parked or stored on public or private property within an area zoned for residential used or other zoning districts within 300 feet of residential subdivisions except for purposes of loading and unloading.
3. The following trucks or buses are exempt from the 300-foot restriction subsection (B) of this section:
 1. Those used in business lawfully established within commercial or industrial zoning districts;
 2. Those used for farming by the owner or occupant in agricultural zoning districts; or
 3. Buses operated by schools and churches within residential zones.

(Code 1999, Â§ 8-418; Ord. No. 507, 2-8-1990; Ord. No. 150(96), 4-1-1996; Ord. No. 362(02), 5-6-2002) HISTORY

Amended by Ord. 982(21) 08/02/2021 on 8/2/2021

CHAPTER 8-5 LITTER AND TRASH Sec 8-501 Definitions

Sec 8-502 Prohibited Generally

Sec 8-503 Littering And Spilling From Vehicles Prohibited

Sec 8-504 Refuse, Rubbish And Trash

Sec 8-505 Deposits Of Dirt Or Rubbish On Public Property And Roadways

Sec 8-506 Businesses To Provide Facilities For Disposal Of Materials

Sec 8-507 Removal Of Spilled Materials

Sec 8-508 Prohibited Hauling Or Depositing Refuse, Rubbish Or Trash

Sec 8-509 Unlawful Hauling, Dumping, Presumptions

Sec 8-510 Allowing Refuse, Rubbish, Trash Or Litter To Be Deposited Or To Remain On Premises

Sec 8-511 Duty Of Maintenance Of Private Property

Sec 8-512 Disposal Of Vehicle Or Mechanical Devices Regulated

Sec 8-513 Offenses And Abatement

Sec 8-501 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Litter means trash, refuse, rubbish and all like material.

Refuse means all putrescible and nonputrescible solid wastes, including ashes, dead animals, solid market and industrial wastes and all like material.

Roadway means any avenue, street, road, alley or other public way within the city.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, in solid or semisolid form, including, but not limited to, dirt, ashes or incinerator residue, street wastes, demolition wastes, industrial wastes, tin cans, wood, leaves, glass, pieces of iron and other metals and like similar material.

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

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn.

(Code 1999, Â§ 8-501; Ord. No. 452, 8-1-1988) [Sec 8-502 Prohibited Generally](#)

No person shall throw, place, leave, drop, put or otherwise abandon litter upon any public property, private property or roadway except as otherwise specifically permitted in this Code.

(Code 1999, Â§ 8-502; Ord. No. 452, 8-1-1988) [Sec 8-503 Littering And Spilling From Vehicles Prohibited](#)

1. No driver or operator of a vehicle shall commit, or permit to be committed, from the operator's vehicle any of the acts prohibited in section 8-502.
2. No vehicle shall be driven or moved on any roadway unless such vehicle is so constructed or loaded as to prevent any of its load from escaping from the vehicle by dropping, shifting, leaking, blowing or otherwise, except that salt or sand may be dropped for the purpose of securing traction, or water or other substances may be used on a roadway in cleaning or maintaining such roadway.
3. No person shall operate on any roadway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the roadway or others.
4. No person shall operate on any roadway any vehicle loaded with sand, cinders, dirt, gravel or other loose material susceptible to blowing or escaping unless such load is covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.
5. No person shall operate, or cause to be operated, a vehicle, any part of which is covered or laden with dirt, mud, gravel, sand, clay or other material from any construction, excavation, parking or other site, in such a manner or condition that the material will become tracked or shall fall upon the roadway; provided, however, that the provisions of this subsection shall not apply to persons who must enter upon improved or paved roadways from unimproved or non-paved roadways or residential driveways.

(Code 1999, Â§ 8-503; Ord. No. 452, 8-1-1988) [Sec 8-504 Refuse, Rubbish And Trash](#)

1. No person shall place or cause to be placed in or upon any public ground or easement any refuse, rubbish or trash unless it is in suitable receptacles to be disposed of in a regular and proper manner pursuant to city ordinances.
2. No person doing work or making excavations shall place or cause to be placed any dirt, refuse, or rubbish therefrom onto any roadway or sidewalk.
3. No person shall sweep, throw, or abandon in any manner or cause to be swept, thrown, or abandoned into or upon any lot or piece of ground, whether the lot or ground shall belong to himself or another, any trash of any kind whatever, which can be, or is likely to be, blown by the wind along the city's roadways or sidewalks.

(Code 1999, Â§ 8-504; Ord. No. 452, 8-1-1988) [Sec 8-505 Deposits Of Dirt Or Rubbish On Public Property And Roadways](#)

No owner, occupant or agent of any land abutting upon any public property shall allow dirt, earth or any rubbish from the land to fall, or wash, upon any part of the public property.

(Code 1999, Â§ 8-505; Ord. No. 452, 8-1-1988) [Sec 8-506 Businesses To Provide Facilities For Disposal Of Materials](#)

Each person who owns, manages, leases, or operates any business establishment within the city which delivers, sells or provides products to customers for consumption or use on or off the premises shall provide suitable containers, adequate in number and location, for the disposal of any product or their wrappings, or parts thereof, abandoned, dropped, left, put or placed on the premises; and shall maintain the outside premises of the business establishment free from such product, wrappings or parts thereof or other discarded items associated with the conduct of the business.

(Code 1999, Â§ 8-506; Ord. No. 452, 8-1-1988) [Sec 8-507 Removal Of Spilled Materials](#)

1. All litter, refuse, rubbish or dirt deposited or spilled from a vehicle on any public property or roadway shall be immediately removed by either the driver or other person in charge of the vehicle. The person by whom such driver or other person is employed shall be likewise responsible for removal. The failure to immediately remove all of the material or earth so deposited or spilled shall render both the driver or other person in charge and the person by whom they are employed subject to punishment as provided herein.
2. Each day that such material or dirt so wasted or spilled remains on the public property shall constitute a separate and distinct offense.

(Code 1999, Â§ 8-507; Ord. No. 452, 8-1-1988) [Sec 8-508 Prohibited Hauling Or Depositing Refuse, Rubbish Or Trash](#)

No person shall, without first securing a written permit from the city or the county health department, dump or deposit any rubbish, refuse or trash, or similar material, on any public or private property or haul or carry and dump or deposit any such materials within the city's limits for the purpose either of filling low ground or disposing of the materials. Nothing in this section shall prohibit the otherwise lawful hauling and dumping of dirt, sand, rock and gravel for landfill purposes.

(Code 1999, Â§ 8-508; Ord. No. 452, 8-1-1988) [Sec 8-509 Unlawful Hauling, Dumping, Presumptions](#)

1. There is a prima facie presumption that the registered owner of a vehicle committed a violation. In any prosecution charging a violation of section 8-508, proof that the particular vehicle described in the complaint was used for the purpose of unlawfully hauling or dumping of rubbish, refuse or trash as prohibited therein, together with proof that the individual named in the complaint was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.
2. There is a prima facie presumption that a person whose address appears on three or more items of unlawfully disposed of refuse matter committed violation. In any prosecution charging a violation of section 8-508, proof that unlawfully disposed of refuse matter as described therein which contains three or more items bearing a common address in a form which tends to identify the latest owner of the items shall be a prima facie presumption that all competent persons residing at such address committed the unlawful act of disposal, provided that one of the items of solid waste bears a date subsequent to August 1, 1988.

3. Any person found to be in violation of section 8-508 shall be punished as provided in section 1-108. Notwithstanding the penalty provided for in this section, the municipal court may also require the person to remove the rubbish, refuse or trash or similar material. Failure to comply with the court's order as directed shall be deemed a separate offense and, upon conviction, the person shall be punished as provided in section 1-108 for each day the rubbish, refuse or trash remains past the date established by the municipal court for its removal.

(Code 1999, Â§ 8-509; Ord. No. 452, 8-1-1988; Ord. No. 229(98), 4-6-1998) [Sec 8-510 Allowing Refuse, Rubbish, Trash Or Litter To Be Deposited Or To Remain On Premises](#)

No owner or occupant of lands or lots shall knowingly permit the throwing or dumping upon his premises of any litter, or permit such materials to remain on his premises for more than ten days after being notified to remove them by the city or county health department, whether or not the owner or occupant shall have known of or permitted the throwing or depositing.

(Code 1999, Â§ 8-510; Ord. No. 452, 8-1-1988; Ord. No. 537, 9-4-1990) [Sec 8-511 Duty Of Maintenance Of Private Property](#)

No person owning, leasing, occupying or having charge of any private property or premises shall maintain or keep any litter or similar material, except dirt, thereon; nor shall such person allow the accumulation of the material, notwithstanding such person did not permit the accumulation; nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which premises are located. No prosecution may be undertaken under this section until such person shall have been given ten days' notice by the city to abate fully any alleged deficiency.

(Code 1999, Â§ 8-511; Ord. No. 452, 8-1-1988; Ord. No. 537, 9-4-1990) [Sec 8-512 Disposal Of Vehicle Or Mechanical Devices Regulated](#)

No person shall discharge or dispose of any crank case, radiator, or transmission drainings, from any vehicle or other mechanical device, into the sanitary sewer system, storm drainage system, or upon any public or private property or roadway.

(Code 1999, Â§ 8-512; Ord. No. 25(92), 5-4-1992) [Sec 8-513 Offenses And Abatement](#)

1. Violation of any of the provisions of this chapter shall be an offense, and any person violating such provisions shall be deemed guilty of an offense and, upon conviction, shall be punished as provided in section 1-108.
2. Upon ten days' written notice, served upon a person to be charged, the city may abate as a public nuisance any condition prohibited under this chapter pursuant to any other provision of this Code or state law, which shall be cumulative.

(Code 1999, Â§ 8-513; Ord. No. 452, 8-1-1988; Ord. No. 25(92), 5-4-1992) [CHAPTER 8-6 FOOD AND MILK REGULATIONS ARTICLE 8-6A FOOD SERVICE SANITATION](#)

[ARTICLE 8-6B MILK AND MILK PRODUCTS](#)

[ARTICLE 8-6A FOOD SERVICE SANITATION Sec 8-601 Regulations Adopted](#)

[Sec 8-602 Food Service Licenses Generally](#)

[Sec 8-603 Temporary, Seasonal And Mobile Food Vendor Licenses](#)

[Sec 8-604 Food Handler's Permits](#)

[Sec 8-605 Sale Of Uncooked, Unprepared Foods From Vehicles Prohibited](#)

[Sec 8-606 Outside Sales](#)

[Sec 8-607 Sale Prohibited](#)

[Sec 8-608 Not To Maintain Adulterated Or Misbranded Food](#)

[Sec 8-609 Compounds, Imitations Or Blends To Be Labeled As Such](#)

[Sec 8-610 Examination Of Food](#)

[Sec 8-611 Sample To Be Provided](#)

Sec 8-612 Poisonous Preservatives
Sec 8-613 Sleeping Areas Of Employees
Sec 8-614 Inspection
Sec 8-615 Destruction Authorized
Sec 8-616 Places Where Food Is Sold Or Served
Sec 8-617 Acts Of Agents Deemed Act Of Principal
Sec 8-618 Penalty

State Law reference— Requirements of food establishments, 63 O.S. Â§ 1-1101 et seq.

Sec 8-601 Regulations Adopted

The latest edition of the "Oklahoma State Department of Health Rules and Regulations pertaining to Food Establishments" is hereby adopted and incorporated by reference in this Code. At least one copy of the rules and regulations shall be on file in the office of the city clerk. The rules and regulations shall govern except in case of conflict with the provisions of this article, in which case the more restrictive terms shall prevail.

(Prior Code, Â§Â§ 12-36, 12-56 et seq.; Code 1999, Â§ 8-601) **Sec 8-602 Food Service Licenses Generally**

No person shall operate a food service establishment that does not have a valid annual or mobile license issued to it. Only an establishment which complies with the requirements of this Code shall be entitled to receive or retain such a license. Licenses are not transferable. A valid license shall be posted in every food service establishment.

(Prior Code, Â§Â§ 12-37, 12-39; Code 1999, Â§ 8-602) **HISTORY**

Amended by Ord. 796(15) on 8/3/2015

Sec 8-603 Temporary, Seasonal And Mobile Food Vendor Licenses

1. A temporary and seasonal food and beverage vendor is a person, partnership, corporation or other form of business entity which offers for sale to the general public, either for consumption on or off any premises, food or beverage in a context normally associated with, or constituting, food booths, carnivals, circuses, community festivals, snow cone stands, and barbecue stands during the months of May through September, or during other specified times as approved by the community development director.
2. *Zoning and building regulations.*
 1. No temporary and seasonal food beverage vendor shall operate or conduct sales in the city, unless licensed in compliance with the zoning regulations, part 12 of the Moore City Code including uses allowed within specified zoning districts, setback requirements and adequate parking facilities.
 2. All water and sewer service shall be provided by permanent connections to city municipal water and sewer service and meet all requirements of the adopted plumbing codes and utility connection requirements.
 3. Permanent electrical service shall be provided and shall meet adopted electrical codes.
 4. Structures with permanent utility connections shall be secured on an approved foundation with approved anchoring/tie down methods.
 5. Restroom facilities shall be required on-site. A written agreement with a business operating on the same site allowing use of an existing restroom during all business hours may be submitted for community development director review and approval.
 6. Occupancy permit application and approval is required and shall be approved by the building official, fire marshal and community development director.

3. Approval from the county health department shall be required and proof of which shall be presented to the city. All temporary and seasonal food and beverage vendors shall be open to the inspection by state, county and city officials during the normal business hours of the vendor's operations.
4. A mobile temporary food service license shall be for facilities that are vehicle-mounted and readily moveable. A person desiring to operate a mobile food service establishment may apply for either a one day, 30-day or 180-day mobile temporary food vendor license at least 24 hours prior to any sales at said establishment. This temporary license shall be issued by the city clerk following approval of the application by the county health authority and city clerk. The temporary license may be renewed for an additional 180 days following approval by the county health authority and city clerk.
5. *Application process.*
 1. Applicants for a permit under this section must file with the city clerk a (verified) sworn application in writing on a form to be furnished by the city clerk, which shall give the following information:
 1. Name and description of applicant.
 2. Address.
 3. Brief description of business, goods to be sold, and location desired.
 4. Time period for which the applicant wishes to do business.
 5. License number and description of vehicle to be used, if any.
 6. Verification that applicant is bonded as group II vendor by the state tax commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.
 7. Proof that a county health permit and inspection has been obtained.
 8. At time of filing, the fee as provided in the fee schedule shall be paid to the city clerk.
 9. Each applicant, if the applicant does not operate a fixed, permanent restaurant within the city, shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and vehicular insurance in the amount required by the state.
 10. Detailed map of location to where the vehicle will be placed.
 2. The city clerk shall review the application to ensure:
 1. The applicant is aware of his responsibility to collect and pay sales tax and that the applicant is properly registered with the state tax commission. If the applicant is not properly registered with the state tax commission, the permit will not be issued.
 2. That a valid county health permit and inspection is obtained.
 3. Within seven days after receipt of the application, the city clerk shall either approve or disapprove of the application.
 1. If the application is approved, the clerk shall issue the permit within three days after the approval.
 2. If the application is not approved, the city clerk must state with specificity the reasons for non-approval and the city clerk shall notify the applicant within three days after non-approval. A notice sent to the proper mailing address shown on the application shall be adequate notification to the applicant.

6. *Conditions of permit issuance.*

1. All mobile temporary food vendors must have the permission of the property owner prior to operating on the subject property. City staff will approve the location and placement of the vehicle at city events.
2. No mobile temporary food vendor may stop for longer than 12 hours at a single location or address in a 24-hour period. A single location or address shall include a single parking lot shared by multiple businesses. This subsection shall not apply to food sales at events that are not open to general public or are sponsored, catered, or hosted by a business group.
3. Mobile temporary food vendors may not sell food on public rights-of-way except for a brief stop for point of sale. For purposes of this subsection, the term "public right-of-way" means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the federal, state or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge alley, sidewalk, pedestrian way, stairs or elevator which is dedicated to public use and over which the federal, state or municipal government, or any agency, department, or subdivision thereof, exercises control and dominion.
4. Except for sales associated with an approved city event or with written city approval, no such sales shall be conducted at or within 75 feet of any city-owned parks.

5. *Permit issuance.*

1. Permits shall be issued by the city clerk.
2. A permit must be issued not less than 24 hours prior to any actual selling activity by the applicant.
3. The permit shall be prominently displayed at the applicant's selling location.
6. *Permit fees.* The application fee to be paid to the city clerk upon submission of the application for a temporary food license shall be established by the fee schedule of the city.
7. The code enforcement division of the city shall enforce the provisions of this section and may initiate any proper proceedings to enforce compliance herewith.
8. Violations of this section shall be misdemeanors, and any person, partnership, corporation or other form of business entity, which violates any of the provisions of this section, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-108. Each day's offense shall be deemed a separate offense.
9. No temporary and seasonal food and beverage vendor shall operate or conduct sales in the city, unless licensed in compliance with section 8-602.

(Code 1999, Â§ 8-603; Ord. No. 445, 4-4-1988; Ord. No. 358(02), 5-6-2002) HISTORY

Amended by Ord. 797(15) on 8/3/2015

Amended by Ord. 918(19) on 8/7/2019

Sec 8-604 Food Handler's Permits

1. It is unlawful for any person who operates a food service establishment or any place selling open and prepared foods in the city to hire, or permit to be hired, or permit to work gratis, any person who does not possess a current and unrevoked permit approved by the health officer.
2. It is unlawful for any person to work in any food service establishment or any place selling open and prepared foods in the city who does not have in his possession a current and unrevoked permit approved by the county.

(Prior Code, Â§Â§ 12-46—12-49; Code 1999, Â§ 8-604) [Sec 8-605 Sale Of Uncooked, Unprepared Foods From Vehicles Prohibited](#)

It is unlawful for any person to sell for retail or offer to sell at retail any uncooked or unprepared meat, poultry or fish from any truck, wagon, trailer or any other portable motor vehicle within the corporate limits of the city.

(Prior Code, Â§ 12-41; Code 1999, Â§ 8-605) [Sec 8-606 Outside Sales](#)

Food service establishments holding valid licenses may have outside sales on their premises if all conditions of the food code, zoning ordinances and fire code are met.

(Prior Code, 12-38; Code 1999, Â§ 8-606) [Sec 8-607 Sale Prohibited](#)

No person shall sell, expose or offer for sale in any public market, or at any place within the limits of the city, any unsound, diseased, stale, rotten, fermented, nauseous or unwholesome meat, poultry, fish, vegetables, fruits or other articles of food or provisions, or any unwholesome bread, cake or pastry, manufactured in whole or in part from unwholesome flour or meal.

(Prior Code, Â§ 12-57; Code 1999, Â§ 8-607) [Sec 8-608 Not To Maintain Adulterated Or Misbranded Food](#)

It is unlawful for any person to maintain within the city any article of food or confectionery which is adulterated or misbranded within the meaning of this article and any person who shall violate any of the provisions of this section shall be guilty of an offense.

(Prior Code, Â§ 12-58; Code 1999, Â§ 8-608) [Sec 8-609 Compounds, Imitations Or Blends To Be Labeled As Such](#)

All articles shall be labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale, provided that nothing in this article shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except insofar as the provisions of this article may require to secure freedom from adulteration or misbranding.

(Prior Code, Â§ 12-59; Code 1999, Â§ 8-609) [Sec 8-610 Examination Of Food](#)

The examination of specimens of food or confectionery shall be made by the health officer or under his direction. If it shall appear from such examination of any of such specimens that they are adulterated or misbranded within the meaning of this article, the health officer shall cause a complaint to be sworn out and may embargo the food or confectionery until released by the health officer.

(Prior Code, Â§ 12-60; Code 1999, Â§ 8-610) [Sec 8-611 Sample To Be Provided](#)

Whosoever offers, exposes or has in his possession for sale to dealers or consumers in the city any food shall, upon application of the health officer or his assistant or agent, upon tender of the value thereof, furnish a sample sufficient for the analysis of such of food. Whosoever is convicted of a refusal to sell or give such sample as provided herein shall be subject to punishment a provided in section 1-108.

(Prior Code, Â§ 12-62; Code 1999, Â§ 8-611) [Sec 8-612 Poisonous Preservatives](#)

Any meat, fish or other food which shall be treated with or shall contain any of the salts of sulphurous acid or other poisonous preservation or coloring matter are hereby declared to be unwholesome, and any person who shall sell or offer to sell, serve or deliver or cause the same to be done, any meats, fish or any other kind of food in any form having therein and containing any of the salts of sulphurous acid or other poisonous preservative or coloring matter, shall be deemed guilty of an offense.

(Prior Code, Â§ 12-63; Code 1999, Â§ 8-612) [Sec 8-613 Sleeping Areas Of Employees](#)

The sleeping place for workers or other employees in bake houses and restaurants shall be separate and distinct from the place used for making bread, pastry and other articles of food, and from food storage preparation and serving areas.

(Prior Code, Â§ 12-65; Code 1999, Â§ 8-613) [Sec 8-614 Inspection](#)

The health officer shall have power to inspect all articles of food or drinks wherever located that may be sold or offered for sale for human consumption and to analyze samples of the same upon his own motion.

(Prior Code, Â§ 12-66; Code 1999, Â§ 8-614) [Sec 8-615 Destruction Authorized](#)

The health officer shall have authority to destroy, at the expense of the owner or keeper, any foods, drinks, meats and fish that he finds to be unwholesome and unfit for use.

(Prior Code, Â§ 12-67; Code 1999, Â§ 8-615) [Sec 8-616 Places Where Food Is Sold Or Served](#)

The health officer shall have full power to pass on the sanitary condition of any place where foods, milk, drinks, and meats are offered for sale or served to the public. Any person who shall, after having been duly notified to clean up or place his place of business in sanitary condition, refuse to do so, shall be guilty of an offense.

(Prior Code, Â§ 12-68; Code 1999, Â§ 8-616) [Sec 8-617 Acts Of Agents Deemed Act Of Principal](#)

When construing and enforcing the provisions of this article the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be deemed to be the act, omission, or failure of such corporation, company, society or association, as well as that of the person.

(Prior Code, Â§ 12-69; Code 1999, Â§ 8-617) [Sec 8-618 Penalty](#)

Any person who violates any of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-108. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

(Code 1999, Â§ 8-618) [ARTICLE 8-6B MILK AND MILK PRODUCTS Sec 8-621 Regulations Adopted](#)
[Sec 8-622 Penalty](#)

State Law reference— Milk regulations, 2 O.S. Â§ 7-401 et seq.
[Sec 8-621 Regulations Adopted](#)

The latest edition of the United States Public Health Service Recommendation "Grade A Pasteurized Milk Ordinance with Administrative Procedures" and the provisions of state law governing milk and milk products as set out in Oklahoma Milk and Milk Products Act (2 O.S. Â§ 7-401 et seq.), as amended from time to time, are hereby adopted and incorporated by reference in this Code and are enforceable by the city as fully as if they were set out at length herein. At least one copy of the milk ordinance and referenced state law shall be on file in the office of the city clerk. The milk ordinance and the referenced state law shall govern except in case of conflict with the provisions of this article, in which case the more restrictive terms shall prevail.

(Code 1999, Â§ 8-620) [Sec 8-622 Penalty](#)

Any person who shall violate any of the provisions of this shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-108. Such persons may also be enjoined from continuing such violations. Each day upon which such a violation occurs shall

constitute a separate violation.

(Code 1999, Â§ 8-621) **CHAPTER 8-7 SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES** Sec 8-701 Definitions

Sec 8-702 Smoking In Certain Places Prohibited; Exemptions

Sec 8-703 Measures To Prevent Smoking In Places

Sec 8-704 Violation And Penalty

Sec 8-701 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Educational facility means a building owned, leased or under the control of a technology center school district or a public or private college or university.

Health facility means an entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.

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 chapter shall apply to such indoor workplace at any given time, whether or not work is being performed.

Meeting means a meeting as defined in the Oklahoma Open Meeting Act (25 O.S. Â§ 301 et seq.).

Public body means a public body as defined in the Oklahoma Open Meeting Act (25 O.S. Â§ 301 et seq.).

Public park means all areas of a park or playground that is owned and operated by the City of Moore, Oklahoma to which members of the general public have been granted a right to access for rest and recreation. "Public park" shall exclude: the paved area usually divided into individual spaces set-aside and intended for the parking of motor vehicles, portion of parking lots located on the same property as a park or playground.

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

Restaurant means any eating establishment regardless of seating capacity.

Smoking means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

Stand-alone bar, stand-alone tavern, and cigar bar mean an establishment that derives more than 60 percent of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer and no person under 21 years of age is admitted, except for members of a musical band employed or hired as provided in 37 O.S. Â§ 537(B)(2) and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant.

Vapor products 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. The term "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. The term "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.

State Law reference— Similar provisions, 63 O.S. Â§ 1-1522. HISTORY

Adopted by Ord. 910(19) on 5/21/2019

Sec 8-702 Smoking In Certain Places Prohibited; Exemptions

1. Except as specifically provided in this section, no person shall smoke in a public place, in any part of a zoo to which the public may be admitted, whether indoors or outdoors, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act (63 O.S. Â§ 1-1901 et seq.), or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Licensing Act (10 O.S. Â§ 401 et seq.). A nursing facility licensed pursuant to the Nursing Home Care Act (63 O.S. Â§ 1-1901 et seq.) may designate smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building. Commercial airport operators may prohibit the use of lighted tobacco in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within 175 feet from an entrance.â
2.
 1. Except as otherwise provided in subsection (B)(2) of this section, a technology center school district which offers an early childhood education program or in which children in grades kindergarten through 12 are educated shall prohibit smoking, the use of snuff, chewing tobacco or any other form of tobacco product in the educational facility buildings and on the grounds of the facility by all persons, including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.
 2. A technology center school district may designate smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under 18 years of age, for use by adults attending training courses, sessions, meetings or seminars.
 3. A technology center school district or college or university may designate smoking areas outside the educational facility buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests.
 4. Smoking shall be prohibited in an educational facility as defined in the 24/7 Tobacco-free Schools Act (70 O.S. Â§ 1210.211 et seq.) and as provided for in this section.
 3. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding smoking and the use of other tobacco or vapor products in the buildings or on the grounds of the facility.
 4. A private residence is not a public place within the meaning of this section except that areas in a private residence that are used as a licensed child care facility during hours of operation are public places within the meaning of this section.
 5. No person shall smoke or use a vapor product in any building, or portions thereof, owned or operated by this municipality; smoking or the use of a vapor product shall not be allowed

within 25 feet of the entrance or exit of any such building. No person shall smoke or use a vapor product on the grounds of any city-owned public park, excluding the paved areas usually divided into individual spaces set aside and intended for the parking of motor vehicles.

6. Veterans centers operated by the state pursuant to the provisions of 72 O.S. Â§ 221 et seq., shall be designated nonsmoking.
7. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside, in such manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within 15 feet of any entrance, exit or air intake. If smoking is to be permitted in any space exempted in subsection (H) of this section or in a smoking room, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within 15 feet of any entrance, exit or air intake.
8. This section shall not prohibit smoking in:
 1. Stand-alone bars, stand-alone taverns or cigar bars;
 2. The rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
 3. Up to 25 percent of the guest rooms at a hotel or other lodging establishment;
 4. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
 5. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access;
 6. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access. The term "incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. The term "incidental public access" does not include businesses that depend on walk-in customers for any part of their business;
 7. Private offices occupied exclusively by one or more smokers;
 8. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
 9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to section 501(c)(8), (c)(10) or (c)(19) of the Internal Revenue Code, 26 USC 501(c)(8), (c)(10) or (c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public;
 10. Any outdoor seating area of a restaurant, provided smoking shall not be allowed within 15 feet of any exterior public doorway or any air intake of a restaurant; and

11. Medical research or treatment centers, if smoking is integral to the research or treatment.

State Law reference— Similar provisions, 63 O.S. Â§ 1-1523. HISTORY

Adopted by Ord. 910(19) on 5/21/2019

Sec 8-703 Measures To Prevent Smoking In Places

The state or local governmental agency or the person who owns or operates a public place shall, at a minimum, do the following in order to prevent smoking in public places:

1. Post conspicuous signs at entrances to and in prominent locations within places where smoking is prohibited which state that smoking is prohibited or that the indoor environment is free of tobacco smoke; and
2. Ask smokers to refrain from smoking upon observation of anyone violating the provisions of this section.

State Law reference— Similar provisions, 63 O.S. Â§ 1-1525. **Sec 8-704 Violation And Penalty**

The possession of lighted tobacco in any form is a public nuisance and dangerous to public health. Any person who knowingly violates this chapter is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$10.00 nor more than \$100.00.

(Code 1999, Â§ 8-706; Ord. No. 583(07), Â§ I, 5-21-2007) **CHAPTER 8-8 PUBLIC BATHING/TANNING Sec 8-801 Regulations Adopted**

Sec 8-801 Regulations Adopted

1. The following regulations are hereby adopted and incorporated herein by reference in this Code, punishable as if set out fully at length herein, to govern public bathing and tanning facilities:
 1. "Design Standards and Operational Criteria for Public Bathing Places," adopted by the Oklahoma State Board of Health, 93 pages, March 27, 1986, or latest edition thereof; and
 2. "Sunlamp Products; Performance Standard," issued by the U.S. Department of Health and Human Services, Food and Drug Administration, 21 CFR 1040, and as may be amended from time to time.
2. At least one copy of the above regulations are on file in the office of the city clerk.

(Code 1999, Â§ 8-801) **CHAPTER 8-9 ENFORCEMENT Sec 8-901 Obstructing Officer**

Sec 8-902 Action By County Health Department

Sec 8-903 Enforcement; Citations; Appeals

Sec 8-904 Penalty And Other Actions

Sec 8-901 Obstructing Officer

It is unlawful for any person to obstruct or interfere with any officer or health or administrative officer charged with the enforcement of this part.

(Prior Code, Â§ 12-4, in part; Code 1999, Â§ 8-901) **Sec 8-902 Action By County Health Department**

By contract or other method, the city manager may appoint the county health department as its agent to enforce provisions of this part and the health ordinances of the city. Such responsibilities may include determination of public health nuisances and hazards, service as expert witnesses for the city, and assistance in evaluation and development of remedial action on matters which deal with the public health.

(Code 1999, Â§ 8-902) **Sec 8-903 Enforcement; Citations; Appeals**

1. With respect to public nuisance abatement, the city manager may further delegate to the director of community development division or his staff the aforementioned duties of the city manager, including the duty of administrative officer.
2. The city manager or his designee are designated to issue citations for violations this part, including nuisances, weeds and trash, abandoned vehicles and health laws.
3. Any administrative hearings for violations of the above-referenced sections shall be before an administrative officer designated by the city manager. A hearing shall be scheduled on completion and filing with the city clerk an application therefor, pursuant to the appropriate sections of this part, in accordance with the provisions contained therein.
4. Appeals from the decision of the administrative officer shall be to the municipal court, in accordance with the applicable code provisions.

(Code 1999, Â§ 8-903; Ord. No. 451, 7-18-1988) [Sec 8-904 Penalty And Other Actions](#)

1. The procedures for abating nuisances declared in this part and any other provisions of law and ordinances are cumulative to one another, and the city may elect to follow any such procedure which is applicable in abating any particular nuisance or violation.
2. The city may, in addition to other remedies or punishments or abatements, bring an action for abatement of any nuisance.
3. Any violation of any provision of this part is punishable as provided in section 1-108.

(Code 1999, Â§ 8-904) [CHAPTER 8-10 GRAFFITI](#) [Sec 8-1001 Short Title](#)

[Sec 8-1002 Statutory Authority](#)

[Sec 8-1003 Legislative Findings](#)

[Sec 8-1004 Purpose And Intent](#)

[Sec 8-1005 Definitions](#)

[Sec 8-1006 Declaration Of Public Nuisance](#)

[Sec 8-1007 Application Of Graffiti Prohibited; Offense; Penalty](#)

[Sec 8-1008 Removal Of Graffiti From Private Property Within Neighborhood Initiative Area Designated By The City Manager](#)

[Sec 8-1001 Short Title](#)

This chapter shall be known and may be cited as the "Graffiti Eradication Ordinance."

(Code 1999, Â§ 8-1001; Ord. No. 65(93), 11-15-1993) [Sec 8-1002 Statutory Authority](#)

This chapter is being enacted under the authority of 11 O.S. Â§ 22-121.

(Code 1999, Â§ 8-1002; Ord. No. 65(93), 11-15-1993) [Sec 8-1003 Legislative Findings](#)

The council of the city hereby makes the following findings:

1. That unsightly graffiti on public and private property within the city is detrimental to the beauty of our community;
2. That graffiti on public and private property within the city is often related to criminal street gang activity, with graffiti being used to convey information to gang members and mark gang territory;
3. That gang-related graffiti often provides a catalyst for gang-related criminal violence within the city;
4. That gang-related graffiti constitutes a growing blight on, and a substantial detriment to, the health and safety of the residents of our community; and
5. That by reason of the foregoing findings, graffiti constitutes a public nuisance to our community.

(Code 1999, Â§ 8-1003; Ord. No. 65(93), 11-15-1993) [Sec 8-1004 Purpose And Intent](#)

The purpose of this chapter is to provide for the prevention and removal of graffiti within the city. The intent of the council is to prevent and remove a public nuisance that is a growing blight on, and a substantial detriment to, the health, safety and general welfare of our community and its inhabitants.

(Code 1999, Â§ 8-1004; Ord. No. 65(93), 11-15-1993) [Sec 8-1005 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 occupant of the property, or an agent of such owner or occupant, for the purpose of promoting products or services or conveying information to the public.

Applies graffiti, apply graffiti or applying graffiti means the act of drawing, painting, chiseling, scratching or etching graffiti on public or private property within the city.

City manager means the city manager or the trust manager of the city public works authority, or his designee.

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, however, that 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, an occupant of the property, or by an authorized agent for such owner or occupant.

Occupant means any person shown by the records of the county clerk's office as a tenant of property, or any person in actually physical possession of property.

Owner means any person shown by the records of the county clerk's office as the owner of a fee simple interest in property.

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.

(Code 1999, Â§ 8-1005; Ord. No. 65(93), 11-15-1993) [Sec 8-1006 Declaration Of Public Nuisance](#)

The council of the city hereby declares that graffiti on public or private property within the city constitutes a public nuisance to the detriment of the city and its inhabitants and visitors. The provisions for prevention and removal of such public nuisance are set forth in sections 8-1007 and 8-1008.

(Code 1999, Â§ 8-1006; Ord. No. 65(93), 11-15-1993) [Sec 8-1007 Application Of Graffiti Prohibited; Offense; Penalty](#)

1. No person shall apply graffiti to public or private property within the city.
2. Any person who applies graffiti to public or private property within the city shall be deemed guilty of an offense. Each act of applying graffiti shall constitute a separate offense.
3. Any person convicted of the offense of applying graffiti to public or private property within the city shall be punished as provided in section 1-108.
4. The provisions of this section shall be enforced by the police department and code enforcement officer as determined by the city manager.

(Code 1999, Â§ 8-1007; Ord. No. 65(93), 11-15-1993) [Sec 8-1008 Removal Of Graffiti From Private Property Within Neighborhood Initiative Area Designated By The City Manager](#)

The city manager or his designee may cause graffiti to be removed from private property located within the neighborhood initiative area designated by the city manager in accordance with the following procedure:

1. The manager or his designee shall contact the owners of the property to encourage the property owners cooperation in removing any such graffiti;
2. Prior to removal attempts by the city, the manager or his designee shall obtain the written consent of all owners and occupants for removal of graffiti from the property; and
3. Upon obtaining the written consent required by subsection (B) of this section, the manager may, to the extent authorized by the owners and occupants, enter onto the property and remove the graffiti.

(Code 1999, Â§ 8-1008; Ord. No. 65(93), 11-15-1993) [CHAPTER 8-11 EXTERIOR PROPERTY MAINTENANCE ARTICLE 8-11A GENERAL](#)

[ARTICLE 8-11B EXTERIOR PROPERTY MAINTENANCE VIOLATIONS DEFINED](#)

[ARTICLE 8-11C NOTICE AND ENFORCEMENT](#)

[ARTICLE 8-11A GENERAL Sec 8-1101 Scope](#)

[Sec 8-1102 Responsibility](#)

[Sec 8-1103 Vacant Structures And Land](#)

[Sec 8-1104 Violations And Penalty](#)

[Sec 8-1105 Definitions](#)

[Sec 8-1101 Scope](#)

The provisions of this chapter shall govern the minimum conditions and standards for maintenance of structures and exterior property.

(Code 1999, Â§ 8-1101; Ord. No. 102(94), 12-5-1994) [Sec 8-1102 Responsibility](#)

The owner or occupant of the premises shall maintain the structures and exterior property in compliance with the requirements of this chapter. A person shall not occupy as owner/occupant or permit another person to occupy or use premises which do not comply with the requirements of this chapter.

(Code 1999, Â§ 8-1102; Ord. No. 102(94), 12-5-1994) [Sec 8-1103 Vacant Structures And Land](#)

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this chapter so as not to cause a blighting problem or adversely affect the public health or safety.

(Code 1999, Â§ 8-1103; Ord. No. 102(94), 12-5-1994) [Sec 8-1104 Violations And Penalty](#)

Any person, firm or corporation who shall violate any provision of this chapter, upon conviction thereof, shall be guilty of an offense and be subject to a fine in an amount as provided in section 1-108. Each day that a violation continues shall be deemed a separate offense.

(Code 1999, Â§ 8-1104; Ord. No. 102(94), 12-5-1994) [Sec 8-1105 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means approved by the code official.

Basement means that portion of a building which is partly or completely below grade.

Code official means the city official who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

Exterior property means the open space on the premises and on adjoining property under the control of the owner or occupant of such premises.

Major violation means a combination of two or more minor violations occurring at the same time, or one or more violations that are determined by the code official to pose a serious threat to the health and safety of the owner or occupant of the structure in question.

Minor violation means a singular violation of any one of the various provisions of this chapter, either through lack of maintenance or act of nature, which in and of itself does not cause a blighting problem or adversely affect the public health or safety.

Occupant means any person legally living or sleeping in a building, or having legal possession of a space within, a building.

Owner means any person, firm or corporation having a legal or equitable interest in the property, including the guardian, executor or administrator of the estate of such person.

Premises means a lot, plot, tract or parcel of land, including the buildings and structures thereon.

Structure means that which is built or constructed.

(Code 1999, Â§ 8-1105; Ord. No. 102(94), 12-5-1994; Ord. No. 196(97), 6-16-1997; Ord. No. 451(04), 4-19-2004) **ARTICLE 8-11B EXTERIOR PROPERTY MAINTENANCE VIOLATIONS**

DEFINED Sec 8-1111 Exterior Property Areas

Sec 8-1112 Exterior Structure General Maintenance

Sec 8-1113 Appearance

Sec 8-1114 Signage

Sec 8-1115 Enforcement

Sec 8-1111 Exterior Property Areas

1. *Grading and drainage.* All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon, except for water detention or retention areas approved by the city.
2. *Rat harborage.* All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
3. *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. Each separate accessory structure shall be deemed a separate violation.

(Code 1999, Â§ 8-1110; Ord. No. 451(04), 4-19-2004) **HISTORY**

Amended by Ord. 911(19) on 5/21/2019

Sec 8-1112 Exterior Structure General Maintenance

The owner, lessee, occupant, or person or entity having charge of the property shall keep all parts of the exterior property in a clean and sanitary condition. No premises shall be in a condition that constitutes a health hazard, safety hazard, or general nuisance.

1. *Street numbers.* Each building to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least three inches high and one-half inch stroke.
2. *Structural members.* Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended. All structural members shall be maintained free of deterioration, and capable of safely bearing the imposed dead and live loads.

3. *Exterior walls and surfaces.* Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition as to prevent rodents, rain, or dampness to the interior of the dwelling. All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
4. *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects which admit rain. Rain gutters, downspouts, leaders, or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
5. *Overhang extensions.* All canopies, marquees, awnings, stairways, fire escapes, standpipes, exhaust ducts, gutters and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay by periodic application of weather-coating materials, such as paint or similar surface treatment.
6. *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay by periodic application of weather-coating materials, such as paint or similar surface treatment.
7. *Handrails and guardrails.* Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in sound condition and good repair.
8. *Windows, skylights, doors and frames.* Windows shall be fully supplied with window glass or an approved substitute which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure. Skylights, doors, and frames shall be kept in sound condition, good repair and weather-tight.
9. *Insect screens.* All insect screens shall be tightly fitting and maintained in sound condition and good repair, free from holes, cuts, or rips.
10. *Exterior doors and frames.* All exterior doors, frames and hardware, including garage doors, shall be maintained in sound condition, good repair and weather-tight.
11. *Basement, foundation, vents, and windows.* Every basement/foundation hatchway, vent or window shall be maintained in sound condition, good repair and weather-tight. Foundations shall support the building at all points and shall be free of all holes and cracks as to prevent rodents, water or dampness to the interior of the building or any conditions tending to reduce the capability of the foundation to support the building.

12. *Porches, decks, and docks.* Every porch, deck, or dock shall be constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, including steps, and kept in sound condition and in good repair.
13. *Decorative features.* All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
14. *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces, parking lots and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

(Code 1999, Â§ 8-1111; Ord. No. 451(04), 4-19-2004) HISTORY

Amended by Ord. 806(15) on 10/19/2015

Amended by Ord. 911(19) on 5/21/2019

Sec 8-1113 Appearance

All buildings and the exterior of all premises shall be properly maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

1. *Exterior space.* The exterior open space around each structure shall be maintained or improved so as to provide for:
 1. The immediate diversion of water away from buildings and proper drainage of the lot;
 2. Grass, plantings, or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures; and
 3. Sidewalks, walkways, parking areas, driveways and exterior steps which are of a permanently hard, dust-free surface of sound construction, and properly maintained.
2. *Buffer and screening requirements.* When commercial or industrial property is being developed, and it abuts property zoned or used for residential purposes, a six-foot tall buffer shall be constructed of an appropriate mounding, fencing, or vegetative material, along the entire length of any abutting side or rear yard. Screen plantings shall have a minimum height of five feet and should be of such size, species, and spacing as can reasonably be expected to produce an opaque six-foot screen within three years.
3. *Vegetative ground cover required.* All green areas shall be graded and seeded with an all-season, well maintained vegetative ground cover.
4. *Fences and walls.* All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired, as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration. Fences and/or walls shall be constructed of wood, iron, decorative aluminum, stone, brick, or decorative block. Retaining walls shall be constructed of stone, decorative wall systems, brick, or wood. The following items, being found singularly or collectively, shall be used in determining a fence that is in violation of this section:
 1. Missing or broken panels;
 2. Lean posts being used to keep the fence erect;
 3. Patches made to the fence that are not made of the same original fence material;

4. Three or more broken or missing slats within a panel;
 5. Broken fence posts;
 6. Upright fence posts when no fence panels or other horizontal fence material is erected;
 7. Leaning panels, fence material or fence posts.
5. *Yards.* All yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris, and other materials which may cause a fire, health or safety hazard, or general unsightliness.
 6. *Hazards.* Hazards and unsanitary conditions shall be eliminated.
 7. *Grading.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.
 8. *Drainage.* All portions of all premises shall be so graded that there is no pooling of water or recurrent entrance of water into any part of any building except where such pooling or retention of water is part of a plan approved by the city engineer. All condensate and waste cooling water shall be appropriately discharged into an approved drainage system.
 9. *Drainage swales.* Swales are to be maintained by the owners of the parcels on which they are located, and at no time will anyone plant trees and/or shrubs or discharge, empty, or place any material fill or waste into any swale so as to impede or divert drainage flow.
 10. *Traffic markings.* All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.
 11. *Exterior light fixtures.* Exterior lighting fixtures over steps, paths, walkways, courts, drives and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties (per local zoning regulation).
 12. *Driveways and walkways.* All driveways, walkways, stairs, parking spaces, parking lots and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
 13. *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
 14. *Mosquito infestation.* All structures and exterior property shall be kept free of the accumulation of stagnant water by any means, which may yield the potential for serving as a breeding ground for mosquitoes. HISTORY
Adopted by Ord. 806(15) on 10/19/2015
Amended by Ord. 911(19) on 5/21/2019
Sec 8-1114 Signage
1. *Sign maintenance.* All signage and incidental landscaping and/or lighting shall be maintained in good condition and shall not show evidence of deterioration. Neither lighting nor signage shall be permitted to be posted on trees or utility poles.
 2. *Visibility triangles.* All signage shall be located outside of all visibility triangles at intersections and ingress/egress points, and shall not be located in such a manner as to constitute a traffic or safety hazard. HISTORY
Adopted by Ord. 806(15) on 10/19/2015

Amended by Ord. 911(19) on 5/21/2019

Sec 8-1115 Enforcement

An annual inspection of all commercial and industrial property shall be made by the building official or his designee to determine compliance with the exterior property maintenance code. HISTORY

Amended by Ord. 806(15) on 10/19/2015

Amended by Ord. 911(19) on 5/21/2019

ARTICLE 8-11C NOTICE AND ENFORCEMENT Sec 8-1121 Determination Of Violation

Sec 8-1122 Notice Of Violation

Sec 8-1123 Correction Of Violation

Sec 8-1121 Determination Of Violation

Upon report of a violation of the provisions of this chapter, the code official shall determine whether a violation exists, and whether such violation is deemed to be a minor violation or a major violation, as defined in section 8-1105. If the violation is determined to be a minor violation, no action shall be taken until such time as it is determined that a major violation exists.

(Code 1999, Â§ 8-1140; Ord. No. 102(94), 12-5-1994; Ord. No. 196(97), 6-16-1997) **Sec 8-1122 Notice Of Violation**

1. If the code official determines that a major violation exists, written notice shall be given to the owner of the premises stating the violations and directing that the violations be corrected.
2. The written notice shall be sent by certified mail to the owner of the property at the address shown by the current year's tax rolls in the office of the county treasurer. If the property owner cannot be located, notice may be given by posting a copy of the notice on the property.

(Code 1999, Â§ 8-1141; Ord. No. 102(94), 12-5-1994; Ord. No. 196(97), 6-16-1997; Ord. No. 451(04), 4-19-2004) **Sec 8-1123 Correction Of Violation**

1. The notice required in section 8-1122 shall state that the owner or occupant must correct the violations outlined in the notice within 30 days of the date of the notice. Upon reinspection of the property within the 30-day notice period, the community development director may authorize an additional time for the owner or occupant to correct the violations. Once a notice of violation has been issued, each minor violation included in such notice shall be corrected prior to the code official clearing the violation. If the owner or occupant fails to correct the violations within the allotted time period, a citation or citations shall be issued to the owner or occupant, as provided in section 8-1104.
2. At any time within ten days form the date of the notice, the owner or occupant may request, in writing addressed to the code official, a hearing for the purpose of contesting the determination of a violation on the property. The code official shall conduct a hearing as soon as practicable but not later than 15 days after receipt of the owner or occupant's request for such hearing. At such hearing the owner or occupant shall have the right to be represented by counsel, to present testimony, other evidence and arguments, and to cross examine witnesses. If the code official determines after such hearing that a major violation exists on the property, he shall direct that the violations be corrected within the time period established in the notice or other agreed upon timeline, as appropriate. Such finding shall be made in writing and shall be served upon the owner or occupant. An appeal of the final order of the code official may be had by any person aggrieved by such order. Such appeal shall follow the procedures established in section 8-205(f) and (g).

(Code 1999, Â§ 8-1142; Ord. No. 102(94), 12-5-1994; Ord. No. 196(97), 6-16-1997; Ord. No. 451(04), 4-19-2004) HISTORY

Amended by Ord. 807(15) on 10/19/2015

CHAPTER 8-12 MEDICAL MARIJUANA Sec 8-1201 Definitions

Sec 8-1202 General Requirements
Sec 8-1203 Medical Marijuana Dispensary
Sec 8-1204 Commercial Medical Marijuana Growing Facilities
Sec 8-1205 Commercial Medical Marijuana Processing Facility
Sec 8-1206 Medical Marijuana Testing Laboratory Facility
Sec 8-1207 Medical Marijuana Research Facility
Sec 8-1208 Medical Marijuana Education Facility
Sec 8-1209 Medical Marijuana Growing For Personal Use
Sec 8-1210 Legal Non-Conforming Clause
Sec 8-1201 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial medical marijuana growing facilities means an entity licensed by the State of Oklahoma to cultivate, prepare and package medical marijuana and transfer or contract for transfer medical marijuana to a medical marijuana dispensary, medical marijuana processor, any other medical marijuana commercial grower, medical marijuana research facility, medical marijuana education facility and pesticide manufacturers. A commercial grower may sell seeds, flower or clones to commercial growers.

Commercial medical marijuana processing facilities means an entity licensed by the State of Oklahoma to operate a business including the production, manufacture, extraction, processing, packaging or creation of concentrate, medical-marijuana-infused products or other medical marijuana products.

Hazardous processor license means a license issued to a medical marijuana processor that performs an extraction method that utilizes chemicals considered hazardous by the OSHA Hazard Communication Standard under 29 CFR Â§ 1910.1200.

Medical marijuana dispensary means an entity that has been licensed by the State of Oklahoma to purchase medical marijuana or medical marijuana products from a licensed medical marijuana commercial grower or medical marijuana processor, sell medical marijuana or medical marijuana products to patients and caregivers, or sell or transfer products to another dispensary.

Medical marijuana education facility means a person or entity approved to operate a facility providing training and education to individuals involving the cultivation, growing, harvesting, curing, preparing, packaging or testing of medical marijuana, or the production of medical-marijuana-infused products or other medical marijuana products.

Medical marijuana growing for personal use means any individual licensed by the State of Oklahoma to grow up to six mature marijuana plants and up to six seedling plants within a single residence for personal medical use.

Medical marijuana research facility means a person or entity approved to conduct medical marijuana research.

Medical marijuana testing lab means a public or private laboratory licensed to conduct testing and research on medical marijuana and medical marijuana products.

Medical marijuana transporter means a person or entity that is licensed by the State of Oklahoma to transport medical marijuana. A medical marijuana transporter does not include a medical marijuana business that transports its own medical marijuana, medical marijuana concentrate or medical marijuana products to a property or facility adjacent to or connected to the licensed premises if the property is another licensed premises of the same medical marijuana business.

Medical marijuana waste means unused, surplus, returned or out-of-date marijuana, plant debris of the plant of the genus Cannabis, including dead plants and all unused plant parts and roots.

Non-hazardous processor license means a license issued by the Authority to a processor that will not perform any processing or extraction methods that utilize a chemical considered hazardous by

the OSHA Hazard Communication Standard under 29 CFR Â§ 1910.1200.

School means a public or private preschool or a public or private elementary or secondary school used for school classes and instruction. A homeschool, daycare, or child-care facility shall not be considered a "school."

The city hereby adopts all other terms and definitions as established by state law or department of health regulations. In the event of a conflict between any definitions contained herein, the definition promulgated by the state or the department of health shall prevail. HISTORY

Adopted by Ord. 925(19) on 12/2/2019

Amended by Ord. 1020.23 on 2/21/2023

Sec 8-1202 General Requirements

1. Applicants for any license contained herein shall be required to possess a valid State of Oklahoma issued medical marijuana license prior to making application for the city license.
2. The commercial licenses outlined in this chapter will be subject to property inspection by an authorized city inspector prior to issuance to ensure compliance with all codes of the city.
3. The property inspection will occur at a time scheduled and approved by both the applicant and the city inspector.
4. The applicant will be required to be present during the inspection.
5. All structures, equipment, and apparatus shall comply with all building and fire codes currently adopted by the State of Oklahoma and the City of Moore.
6. A medical marijuana business license application shall be filled out and signed by the property and business owner and submitted to the city clerk prior to scheduling an inspection.
7. A nonrefundable license fee, as established by this chapter, shall be paid at the time the application is submitted.
8. The license fee shall be set according to and used to offset municipal expenses covering costs related to licensing, inspection, administration, and enforcement of this article.
9. License holder shall remit all required state and city sales tax.
10. It is the intent of the City of Moore that nothing in the medical marijuana ordinance be construed to:
 1. Allow persons to engage in conduct that endangers the health, safety, or welfare of the citizens of the City of Moore, or causes a public nuisance;
 2. Allow the use of marijuana for non-medical purposes; or
 3. Allow any activity that is otherwise illegal and not permitted by state law.
11. Additional regulations:
 1. Smoking and vaping marijuana shall be prohibited on all city property including vehicles, buildings, and parks as well as other property defined in Title 63 O.S. Section 1-1521 et seq. to be cited as the "Smoking in Public Places and Indoor Workplace Act."
 2. Revocation or suspension of municipal issued marijuana license:
 1. The city manager or designee shall revoke or suspend a license issued under this section on any of the following grounds:
 1. The license was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant was not disclosed at the time of the application, and such fact would have constituted just cause for refusal to

- issue the license;
- 2. Violation of any city ordinance, state law, or department of health regulations governing medical marijuana;
- 3. Or any acts deemed to be a public nuisance.
- 2. Prior to suspension or revocation, the permittee shall be given notice of the proposed action to be taken and shall have an opportunity to be heard before the city manager. If an employee has been designated by the city manager, such employee shall make a report to the city manager together with a recommendation as to whether the license should be suspended or revoked.
- 3. The operation of a commercial medical marijuana facility without achieving and maintaining a current applicable municipal issued medical marijuana business license shall be punishable by a fine not exceeding \$500.00 and each day the violation continues shall be deemed a separate offense.
- 3. Any person or entity applying for or issued a license by the City of Moore shall comply with all state law and department of health rules and regulations, as may be amended from time to time.
- 4. Revocation of the state issued license shall result in immediate revocation of the city issued license.

HISTORY

Adopted by Ord. 925(19) on 12/2/2019

Sec 8-1203 Medical Marijuana Dispensary

Medical marijuana dispensaries are hereby allowed within the municipal boundaries of Moore, Oklahoma upon compliance of the above general requirements, issuance of a retail medical marijuana dispensary business license and the following additional provisions:

1. A medical marijuana dispensary shall only be located within one of the following zoning districts:
 1. C-2, Neighborhood Commercial District.
 2. C-3, General Commercial District.
 3. C-4, Planned Shopping Center District.
 4. C-5, Automotive and Commercial Recreation District.
 5. C-6, Central Business District.
 6. I-1, Light Industrial District.
2. Medical marijuana dispensary business license shall not be granted to any applicant where the proposed location would be located within 1,000 feet of any school entrance. The distance described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in herein is located to the nearest entrance of the building or unit of the school.
3. Conditions of operation:
 1. The retail establishment must maintain a valid sales tax permit issued by the State of Oklahoma.
 2. No on premises use of marijuana or its derivatives shall be allowed.
 3. Any violations of this section will result in the revocation of the retail medical marijuana business license.

4. There shall be a business license fee and an annual renewal fee as set forth in the city of Moore's fee schedule. HISTORY

Adopted by Ord. 925(19) on 12/2/2019

Sec 8-1204 Commercial Medical Marijuana Growing Facilities

Commercial medical marijuana growing facilities are hereby allowed within the municipal boundaries of Moore, Oklahoma upon compliance with the general requirements above, issuance of a commercial medical marijuana growing license and the following provisions:

1. Commercial medical marijuana growing facilities shall only be located within one of the following zoning districts:
 1. A-1, Rural Agriculture.
 2. A-2, Suburban Agriculture.
 3. I-1, Light Industrial.
 4. I-2, Medium Industrial.
 5. I-3, Heavy Industrial.
2. Conditions of operation:
 1. The facility shall be a secure building with limited access. The secure area must be locked at all times.
 2. The growing area including any lighting, plumbing or electrical components used shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Moore.
 3. The buildings/area where marijuana is grown must be properly ventilated so as to not create humidity, mold or other related problems and must be equipped with ventilation/air filtration systems so that no odors are detectible off premises.
3. There shall be a business license fee and an annual renewal fee as set forth in the city of Moore's fee schedule.

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HISTORY

Adopted by Ord. 925(19) on 12/2/2019

Sec 8-1205 Commercial Medical Marijuana Processing Facility

Commercial medical marijuana processing facilities are hereby allowed within the municipal boundaries of Moore, Oklahoma upon compliance with the general requirements above, issuance of a commercial medical marijuana processing license and the following provisions:

1. Commercial hazardous medical marijuana processing facilities shall only be located within one of the following zoning districts:
 1. A-1, Rural Agriculture.
 2. A-2, Suburban Agriculture.
 3. I-1 - Light Industrial.
 4. I-2, Medium Industrial.
 5. I-3, Heavy Industrial.
2. Commercial non-hazardous medical marijuana processing facilities may be located within one of the following zoning districts in addition to the zoning districts listed in Section 8-1205(A) allowable for commercial hazardous medical marijuana processing facilities:

1. C-2, Neighborhood Commercial District
 2. C-3, General Commercial District
 3. C-4, Planned Shopping Center District
 4. C-5, Automotive and Commercial Recreation District
 5. C-6, Central Business District
3. Conditions of operation:
 1. Hazardous Medical Marijuana Processing facilities:
 1. The facility shall be a secure building with limited access. The secure area must be locked at all times.
 2. The processing area including any lighting, plumbing or electrical components used shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Moore.
 3. The buildings where medical marijuana is processed must be properly ventilated so as to not create humidity, mold or other related problems and must be equipped with ventilation/air filtration systems so that no odors are detectible off premises.
 2. Non-hazardous Medical Marijuana Processing Facilities:
 1. In the C-2 through C-6 zoning districts, non-hazardous medical marijuana processing facilities shall be limited to no more than 25% of the gross leasable floor area and shall be clearly incidental to the retail use of the commercial space.
 2. In the C-2 through C-6 zoning districts, non-hazardous medical marijuana processing facilities shall be limited to rolling cigarettes, baking or cooking, and packaging.
 3. The processing area including any lighting, plumbing or electrical components used shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Moore.
 4. A commercial kitchen meeting all building and fire codes is required for non-hazardous medical marijuana processing that involves baking or cooking.
 5. The buildings where medical marijuana is processed must be properly ventilated so as to not create humidity, mold or other related problems and must be equipped with ventilation/air filtration systems so that no odors are detectible off premises or outside of the lease space, as applicable.
 4. There shall be a business license fee and an annual renewal fee as set forth in the city of Moore's fee schedule. **HISTORY**
Adopted by Ord. 925(19) on 12/2/2019
Amended by Ord. 1020.23 on 2/21/2023
Sec 8-1206 Medical Marijuana Testing Laboratory Facility

Medical marijuana testing laboratory facilities are hereby allowed within the municipal boundaries of Moore, Oklahoma upon compliance with the general requirements above, issuance of a medical marijuana testing laboratory license and the following additional requirements:

1. Medical marijuana testing laboratory facilities shall only be located within one of the following zoning districts:
 1. C-2, Neighborhood Commercial District.

2. C-3, General Commercial District.
 3. C-4, Planned Shopping Center District.
 4. C-5, Automotive and Commercial Recreation District.
 5. C-6, Central Business District.
 6. I-1, Light Industrial District.
2. Conditions of operation:
1. The facility shall be a secure building with limited access. The secure area must be locked at all times.
 2. The area shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Moore.
 3. The buildings where medical marijuana is stored or tested must be properly ventilated so as to not create humidity, mold or other related problems and must be equipped with ventilation/air filtration systems so that no odors are detectible off premises.
3. There shall be a business license fee and an annual renewal fee as set forth in the city of Moore's fee schedule. HISTORY
Adopted by Ord. 925(19) on 12/2/2019
[Sec 8-1207 Medical Marijuana Research Facility](#)

Medical marijuana research facilities are hereby allowed within the municipal boundaries of Moore, Oklahoma upon compliance with the general requirements above, issuance of a medical marijuana research license and the following additional requirements:

1. Medical marijuana research facilities shall only be located within one of the following zoning districts:
 1. C-2, Neighborhood Commercial District.
 2. C-3, General Commercial District.
 3. C-4, Planned Shopping Center District.
 4. C-5, Automotive and Commercial Recreation District.
 5. C-6, Central Business District.
 6. I-1, Light Industrial District.
2. Conditions of operation:
 1. The facility shall be a secure building with limited access. The secure area must be locked at all times.
 2. The area shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Moore.
 3. The buildings where medical marijuana is stored or where research is being conducted must be properly ventilated so as to not create humidity, mold or other related problems and must be equipped with ventilation/air filtration systems so that no odors are detectible off premises.
3. There shall be a business license fee and an annual renewal fee as set forth in the city of Moore's fee schedule. [Sec 8-1208 Medical Marijuana Education Facility](#)

Medical marijuana education facilities are hereby allowed within the municipal boundaries of Moore, Oklahoma upon compliance with the general requirements above, issuance of a medical marijuana education license and the following additional requirements:

1. Medical marijuana education facilities shall only be located within one of the following zoning districts:
 1. A-1, Rural Agriculture.
 2. A-2, Suburban Agriculture.
 3. I-1, Light Industrial.
 4. I-2, Medium Industrial.
 5. I-3, Heavy Industrial.
2. Conditions of operation:
 1. The facility shall be a secure building with limited access. The secure area must be locked at all times.
 2. The area shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Moore.
 3. The buildings where medical marijuana is stored must be properly ventilated so as to not create humidity, mold or other related problems and must be equipped with ventilation/air filtration systems so that no odors are detectible off premises.
3. There shall be a business license fee and an annual renewal fee as set forth in the city of Moore's fee schedule. HISTORY
Adopted by Ord. 925(19) on 12/2/2019
[Sec 8-1209 Medical Marijuana Growing For Personal Use](#)

Medical marijuana growing for personal use is hereby allowed within the municipal boundaries of Moore, Oklahoma upon compliance with the general requirements above and the following additional provisions:

1. All medical marijuana grown by medical marijuana patient license holders or caregivers may only be grown on real property owned by the patient license holder/caregiver or on real property for which the patient license holder/caregiver has the property owner's written permission to grow marijuana on the property.
2. All medical marijuana plants grown by a patient or caregiver shall be grown so that the marijuana is not accessible to a member of the general public. No marijuana plants shall be visible from any street adjacent to the property. For purposes of this section, "visible" means viewable by a normal person with 20/20 eyesight without the use of any device to assist in improving viewing distance or vantage point.
3. It is expressly prohibited to operate extraction equipment or utilize extraction processes if the equipment or process utilizes butane, propane, carbon dioxide or any other potentially hazardous material in a residential property.
4. Growing medical 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.
5. The primary use of the residential property in which medical marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping, and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping or sanitation/bathing. HISTORY
Adopted by Ord. 925(19) on 12/2/2019
[Sec 8-1210 Legal Non-Conforming Clause](#)

1. Any commercial medical marijuana business that has filed for a certificate of occupancy by January 1, 2020 and is in possession of a state issued medical marijuana license indicating the business activity being performed, yet is not zoned in compliance with the zoning restrictions contained in this chapter, will be allowed as legal nonconforming for purposes of the state required certificate of compliance.
2. If the entity is not in possession of an appropriate state issued medical marijuana license at the time of the filing of the certificate of occupancy by the January 1, 2020 deadline, and is not zoned in compliance with the zoning restrictions contained in this chapter, the proposed activity will be allowed as legal non-conforming for purposes of the state-required certificate of compliance. The legal non-conforming status indicated on the certificate of compliance is subject to the entity providing an appropriate State of Oklahoma issued commercial medical marijuana license issued to that entity at the address indicated on the certificate of occupancy by June 1, 2020. If the entity has applied for and has been issued a commercial remodel permit between the dates of December 2, 2019 and June 1, 2020, the legal non-conforming status of the entity is subject to the entity obtaining all the needed signatures of the city by September 15, 2020 that is required by the state's certificate of compliance in order for that entity to obtain the State of Oklahoma issued medical marijuana license.

Once in possession of the state-issued medical marijuana license, legal nonconforming status may continue so long as the use remains otherwise lawful, subject to the following provisions:

1. No such legal nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied after January 1, 2020.
2. No such legal nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied as of January 1, 2020.
3. If the legal nonconforming use ceases for any reason for a period of more than 30 days, any subsequent use of land shall conform to the zoning regulations contained in this section.

HISTORY

Adopted by Ord. 925(19) on 12/2/2019

Amended by Ord. 947(20) on 7/6/2020

CHAPTER 8-13 MULTI-FAMILY CODE Sec 8-1301 Adoption Of 2015 International Property Maintenance Code

Sec 8-1302 Amendments To Multi-Family Code

Sec 8-1303 Notice

Sec 8-1301 Adoption Of 2015 International Property Maintenance Code

There is hereby adopted that certain code known as, the 2015 International Property Maintenance Code, as the property maintenance code of the city for the control of multi-family dwelling structures containing three or more units, three or more stories in height, referred to herein as "the multi-family code." Each and all of the regulations, provisions, penalties, conditions and terms of the multi-family code are hereby referred to, adopted and made a part hereof as if fully set out in this Code, with the additions, insertions, deletions and changes as prescribed herein. Not less than one copy of this code is on file in the office of the clerk. **HISTORY**

Adopted by Ord. 919(19) on 8/7/2019

Sec 8-1302 Amendments To Multi-Family Code

The following additions, amendments or deletions are made to the building code adopted herein:

Section 101.1- Insert: City of Moore

Section 101.2- Delete existing language in this section and replace with the following:

The provisions of this code shall apply to all new and existing residential multi-family structures containing three or more dwelling units, three stories or more in height and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protections from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of the owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Nothing in this code shall be seen as a lessening of the requirements of the Moore Municipal Code and all properties under the jurisdiction of this code shall be required to uphold all of the provisions set out in the Moore Municipal Code in addition to the provisions found in this code.

Section 102.1 General: Insert the following after the last sentence:

Where this code and the municipal code of the City of Moore conflict, it shall be to the determination of the Community Development Director or their designee to determine the resolution to the conflicting sections.

Section 103.1- Delete "department of property maintenance inspection" and insert "Code Enforcement Department"

Section 103.5- Insert: Fee Schedule of the City of Moore as shall be amended from time to time.

Section 104.2- Amended to read as follows:

The code official shall make any inspection deemed necessary by the Community Development Director or their designee.

Section 106.3- Delete "of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be determined a strict liability offense." Insert "of an offense."

Section 106.4 Violation Penalty: Insert the following after the last sentence:

Any person, firm or corporation, who shall violate any provision of this code upon conviction thereof shall be guilty of an offense and be subject to a fine in an amount as provided in Section 1-108 of the Moore Municipal Code.

Section 107.1- Amended to read as follows:

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in accordance with state law and the Moore City Code.

Section 107.2- Delete entire section

Section 107.3- Delete entire section

Section 107.5- Delete entire section

Section 107.6- Delete entire section

Section 108.1- Amended to read as follows:

When a structure is found by the code official to be unsafe or unfit for human occupancy or otherwise dilapidated as defined by state law, such structure shall be declared dilapidated in accordance with Part 8, Chapter 3 of the Moore City Code, and the provisions of that chapter shall apply.

Sections 108.1.1 through 108.7- Delete entire section

Section 110- Delete entire section

Section 111.1- Amended to read as follows:

Any owner or operator of a building affected by the decision of the code official shall have the right to appeal to City Council, provided that the application is made in writing and is filed with

the City Clerk within twenty (20) days of the decision or notice. An application for appeal shall be based on a claim that the true intent of this code has been incorrectly applied, or the code is not applicable.

Sections 111.2 through 111.6.2- Delete entire section

Section 112.4- Amended to read as follows:

Any person(s) of firm(s) who shall continue any work after having been served with a stop work order, except such work as that person(s) or firm(s) has been directed to perform to remove a violation or unsafe condition, shall be guilty of an offense and upon conviction shall be punished in accordance with Section 1-108 of the Moore City Code. Each violation of said stop work order shall be considered a separate offense.

Section 302.4- Amended to read as follows:

Premises and exterior property shall be maintained free from weeds or plant growth in accordance with Part 8 of the Moore City Code.

Section 302.5- Amended to read as follows:

Premises and exterior property shall be kept free from rodent harborage and infestation in accordance with Part 8 of the Moore City Code.

Section 302.8- Amended to read as follows:

Inoperative or unlicensed vehicles shall be in accordance with Part 8 of the Moore City Code.

Section 304.3- Delete "4 inches" Insert "3 inches"

Section 304.14- Insert:

March 15 to November 15

Section 309.3 Single Occupant: Delete existing language and replace with the following:

Reserved

Section 402.2- Amended to read as follows:

Every common hall and stairway shall be lighted at all times with not less than the equivalent of a 60-watt standard bulb for each 200 square feet of floor area, provided the spacing between light sources does not exceed 30 feet.

Section 404.4.1 Room Area. Delete existing language and replace with the following:

Every living room shall contain not less than 120 square feet and every bedroom shall contain not less than 70 square feet.

Section 404.5 Overcrowding: Delete sections 404.5, 404.5.1 and 404.5.2 and replace with the following:

Reserved

Section 502.2 through 502.3- Delete entire section

Section 503.2- Delete entire section

Section 506.1- Delete: "an approved private sewage disposal system"

Section 506.3- Add the following language to the end of the section:

Grease interceptors shall be maintained in accordance with the Moore Municipal Code

Section 602.3- Amended to read as follows:

Every owner or operator of any building covered by this code, shall supply heat to the occupants thereof to maintain a minimum temperature of 68 degrees Fahrenheit in all habitable rooms,

bathrooms, and toilet rooms.

Section 602.4- Amended to read as follows:

Indoor occupiable work space shall be supplied with heat to maintain a minimum temperature of 68 degrees Fahrenheit while the space is occupied.

Exceptions

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in physical activities.

Section 604.3.1.1- Amend section by deleting Exceptions 1-4, 6-13, 15, 1-18. HISTORY

Adopted by Ord. 919(19) on 8/7/2019

Sec 8-1303 Notice

Nothing in the multi-family code shall be construed to negate the applicability of the Moore City Code to any and all structures subject to the provisions of the multi-family code. All structures under the regulations set out in the multi-family code shall also fall under the other requirements as set out in the Moore City Code. In situations where there is conflict, the more stringent code shall apply as determined by the community development director or their designee. HISTORY

Adopted by Ord. 919(19) on 8/7/2019

PART 9 LICENSE AND BUSINESS REGULATIONS CHAPTER 9-1 GENERAL PROVISIONS

CHAPTER 9-2 UNIFORM CODE FOR EMERGENCY MEDICAL SERVICES

CHAPTER 9-3 BILLIARD AND POOL HALLS

CHAPTER 9-4 CHILD CARE ESTABLISHMENTS

CHAPTER 9-5 DANCE HALLS

CHAPTER 9-6 GARAGE AND RESIDENTIAL SALES AND FLEA MARKETS

CHAPTER 9-7 ITINERANT VENDORS AND CHARITABLE SOLICITATIONS

CHAPTER 9-8 PAWNBROKERS

CHAPTER 9-9 PRECIOUS METALS DEALERS

CHAPTER 9-10 RECREATION CENTERS AND AMUSEMENT DEVICES

CHAPTER 9-11 WRECKERS AND TOWING SERVICE

CHAPTER 9-12 MASSAGE PARLORS AND HEALTH SPAS

CHAPTER 9-13 PENALTIES

CHAPTER 9-14 TATTOOING, BODY PIERCING AND MEDICAL MICROPIGMENTATION

CHAPTER 9-15 HOME OCCUPATIONS

State Law reference— Licenses generally, 11 O.S. Â§Â§ 22-106, 22-107.

CHAPTER 9-1 GENERAL PROVISIONS Sec 9-101 Licenses Conditioned On Compliance With Code Provisions

Sec 9-102 Issuance Conditioned Upon Approval, Fees, Inspection Or Bond

Sec 9-103 Transfer Prohibited

Sec 9-104 Issuing Officer, Signatures, Corporate Seal

Sec 9-105 Free Licenses And Rebates; Partial Fees

Sec 9-106 Expiration Date

Sec 9-107 Suspension Or Revocation

Sec 9-108 Licenses And Permits, Not To Be Construed As An Endorsement

Sec 9-109 Renewal Of Licenses, General Requirements

Sec 9-110 Processing Fee For All Licenses, Permits

Sec 9-111 License Required, Purpose

Sec 9-112 Application

Sec 9-113 Posting

[Sec 9-114 Suspension Or Revocation Of Licenses Or Permits; Refusal To Issue Licenses Or Permits; Notice And Hearing](#)

[Sec 9-115 Weights And Measures](#)

[Sec 9-116 Penalty](#)

State Law reference— Licenses generally, 11 O.S. Â§Â§ 22-106, 22-107.

[Sec 9-101 Licenses Conditioned On Compliance With Code Provisions](#)

All permits and licenses issued under the provisions of this Code for or to any person, business, activity, device or machine shall be conditioned upon substantial compliance by the permittee or licensee with all provisions of this Code for the regulation and maintenance of the public order, welfare, peace, health and safety. In addition, the permits and licenses shall be conditioned upon strict compliance with the provisions of this Code relating specifically to the person, business, activity, device or machine covered by the permit or license.

(Code 1999, Â§ 9-101) [Sec 9-102 Issuance Conditioned Upon Approval, Fees, Inspection Or Bond](#)

Whenever in any section any permit or license issued by an officer, agency or department is made contingent upon the approval of another officer, agency or department, or contingent upon the payment of any fee, or the making of any prior inspection or examination, or the furnishing of any bond in connection therewith, the issuance of the permit or license shall be withheld until the approval, inspection or examination is had or the bond provided and until the fee has been paid as required.

(Code 1999, Â§ 9-102) [Sec 9-103 Transfer Prohibited](#)

No license or permit issued shall be transferable nor may any license or permit be sold, assigned, or mortgaged, except as may be specifically authorized by this Code. No person may attempt to do business under a license or permit transferred to him.

(Code 1999, Â§ 9-103) [Sec 9-104 Issuing Officer, Signatures, Corporate Seal](#)

The issuing officer or agency for any license or permit shall be as prescribed in the section authorizing and commanding it, but no license shall be valid until signed or stamped by the city clerk or his designated agent.

(Code 1999, Â§ 9-104) [Sec 9-105 Free Licenses And Rebates; Partial Fees](#)

No free licenses shall be granted, nor rebates allowed, except as specifically set forth by this Code, nor any sum accepted less than the amount specified, nor for a shorter period than required by this Code.

(Code 1999, Â§ 9-105) [Sec 9-106 Expiration Date](#)

1. All annual licenses issued shall expire on April 30 or on the date specified in this Code or on the license.
2. Where the fee prescribed and paid for is for a period less than one year, the license shall be issued only for such period and shall expire at the end thereof.
3. All permits shall expire upon execution of the act or activity for which the permit was issued, or at the expiration time noted on the permit or in this Code, whichever occurs first.

(Code 1999, Â§ 9-106) [Sec 9-107 Suspension Or Revocation](#)

Any permit or license shall be subject to suspension or revocation for failure to comply with the terms of this Code and as may otherwise be provided by this Code.

(Code 1999, Â§ 9-107) [Sec 9-108 Licenses And Permits, Not To Be Construed As An Endorsement](#)

No permit or license shall be construed or used in any manner or by any person as an official endorsement by the city of the person, activity or thing licensed or permitted.

(Code 1999, Â§ 9-108) [Sec 9-109 Renewal Of Licenses, General Requirements](#)

For all occupations, activities or businesses regulated in this Code, no applicant for an initial or renewal license may engage in the activity, occupation or business regulated without issuance of the license as provided in this chapter unless otherwise provided herein. Renewal applications and fees must be received by the city at least ten days prior to the expiration of the license, except where otherwise provided by this Code, or else the applicant must proceed in the manner required of an applicant for a new or initial license.

(Code 1999, Â§ 9-109 [Sec 9-110 Processing Fee For All Licenses, Permits](#)

All license and permit fees shall be paid in advance to the city prior to the issuance of any license or permit. The fee, less the applicable charge for processing the application for a permit or license, shall be refunded to the applicant, upon demand, in case the license or permit filed for is not granted. Except as provided otherwise in this Code, the processing fee shall be as set by the city council by motion or resolution.

(Code 1999, Â§ 9-110) [Sec 9-111 License Required, Purpose](#)

It is unlawful for any person to engage in, carry on, conduct, operate or follow any of the trades, businesses, vocations, professions, callings or activities set out in this Code, unless he has a current license issued by the city clerk. Failure to maintain a current business license issued by the city clerk may result in the revocation of the certificate of occupancy issued on behalf of the business.

(Prior Code, Â§ 6-16, in part; Code 1999, Â§ 9-111) HISTORY

Amended by Ord. 1037.23 on 10/16/2023

[Sec 9-112 Application](#)

Application for a license required by this Code shall be filed with the city clerk and shall contain such reasonable information as he may require, in addition to any information specifically required by other provisions of this chapter.

(Prior Code, Â§ 6-17, in part; Code 1999, Â§ 9-112) [Sec 9-113 Posting](#)

Each license issued under this chapter shall be posted in a conspicuous place where the business, vocation or calling is carried on, and the holder of such license shall immediately show the same to any officer of the city upon being requested so to do.

(Code 1999, Â§ 9-113) [Sec 9-114 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:
 1. Any fraud, misrepresentations or false statements contained in the application for permit or license;
 2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, merchandise and services;
 3. 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

4. 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 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.

(Code 1999, Â§ 9-114) [Sec 9-115 Weights And Measures](#)

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

(Code 1999, Â§ 9-115) [Sec 9-116 Penalty](#)

A violation of this chapter is punishable as provided in section 1-108.

(Code 1999, Â§ 9-116) [CHAPTER 9-2 UNIFORM CODE FOR EMERGENCY MEDICAL SERVICES](#) [Sec 9-201 Definitions](#)

[Sec 9-202 Medical Director](#)

[Sec 9-203 Mandatory Centralized Dispatch And Primary Service Answering Point \(P.S.A.P.\)](#)

[Sec 9-204 Mandatory EMS Data System And Reporting Standards](#)

[Sec 9-205 Insurance Requirements](#)

[Sec 9-206 Ambulance Permits](#)

[Sec 9-207 Response Time Performance Required](#)

[Sec 9-208 Prohibition Against Refusal To Transport](#)

[Sec 9-209 Violations](#)

[Sec 9-210 Penalties](#)

State Law reference— Oklahoma Emergency Response Systems Development Act, 63 O.S. Â§ 1-2501 et seq.

[Sec 9-201 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means any vehicle which is designed and equipped to transport ill or injured persons in a reclining position, to or from health care facilities.

Base station physician means a physician licensed to practice medicine in the state, knowledgeable in the medical protocols, radio procedure, and the general operating policies of the ambulance system, and a person from whom the ambulance personnel may take medical direction by radio or

other remote communications device; and who shall be approved by the medical director.

Emergency medical personnel means those persons certified or licensed under state law to provide one or more emergency medical services.

EMS means emergency medical service.

EMS control center or *control center* means the single facility which is the central communications center from which all ambulances operating in the service area shall be dispatched and controlled, and which receives all 911 emergency medical calls.

EMT or *emergency medical technician* and categories thereof shall have the meaning and scope of practice ascribed by state law.

First responder means any person, fire department vehicle, law enforcement vehicle, or non-transporting ambulance unit capable of providing appropriate first responder service, under the first responder program administered by the medical director.

Helicopter rescue unit means any rotary wing aircraft providing basic or advanced life support and transportation of patients.

Medical director means the licensed physician serving as administrative officer in carrying out the duties in section 9-202.

Medical protocol means any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, promulgated by the medical director as the medically appropriate standard of pre-hospital care for a given clinical condition.

Mutual aid agreement means a written agreement between one or more providers of emergency services, whereby the signing parties agree to lend emergency aid to one another subject to conditions specified in the agreement, and as approved by the medical director as to quality of care and medical accountability.

Patient means an individual who is either sick, ill, wounded, helpless or otherwise incapacitated, and who is in need of, or at risk of needing, medical care or assessment during transport to or from a health care facility, and who is reclining or should be transported in a reclining position under the applicable medical protocols.

Permit means that document required to be obtained annually by each provider of ambulance services under section 9-206.

Person means and includes any individual, firm, association, partnership, corporation, or other group or combination acting as a unit.

Primary provider means a public or private ambulance service organization which has been designated by one or more governmental entities to provide emergency ambulance coverage throughout a defined geographic area.

Priority.

Code three means an emergent type of call. This call is made with the use of emergency lights and sirens. An emergency call is defined as any request for ambulance services suspected of being life or limb threatening in nature and requiring the immediate response of an ambulance provider.

Code one means the non-emergent type of call. This call is made without the use of emergency lights and siren. A non-emergent call is defined as any request for routine transport that is either medically urgent or scheduled in advance and non-life or -limb threatening in nature.

Provider means any ambulance operation granted a permit by this jurisdiction to provide ambulance service in the service area.

Response time standards. The response time for all emergency calls will be eight minutes or less, with a reliability of 90 percent or better, calculated, maintained and reported on a monthly basis. All non-emergent medically urgent calls shall be services within one hour of receipt. All scheduled transfers shall be serviced within one hour of the scheduled time.

Service area means that primary service area which is contained within the boundaries of the municipalities which have adopted and agreed to enforce this uniform ambulance code.

System standard of care means the written body of standards and policies governing clinical aspects of the EMS system. As used in this context, "system standard of care" is a comprehensive term including:

1. Input standards (e.g., personnel certification requirements, in-service training requirements, equipment specifications, on-board inventory requirements, and other requirements which the system must fulfill before receipt of a request for service);
2. Performance standards (e.g., priority dispatching protocols and pre-arrival instructions, medical protocols, standing orders, response time standards, and other performance specifications describing how the system should behave upon receipt of a request for service); and
3. Outcome standards (e.g., results the system intends to achieve by meeting its input and performance standards).

System status plan means the dispatching plan and protocols which determine how many ambulances will be available for dispatch, protocols for event-driven deployment and redeployment of those ambulances.

(Code 1999, Â§ 9-201; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-202 Medical Director](#)

1. The medical director shall:
 1. Promulgate a system standard of care to include medical protocols designed to achieve a state-of-the-art medical quality of emergency medical care within the service area;
 2. Prescribe EMS data system and reporting standard by rule or regulation;
 3. Prescribe and administer written and practical tests and criteria for the certification and licensing of emergency medical personnel and ambulance vehicles;
 4. Prescribe and administer a first responder and an emergency medical technician/defibrillator (EMT/D) program.
2. The salary of the medical director shall be borne pro rata by providers.
3. The medical director shall be provided by the primary ambulance provider with the approval of the city council.

(Code 1999, Â§ 9-202; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-203 Mandatory Centralized Dispatch And Primary Service Answering Point \(P.S.A.P.\)](#)

1. All providers rendering emergency service under this chapter shall be dispatched and controlled through the city P.S.A.P. It is unlawful for any provider to publish or advertise any telephone number for the purposes of receiving request for emergency ambulance service except the emergency number (911) of the P.S.A.P. Request for ambulance service received at the city P.S.A.P. will be transferred to the Midwest City Emergency Operations Center.
2. The P.S.A.P. shall at all times have the authority to direct the positioning, movements and run response of all ambulance units of all providers at all times. The city P.S.A.P. will be notified anytime there is not an ambulance available in the city limits. Location and status of next available unit will also be reported to the P.S.A.P. at this time.

(Code 1999, Â§ 9-203; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-204 Mandatory EMS Data System And Reporting Standards](#)

1. As a condition of maintaining its permit in good standing, each provider shall comply with EMS data system and reporting standards as prescribed by the medical director.
2. Failure to comply with data system and reporting requirements, or to keep the P.S.A.P. completely informed concerning the location and status of all units at all times, or failure to carry out P.S.A.P. directives shall constitute grounds for immediate suspension or revocation of the provider's permit.

(Code 1999, Â§ 9-204; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-205 Insurance Requirements](#)

1. Each provider shall keep in full force and effect a policy of public liability and property damage insurance, issued by a casualty insurance company authorized to do business in the state, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the operation of the provider's ambulance, and providing that amount of recovery shall be in limits of not less than the following sums:
 1. For the damages arising out of bodily injury to or death of one person in any one accident, not less than \$1,000,000.00;
 2. For damages arising out of bodily injury to or death of two or more persons in any one accident, not less than \$1,000,000.00; and
 3. For any injury to or destruction of property in any one accident, not less than \$1,000,000.00.
2. Each provider shall keep in full force and effect a general comprehensive liability and professional liability policy issued by a casualty insurance company authorized to do business in the state, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason of the actions of the provider or any of his employees, and providing that the amount of recovery shall be in limits of not less than \$3,000,000.00.
3. Each provider shall furnish, prior to issuance of its license, an original and duplicate certificates of insurance which shall indicate the types of insurance, the amount of insurance and the expiration dates of all policies carried by the provider. Each certificate of insurance shall name the city as an additional named insured, and shall contain a statement by the insurer issuing the certificate that the policies of insurance listed thereon will not be canceled or materially altered by the insurer absent 30 days' written notice received by the city.
4. Cancellation or material alteration of a required insurance policy or coverage shall automatically revoke the provider's permit, and the provider shall thereupon cease and desist from further ambulance service operations.

(Code 1999, Â§ 9-205; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-206 Ambulance Permits](#)

1. No person may provide ambulance service on an emergency or routing transfer basis or transport or treat patients in an ambulance, within this jurisdiction, without first obtaining a permit issued pursuant to the provisions of this section, except for those uses exempted below.
2. No permit shall be issued or continued in operation unless the holder thereof has paid an annual fee in the amount previously established by ordinance or resolution for the right to engage in the ambulance business, and the amount established by ordinance or resolution each year for each vehicle being a vehicle permit authorized under ordinances.

3. No permit shall be assignable or transferable by the person to whom issued except as herein provided.
4. No transfer or assignment of existing permits shall be effective absent the assent and approval of the city.
5. Any transfer of shares of stock or interest of any person or provider so as to cause a change in the directors, officers, shareholders, or managers of such persons or provider shall be deemed a transfer or assignment, subject to these provisions.
6. The issuance of any permit by the city shall be made only to a provider holding a valid state permit and such permit shall be conditioned upon written submission of an approval by the medical director of the following items:
 1. Proforma system status plan, which shall show assumed response time reliability based thereon;
 2. Proforma medical quality assurance plan, which shall describe the applicant's medical quality assurance plan, and which shall demonstrate the applicant's ability to deliver medical care meeting the system standard of care, as promulgated by the medical director;
 3. Proforma staffing plan, providing for staffing at not less than the EMT/paramedic level in accordance with state statutes;
 4. Proforma equipment plan, which will show compliance with the state department of health requirements for paramedic life support service unit equipment and drugs. All drugs carried shall be described in the patient care protocols and approved for use by the medical director. In addition to the described equipment and drugs, all units shall have the following diagnostic equipment:
 1. Non-invasive cardiac pacemaker;
 2. Portable ventilator and demand valve;
 3. Pulse oximetry;
 4. Electronic intravenous infusion control device;
 5. Electronic blood flow detection device (Doppler);
 6. Method for blood glucose determination;
 5. Evidence of insurance, as required in section 9-205.
7. Upon approval by the medical control board of the applicant's submission, the applicant shall receive a probationary permit. Such probationary permit shall allow the applicant to provide, from the effective date of the probationary permit, ambulance service within this jurisdiction.
8. Each provider shall comply with its proforma system status plan and its proforma medical quality assurance plan from the effective date of its probationary permit.
9. During the six months of the provider's probationary permit, the provider's response times and clinical quality of care shall be carefully evaluated. If the provider's performance is consistently and substantially within the proforma plans, and in compliance with the terms of this chapter, such probationary permit shall become a valid permit, renewable annually upon continual compliance with this chapter.
10. Thereafter, chronic failure to comply with response time standards or clinical quality of care shall be grounds to revoke the provider's permit.

11. If any provider's permit is suspended three times within any three-year period for failure to make required payments, such permit shall be automatically revoked, upon the third event.
12. The Midwest City Regional Hospital Ambulance Service is hereby granted a temporary permit which shall expire September 19, 1996, and be issued annually as a regular permit unless terminated by either the city or Midwest City Regional Hospital Ambulance Service upon 60 days' written notice of termination to the other party.

(Code 1999, Â§ 9-206; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-207 Response Time Performance Required](#)

Every provider, as a condition of maintaining its permit, shall employ sufficient personnel, acquire sufficient equipment, and manage its resources as necessary to achieve the response time standards on all emergency calls or requests for routine transport origination within the city limits, received by, or referred to the provider as established in section 9-201. The provider shall prepare and submit a monthly report showing compliance with section 9-201.

(Code 1999, Â§ 9-207; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-208 Prohibition Against Refusal To Transport](#)

It is a violation of this chapter for any provider to fail to respond to a call or to transport or to render emergency first aid treatment, as is necessary, or to otherwise refuse or fail to provide any ambulance services originating within the service area because of the patient's perceived, demonstrated or stated inability to pay for such services, or because of the location of the patient within the service area or because of the unavailable status of any ambulance unit at the time of the request. Chronic violation of this provision shall be grounds to revoke a provider's permit.

(Code 1999, Â§ 9-208; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-209 Violations](#)

1. It is unlawful:
 1. To perform duties as an ambulance driver or attendant without a current state EMT license;
 2. To permit a person to work as an ambulance driver or attendant without a current state EMT license;
 3. To use, or cause to be used, any ambulance provider other than a provider holding a valid permit, except those services described in subsection (B) of this section;
 4. For any persons, firm or organization to provide ambulance service within this jurisdiction other than a provider which is a holder of a valid permit;
 5. To knowingly give false information to induce the dispatch of an ambulance or helicopter rescue unit.
2. It shall be a defense to an alleged violation that the vehicle or ambulance is:
 1. A privately-owned vehicle not ordinarily used in the business of transporting patients who are sick, injured, wounded, incapacitated or helpless;
 2. A vehicle rendering services as an ambulance in the event of a major catastrophe or emergency when ambulances with permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed;
 3. An ambulance owned or operated by the federal or state government;
 4. An ambulance transporting a patient to a location within this jurisdiction, which transport originated from a point outside the service area;

5. An ambulance responding to a call pursuant to a mutual aid agreement with a licensed provider;
6. An ambulance owned and operated by a hospital and used exclusively for specialized mobile intensive care or for inter-institutional transfers of admitted patients of the owner hospital, provided the ambulance or helicopter rescue unit has a valid special use permit issued by the medical director on a need and necessity basis;
7. A vehicle transporting a patient from a medical facility or nursing home which is located within the service area to any jurisdiction outside the service area, if the receiving jurisdiction allows any ambulance service permitted hereunder to lawfully transport patients from medical facilities or nursing homes located within the receiving jurisdiction to a destination within the service area. Also, a vehicle transporting a patient to or from a medical facility or nursing home located within the service area to or from any unincorporated or unregulated area.

(Code 1999, Â§ 9-209; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [Sec 9-210 Penalties](#)

1. Any person convicted of violating any of the provisions of this chapter shall be punished as provided in section 1-108. This penalty does not serve to limit any other remedies available to this jurisdiction in law or equity.
2. Each day that any violation of the provisions of this chapter is committed or permitted to continue shall constitute a separate offense.

(Code 1999, Â§ 9-217; Ord. No. 503, 1-15-1990; Ord. No. 20(92), 4-6-1992; Ord. No. 144(96), 2-5-1996) [CHAPTER 9-3 BILLIARD AND POOL HALLS](#) [Sec 9-301 Definitions](#)

[Sec 9-302 License Fee](#)

[Sec 9-303 Alcoholic Beverages; Intoxicated Persons](#)

[Sec 9-304 Permitted Hours Of Operation](#)

[Sec 9-301 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billiard hall or pool hall means a business establishment where a charge is made for the playing of pool or billiards for profit by the operators thereof.

(Prior Code, Â§ 6-56, in part; Code 1999, Â§ 9-301) [Sec 9-302 License Fee](#)

A license fee per table shall be paid annually to the city clerk for a billiard emporium license expiring April 30 of each year.

(Prior Code, Â§ 6-57; Code 1999, Â§ 9-302) [Sec 9-303 Alcoholic Beverages; Intoxicated Persons](#)

1. Alcoholic beverage or low-point beer may be consumed or sold on the premises of a pool or billiard hall.
2. Intoxicated persons shall not be permitted to remain on the premises.

(Code 1999, Â§ 9-303) [Sec 9-304 Permitted Hours Of Operation](#)

A billiard hall may be open during the following hours only:

1. 6:00 a.m. until 12:00 midnight Monday through Thursday;
2. 6:00 a.m. until 2:00 a.m. Friday and Saturday; and
3. 12:00 noon until 5:00 p.m. Sunday.

(Prior Code, Â§ 6-59; Code 1999, Â§ 9-304) [CHAPTER 9-4 CHILD CARE ESTABLISHMENTS](#)
[Sec 9-401 Definitions](#)

[Sec 9-402 Exceptions](#)

[Sec 9-403 License Required](#)

[Sec 9-404 Operation In Residential Structure Other Than Residence Of Owner Or Operator Prohibited](#)

[Sec 9-405 Zoning Restrictions](#)

[Sec 9-406 Inspections](#)

[Sec 9-407 Nonconforming Continuation](#)

[Sec 9-408 Enforcement](#)

[Sec 9-409 Penalty For Violation Of Chapter](#)

State Law reference— State licensing of child care facilities, 10 O.S. Â§ 401 et seq.

[Sec 9-401 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Day care center means any place, home or institution which receives eight or more children under the age of 16 years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

Family day care home means any place, home or institution which receives seven or less children under the age of 16 years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

(Prior Code, Â§ 6-96; Code 1999, Â§ 9-401; Ord. No. 35(92), 9-21-1992) [Sec 9-402 Exceptions](#)

Places, homes or institutions excepted from the definitions of a day care center or family day care home are:

1. Those public and private schools organized, operated or approved under the laws of the state and regulated by the state department of education;
2. Those where custody of the children has been fixed by a court of competent jurisdiction;
3. Those where children are related by blood or marriage within the third degree of the custodial person; and
4. Those public or private institutions caring for children while the parents, legal guardians or custodians are attending services, meetings, classes, or otherwise engaging in that institution's activities to the extent such care and custody does not exceed four hours at any one time.

(Prior Code, Â§ 6-96; Code 1999, Â§ 9-402) [Sec 9-403 License Required](#)

No day care center may be operated in the city, regardless of zoning, without having the license of approval of the state department of human services, and operating such under their rules and regulations.

(Prior Code, Â§ 6-97; Code 1999, Â§ 9-403) [Sec 9-404 Operation In Residential Structure Other Than Residence Of Owner Or Operator Prohibited](#)

No day care center may be operated in the city in a residential structure unless that structure is actually the place of residence for the owner or operator of such child care facility.

(Prior Code, Â§ 6-98; Code 1999, Â§ 9-404) [Sec 9-405 Zoning Restrictions](#)

Any day care center can only be operated in accordance with the city zoning regulations.

(Prior Code, Â§ 6-99; Code 1999, Â§ 9-405) [Sec 9-406 Inspections](#)

Any day care center shall be open to the inspection of the director of the health department, fire marshal and officials of the department of human services, or their designated representatives, so

long as such inspections are made during reasonable hours of the establishment's operations.

(Prior Code, Â§ 6-100; Code 1999, Â§ 9-406) [Sec 9-407 Nonconforming Continuation](#)

Any licensed day care center or child care establishment in lawful operation on February 2, 1983, may continue in operation.

(Prior Code, Â§ 6-101; Code 1999, Â§ 9-407) [Sec 9-408 Enforcement](#)

Enforcement of this chapter shall be the responsibility of the code enforcement officer for the city.

(Prior Code, Â§ 6-102; Code 1999, Â§ 9-408) [Sec 9-409 Penalty For Violation Of Chapter](#)

Any person violating any of the foregoing provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-108. Each day's violation thereof shall be deemed a separate offense.

(Code 1999, Â§ 9-409) [CHAPTER 9-5 DANCE HALLS Sec 9-501 Definition](#)

[Sec 9-502 Permit Required](#)

[Sec 9-503 Issuance To Persons Holding Liquor Or Beer License Prohibited](#)

[Sec 9-504 Issuance For Locations Near Churches Prohibited](#)

[Sec 9-505 Parking Prerequisite To Issuance](#)

[Sec 9-506 Fee](#)

[Sec 9-507 Juvenile Discos, Permit](#)

[Sec 9-508 Persons Under 16, Presence Restricted](#)

[Sec 9-509 Intoxicated Persons, Liquor Violations](#)

[Sec 9-510 Time Of Operation](#)

[Sec 9-511 Penalty](#)

[Sec 9-501 Definition](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public dance hall and *dance hall* mean and include places where the general public is admitted, for a stipulated price, for the purpose of dancing to music, recorded, reproduced, or otherwise provided by the operator of the premises, for private gain or profit. The terms "public dance hall" and "dance hall" shall not include private dances conducted for recreational purposes and not for profit, by bona fide lodges, posts, clubs, schools, fraternal, benevolent, or charitable organizations; provided, however, that a juvenile disco shall not be defined as a dance hall or public dance hall.

(Prior Code, Â§ 6-66; Code 1999, Â§ 9-501) [Sec 9-502 Permit Required](#)

It is hereby declared to be unlawful for any person to operate any public dance hall within the city limits without first having procured a permit therefor as provided in this chapter.

(Prior Code, Â§ 6-67; Code 1999, Â§ 9-502) [Sec 9-503 Issuance To Persons Holding Liquor Or Beer License Prohibited](#)

Permits for public dance halls shall be issued by the city clerk and it shall be unlawful for any person to procure from the clerk a permit, or for the city clerk to issue a permit, to any person to operate or maintain a dance hall in any building or room in the city limits who holds a license or receipt issued by the United States or the state authorizing the sale of alcoholic beverages or low-point beer or covering any premises occupied or used by any person holding a license or receipt issued for any such purpose.

(Prior Code, Â§ 6-68; Code 1999, Â§ 9-503) [Sec 9-504 Issuance For Locations Near Churches Prohibited](#)

It shall be unlawful for any person to procure from the city clerk a permit, or for the city clerk to issue a permit to any person to operate or maintain a public dance hall in any building or room

within the corporate limits which is situated within 1,000 feet of any church, or regular place of religious worship.

(Prior Code, Â§ 6-69; Code 1999, Â§ 9-504) **Sec 9-505 Parking Prerequisite To Issuance**

Before any permit is issued to any person for the conduct of a public dance hall, as defined in this chapter, the applicant for such license shall exhibit to the city clerk the lease agreement or rental contract covering the period of time for which such license is to be issued, describing the premises leased or rented to the applicant, and revealing the number of square feet of floor area normally used for dancing purposes and the number of square feet leased or rented for parking facilities. No permit shall be issued unless it shall affirmatively appear to such clerk that the applicant can meet the city's off-street parking requirements.

(Prior Code, Â§ 6-70; Code 1999, Â§ 9-505) **Sec 9-506 Fee**

Before a permit is issued to any person for the operation of a public dance hall, he shall pay to the city clerk a permit fee per year for each and every dance hall to be operated in the city. Such license shall begin and end with the fiscal year and shall expire at 12:00 midnight June 30 of each succeeding year and shall not be issued for less than one year and the payment of the fee thereof. No permit issued by virtue of the provisions of this chapter shall be assigned to any other person.

(Prior Code, Â§ 6-71; Code 1999, Â§ 9-506) **Sec 9-507 Juvenile Discos, Permit**

1. It is unlawful for any person to operate a juvenile disco within the city limits without first having procured a permit therefor as herein provided.
2. Before a permit is issued to any person for the operation of a juvenile disco, the applicant shall pay to the city clerk a permit fee per year for each and every juvenile disco to be operated in the city. Such license or permit shall begin and end with the fiscal year and shall expire at 12:00 midnight June 30 of each succeeding year. No permit or license shall be assigned and such license shall be revoked and canceled by the municipal judge upon conviction more than once of a violation of the terms of this chapter.
3. The provisions of this chapter, except the age limitation of section 9-508, are applicable to, and are to be observed by, juvenile discos. It shall be a violation to not comply with the terms thereof.
4. Juvenile discos shall operate only on Friday from 6:00 p.m. to 12:00 midnight and on Saturday from 6:00 p.m. to 12:00 midnight.

(Code 1999, Â§ 9-507) **Sec 9-508 Persons Under 16, Presence Restricted**

It is unlawful for any person operating a dance hall in the city, who has been issued a permit as provided in this chapter, to permit any person under the age of 16 years to resort to, be in or dance in such place unless accompanied by a parent or guardian.

(Prior Code, Â§ 6-73; Code 1999, Â§ 9-508) **Sec 9-509 Intoxicated Persons, Liquor Violations**

It is unlawful for any person operating a dance hall in the city, who has been issued a permit as provided in this chapter to:

1. Permit any intoxicated person to be in, or dance therein;
2. Permit any person to violate any of the laws known as prohibitory liquor laws;
3. Permit any person to violate any state or federal or city law or ordinance pertaining to the regulation, sale or disposition of nonintoxicating beverages; and
4. Permit any person to bring on such premises operated as a dance hall alcoholic beverages or low-point beer, or drink or consume alcoholic beverages or low-point beer on or about such premises.

(Prior Code, Â§ 6-74; Code 1999, Â§ 9-509) [Sec 9-510 Time Of Operation](#)

All persons operating dance halls within the corporate limits of the city shall close their place of business at 12:00 midnight and shall not reopen for business before 8:00 a.m., except Sundays, and on Sundays such business shall be closed at 12:00 midnight Saturday and remain closed until 8:00 a.m. on Monday following and shall not permit any dancing of any kind during the hours herein specified as closing hours.

(Prior Code, Â§ 6-75; Code 1999, Â§ 9-510) [Sec 9-511 Penalty](#)

Any violation of this chapter is punishable as provided in section 1-108.

(Code 1999, Â§ 9-511) [CHAPTER 9-6 GARAGE AND RESIDENTIAL SALES AND FLEA MARKETS ARTICLE 9-6A RESIDENTIAL SALES](#)

[ARTICLE 9-6B FLEA MARKETS](#)

[ARTICLE 9-6A RESIDENTIAL SALES Sec 9-601 Definitions](#)

[Sec 9-602 One License Required Per Location; Eligibility](#)

[Sec 9-603 Application](#)

[Sec 9-604 Issuance; Term; Investigation](#)

[Sec 9-605 Fee](#)

[Sec 9-606 Revocation Or Refusal](#)

[Sec 9-607 Interval Between Sales](#)

[Sec 9-608 Signs](#)

[Sec 9-609 Display Of Goods](#)

[Sec 9-610 Persons Exempt From Article](#)

[Sec 9-611 Penalty](#)

[Sec 9-601 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:

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.

(Prior Code, Â§ 6-321; Code 1999, Â§ 9-601) [Sec 9-602 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. No location shall be eligible for more than one license in any three-month period unless there has been a change in the lawful possession of such location.
5. 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 21-day period and following the dates initially scheduled for the garage sale and only one rain check will be allowed within a three-month period.

(Prior Code, Â§ 6-322; Code 1999, Â§ 9-602; Ord. No. 487(89), 6-5-1989; Ord. No. 78(94), 3-7-1994) [Sec 9-603 Application](#)

An applicant for a license shall furnish the city clerk with the following information:

1. Full name and address of the applicant;
2. The location at which the proposed residential sale is to be held; and
3. The dates upon which the sale is to be held.

(Prior Code, Â§ 6-323; Code 1999, Â§ 9-603; Ord. No. 78(94), 3-7-1994) [Sec 9-604 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 consecutive days to any person applying who otherwise complies with the requirements of this article and ordinances of the city.
2. If a residential sale is not held on the dates for which the license is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the license holder to this effect is submitted, the city clerk may issue another license to the applicant for a residential sale to be conducted at the same location within 21 days from the date when the first sale was to be held.
3. 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.

(Prior Code, Â§ 6-325; Code 1999, Â§ 9-604; Ord. No. 57(93), 7-6-1993; Ord. No. 78(94), 3-7-1994) [Sec 9-605 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.

(Code 1999, Â§ 9-605; Ord. No. 487(89), 6-5-1989) [Sec 9-606 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.

(Prior Code, Â§ 6-326; Code 1999, Â§ 9-606) [Sec 9-607 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 one time in any three-month period, subject, however, to the exceptions allowed in this article.

(Prior Code, Â§ 6-327; Code 1999, Â§ 9-607; Ord. No. 78(94), 3-7-1994) [Sec 9-608 Signs](#)

1. Not more than five signs shall be used for the purpose of advertising, or otherwise calling attention to, a residential sale licensed under this article, and only signs as provided by the city, upon issuance of the residential sale permit, shall be allowed. One sign shall be located on the immediate premises where the sale is to be conducted. The remaining four signs may be located off the immediate premises where the sale is to be conducted. Such signs shall only be erected in accordance with the instructions issued by the city's building department.
2. All signs advertising the residential sale must be removed within 48 hours after the residential sale license has expired. Failure to remove the signs within 48 hours will result in a fine as provided in section 1-108.

(Code 1999, Â§ 9-608; Ord. No. 487(89), 6-5-1989; Ord. No. 78(94), 3-7-1994) [Sec 9-609 Display Of Goods](#)

The sale area of any residential sale shall be confined to the premises for which the license has been issued.

(Code 1999, Â§ 9-609; Ord. No. 487(89), 6-5-1989) [Sec 9-610 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; or
3. Duly licensed auctioneers selling at auction.

(Prior Code, Â§ 6-330; Code 1999, Â§ 9-610) [Sec 9-611 Penalty](#)

Any person who violates this article shall be punished by fine as provided in section 1-108.

(Code 1999, Â§ 9-611) [ARTICLE 9-6B FLEA MARKETS](#) [Sec 9-621 Definitions](#)

[Sec 9-622 License Provisions, Requirements, And Restrictions](#)

[Sec 9-623 Unlawful Transactions](#)

[Sec 9-624 Sales Tax Permit](#)

[Sec 9-625 Zoning Requirements](#)

[Sec 9-626 Site Requirements](#)

[Sec 9-627 Water Supply Requirements](#)

[Sec 9-628 Restroom And Sewage Disposal](#)

[Sec 9-629 Refuse Control](#)

[Sec 9-630 Insect And Rodent Control](#)

[Sec 9-631 Fire Protection](#)

[Sec 9-632 Public Address Systems](#)

[Sec 9-633 Sales After Dark](#)

[Sec 9-634 Sales Of Animals, Outdoor Flea Market](#)

[Sec 9-635 Penalty](#)

[Sec 9-621 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:

Flea market means a market, indoors or out of doors, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines.

Flea market seller means a person, firm or corporation selling items or offering items for sale at a flea market.

Market means a place where goods are sold to the public.

(Code 1999, Â§ 9-621; Ord. No. 46(93), 2-1-1993) [Sec 9-622 License Provisions, Requirements, And Restrictions](#)

1. No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a flea market operator's license therefor. Applications for licenses shall be made to the city clerk on forms provided by the city clerk. All flea market operator's license applications shall be submitted to the city clerk and shall be subject to background checks by the city police department and by the community development director for site approval. Each license shall be for a period of one year and no license issued pursuant to this section shall be transferred or assigned to any other person or firm. The fee for the license shall be that found in the schedule of fees and charges.
2. Each flea market operator required by this article to obtain a license shall keep accurate records of names, addresses, and drivers' license numbers, including state of issuance, for each flea market seller, together with a brief description of the types of merchandise offered for sale by that seller. These records shall be provided to the city on at least a monthly basis.

3. No person, firm or corporation operating a secondhand store shall be required to obtain a license under this article for the same business location.
4. Any person, firm or corporation renting or allocating space to flea market sellers in more than one place of business shall be required to obtain a license for each place of business, provided that one license shall be adequate for locations that are on the same lot.

(Code 1999, Â§ 9-622; Ord. No. 46(93), 2-1-1993; Ord. No. 48, 2-16-1993) [Sec 9-623 Unlawful Transactions](#)

No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.

(Code 1999, Â§ 9-623; Ord. No. 46(93), 2-1-1993) [Sec 9-624 Sales Tax Permit](#)

An individual vendor or seller shall be required to apply for and obtain any required sales tax permit from the state tax commission. The permit shall be displayed in a prominent place during all business hours.

(Code 1999, Â§ 9-624; Ord. No. 46(93), 2-1-1993) [Sec 9-625 Zoning Requirements](#)

A flea market shall be permitted only in a district as provided in the city's zoning ordinance.

(Code 1999, Â§ 9-625; Ord. No. 46(93), 2-1-1993) [Sec 9-626 Site Requirements](#)

1. *Flea market booths generally.* Flea market booths or individual selling areas shall be located on individual stands and all outdoor displays shall be of a type that can easily be moved and stored out of sight.
2. *Site improvement requirements for outdoor flea markets.*
 1. The condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable or sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards;
 2. For outdoor flea markets, exposed ground surfaces in all parts of every flea market shall be paved, or covered with stone screenings, or other solid materials; and
 3. For outdoor flea markets, the ground surface in all parts of every flea market shall be graded and equipped to drain all surface water in a safe, efficient manner in order to eliminate water pockets, low areas or bogs.
3. *Setbacks, buffer strips and screening for outdoor flea markets.*
 1. All outdoor flea markets shall be located at least 25 feet from any public street or highway right-of-way and at least 20 feet from the exterior property boundary lines; and
 2. All outdoor flea markets adjacent to residential uses shall be provided with screening of a well-maintained opaque fence along the boundary line separating the market and adjacent zoning and uses. Such screening shall be eight feet in height.
4. *Street and parking requirements for flea markets.*
 1. All flea markets shall be provided with safe and convenient vehicular access from abutting public streets or roads or highways;
 2. Access to flea markets shall be designated to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets;
 3. Off-street parking areas shall be provided in all flea markets. Such areas shall be furnished at the rate of 5 1/2 spaces per 1,000 square feet of gross sales area.

5. *Walks, general requirements.* All flea markets shall be provided safe, convenient, all-season, dust-free, pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.
6. *Identification.* Each booth or table shall be numbered.

(Code 1999, Â§ 9-626; Ord. No. 46(93), 2-1-1993) [Sec 9-627 Water Supply Requirements](#)

1. An accessible, adequate, safe and potable supply of water shall be provided in each flea market. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the state department of health in accordance with rules and regulations for water supply quality control.
2. The water supply system of the flea market shall be constructed and connected in accordance with the plumbing code of the city.

(Code 1999, Â§ 9-627; Ord. No. 46(93), 2-1-1993) [Sec 9-628 Restroom And Sewage Disposal](#)

1. There shall be a minimum of one central restroom facility located on the premises. Within that central restroom there shall be separate facilities for men and women.
2. Hot and cold water shall be furnished to every lavatory and sink; cold water shall be furnished to every water closet and urinal.
3. Restrooms shall contain the minimum number of fixtures as required by the plumbing code of the city.
4. An adequate and safe sewage system shall be provided in all flea markets for conveying and disposing of all sewage. Such system and connection shall be designed, constructed and maintained in accordance with the provisions of the plumbing code and sewer use ordinances of the city.

(Code 1999, Â§ 9-628; Ord. No. 46(93), 2-1-1993) [Sec 9-629 Refuse Control](#)

There shall be enough trash cans, lined with plastic containers, to accommodate all the trash thrown away on the premises. All trash shall be removed at least at the end of each day during which the flea market is open.

(Code 1999, Â§ 9-629; Ord. No. 46(93), 2-1-1993) [Sec 9-630 Insect And Rodent Control](#)

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

(Code 1999, Â§ 9-630; Ord. No. 46(93), 2-1-1993) [Sec 9-631 Fire Protection](#)

1. Flea markets shall be kept free of litter, rubbish and other flammable materials.
2. Portable fire extinguishers shall be kept in all buildings and shall be maintained in good operating condition.

(Code 1999, Â§ 9-631; Ord. No. 46(93), 2-1-1993) [Sec 9-632 Public Address Systems](#)

Except for emergencies, the use of outdoor public address systems shall be prohibited nor shall there be any outdoor music or other forms of entertainment designed to entertain or attract the public in general. This provision is not intended to prohibit a vendor from the private listening of a radio or other music device, so long as the use of such device does not violate the city's noise ordinance.

(Code 1999, Â§ 9-632; Ord. No. 46(93), 2-1-1993) [Sec 9-633 Sales After Dark](#)

There shall be no outdoor sales 30 minutes after sunset. The official times for sunset and sunrise maintained by the National Weather Service shall be used to determine sunset.

(Code 1999, Â§ 9-633; Ord. No. 46(93), 2-1-1993) [Sec 9-634 Sales Of Animals, Outdoor Flea Market](#)

There shall be no selling or showing of animals of any kind on the outdoor premises of any flea market or from any outdoor booth.

(Code 1999, Â§ 9-634; Ord. No. 46(93), 2-1-1993) [Sec 9-635 Penalty](#)

Any person, firm or corporation violating any provision of this article shall be, upon conviction, subject to the penalties as provided in section 1-108. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1999, Â§ 9-635; Ord. No. 46(93), 2-1-1993) [CHAPTER 9-7 ITINERANT VENDORS AND CHARITABLE SOLICITATIONS ARTICLE 9-7A ITINERANT VENDORS](#)

[ARTICLE 9-7B CHARITABLE SOLICITATIONS](#)

[ARTICLE 9-7A ITINERANT VENDORS Sec 9-701 Definitions](#)

[Sec 9-702 License Required, Blanket Licenses](#)

[Sec 9-703 Fee](#)

[Sec 9-704 Application For License](#)

[Sec 9-705 Investigation, Approval Or Disapproval](#)

[Sec 9-706 Bond For License](#)

[Sec 9-707 Service Of Process](#)

[Sec 9-708 Sale Of Foods](#)

[Sec 9-709 Identification Tag Or Badge, Display](#)

[Sec 9-710 Hours](#)

[Sec 9-711 Exceptions](#)

[Sec 9-712 Provisions Cumulative](#)

[Sec 9-713 Penalty](#)

[Sec 9-701 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial means soliciting for a business purpose which is intended to be for profit and is not intended to be charitable, religious, not-for-profit or political.

Itinerant means having no regular place of doing business or soliciting in the city and includes, but is not limited to, making regular delivery or providing goods over an established route through the city.

Peddler means a person soliciting commercial orders for goods or services which are to be provided from stocks or goods carried with the peddler or which are services provided by the peddler at the time the order is made.

Soliciting means and includes any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, food stuffs, or services, of any kind, character or description whatever, for any kind of consideration whatever;
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication;
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
4. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or

project.

Solicitor means a person soliciting and includes a person soliciting commercial orders for goods or services which are to be provided or shipped to the consumer at a later date.

Vendor means any person engaged in a business or occupation selling or offering to sell any merchandise, product or service, and includes, but is not limited to, peddlers and solicitors.

(Prior Code, Â§ 6-431, in part; Code 1999, Â§ 9-701)

State Law reference— State peddlers licenses, 47 O.S. Â§ 434; ex-servicemen exempted if certified by district court, 72 O.S. Â§ 1. [Sec 9-702 License Required, Blanket Licenses](#)

Any itinerant vendor, solicitor or peddler shall obtain a license from the city prior to any soliciting in the city, unless exempted herein, to cover each person who will be soliciting and each location or separate place of business.

(Prior Code, Â§ 6-441, in part; Code 1999, Â§ 9-702) [Sec 9-703 Fee](#)

The fee for licenses herein required shall be as set by the city council by motion or resolution. The fees may be waived for educational, charitable, or religious groups, qualifying as 501(c)(3) organizations who make house to house solicitations.

(Prior Code, Â§ 6-444, in part; Code 1999, Â§ 9-703) [Sec 9-704 Application For License](#)

Applicants for licenses shall file during regular business hours a written application signed by the applicant, if an individual, by all partners, if a partnership, and by a qualified corporate officer, if a corporation, with the licensing officer, on a form prescribed by the licensing officer. The licensing officer may require the following:

1. Name and address of the persons having the management or supervision of the applicant's business during the time that it is proposed to be carried on in the city; the location or address of such persons when engaged in such business; the permanent addresses of such persons; the capacity in which such persons will act; and the name and address of the person, firm or corporation for whose account the business will be carried on, if any, and if a corporation, under the laws of what state the same is incorporated;
2. The places in the city within the proper zoning classification where it is proposed to carry on the applicant's business and the length of time during which it is proposed that the business be conducted;
3. Places, other than permanent place of business of the applicant, within the six months next preceding the date of the application, where the applicant has conducted a transient business;
4. The nature of the goods or products being sold, that is whether they are seconds, rejects or first-line quality, and whether any warranty applies to the items being sold; if a warranty applies, the period of the warranty and the name and address of the warrantor and the procedures for filing for the adjustment of refund shall be specified;
5. A statement that the applicant agrees to the requirement to pay all state and city sales taxes due on all items which are subject to sales taxes and recognizes that a copy of all applications will be provided to the local office of the state tax commission;
6. Current state sales tax permit number;
7. Current license or permit, if any, which may be required by state law or ordinances of the city for the particular activity or business;
8. If a motor vehicle is to be used in the business, a description of the vehicle, together with motor vehicle registration number and the license number for the vehicle, and:

1. Proof of liability insurance required by state law; and
2. Proof or verification from the insurance carrier that the city clerk will be provided at least ten days' notice of any cancellation; and
9. Proof of 501(c)(3) tax status if claiming exemption from the license fees.

(Prior Code, Â§Â§ 6-442, 6-443, in part; Code 1999, Â§ 9-704) [Sec 9-705 Investigation, Approval Or Disapproval](#)

1. All applications for licensing or registration shall be immediately referred for investigation as to the truth thereof, which investigation shall be conducted within ten business days after the application and fee are deposited with the city.
2. If the city finds no past history of the applicant indicating violations of this Code and that the application is properly made and truthful, a license shall be issued to the approved applicant upon payment of the fee therefor and the filing of the required bond.
3. In all matters of denial of the license or registration, the applicant shall be forthwith advised thereof. The applicant shall be advised that an appeal of a denied license may be submitted to the city council.

(Code 1999, Â§ 9-705) [Sec 9-706 Bond For License](#)

1. Before any license as provided by this article shall be issued, such applicant shall file a bond running to the city. A person engaging in business as an itinerant vendor shall file a bond in the sum set forth in the bond schedule, secured by the applicant as principal and two sureties upon whom service of process may be made in the state.
2. All such bonds shall be approved by the city attorney and conditioned that:
 1. The applicant shall comply with all of the provisions of the ordinances of the city and the statutes of the state regulating and concerning the sale of goods or wares and merchandise; and
 2. The applicant will pay all judgments rendered against the applicant for any violation of the ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any persons for damage growing out of any misrepresentation or deceptive practice by any person transacting such business with such applicant, whether such misrepresentation or deception were made or practiced by the owner or by their service, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Any action on the bond may be brought in the name of the city to the use of the aggrieved person.

(Prior Code, Â§ 6-443, in part; Code 1999, Â§ 9-706) [Sec 9-707 Service Of Process](#)

Before any license for an itinerant vendor, as herein provided, shall be issued, such applicant shall file with the city an instrument nominating and appointing the city clerk his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transaction under the license and the bond given as required by this article, or for the performance of the conditions of the bond or for any breach thereof. The instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notices or process may be made upon the agent and when so made shall be taken and held to be as valid as if personally served on the persons applying for the license under this article, according to the laws of the state or any other state and waiving all claims or right of error by reason of such acknowledgement of service or manner of service. Immediately upon service of process upon the city clerk, as herein provided, the city clerk shall send to the licensee at his last-known address, by certified mail, a

copy of the notice.

(Code 1999, Â§ 9-707) [Sec 9-708 Sale Of Foods](#)

1. All applicants for a license to sell foods and merchandise for human or animal consumption shall have their application for a license approved in accordance with the applicable state food establishment requirements before the licenses are issued.
2. The sale of foods requires an individual license not covered by blanket licenses.

(Code 1999, Â§ 9-708) [Sec 9-709 Identification Tag Or Badge, Display](#)

At all times there shall be posted in a conspicuous place upon each:

1. Licensee if an individual;
2. Vehicle or booth used by a licensee; or
3. Building or premises as appropriate for blanket licenses;

a badge, tag or card issued by the city as proof of issuance of a license. The card, tag or badge shall state the name of the licensee and the date of expiration of the license. Blanket licenses shall be displayed and readily available for inspection by the city.

(Code 1999, Â§ 9-709) [Sec 9-710 Hours](#)

In order to protect the public health, safety and welfare, no person may engage in soliciting from house to house in residential areas of the city between the hours of 8:00 p.m. and 8:00 a.m.

(Prior Code, Â§ 6-432, in part; Code 1999, Â§ 9-710) [Sec 9-711 Exceptions](#)

1. The following are exempt from the license requirements of this article:
 1. Sale or delivery of newspapers, or any news gathering activity performed by a news medium;
 2. Any regularly established business which uses vehicles from which to sell in front of or in the vicinity of its own permanent location;
 3. Bona fide auction sales;
 4. The sale of farm, dairy, garden or agricultural products by persons who produced and raised the products on lands owned or controlled by them;
 5. Trunk showings or temporary events by existing local merchants outside of their existing locations;
 6. Wholesalers selling to dealers or existing established local businesses;
 7. Solicitation of information for a legitimate citywide distributed telephone directory or similar book; or
 8. Solicitation conducted by public school children for the purposes of financing extracurricular, social, athletic, artistic, scientific, or cultural programs, which shall include, but shall not be restricted to, solicitation for band and athletic uniforms, scientific or artistic implements and literary matters; however, no such solicitation shall be immune from regulation under this article unless the solicitation shall have been approved by the principal of the school where the children are in attendance.
2. Any person who desires to be exempt from the license fees levied under this article due to engaging in interstate commerce shall provide sufficient data on transactions and proof to the city to establish the interstate commerce nature of his business and transactions. If the city refuses to issue an interstate commerce exemption for the license fees to a commercial business activity, then the applicant is entitled to a hearing before the city judge.

(Prior Code, Â§Â§ 6-19, 6-434, in part; Code 1999, Â§ 9-711; Ord. No. 551, 4-1-1991) [Sec 9-712 Provisions Cumulative](#)

The requirements of this article are cumulative to any provisions of state law or city ordinances regulating or governing any of the activities licensed herein. In the case of any conflict between the provisions of this article and those of any other city ordinance or state law, the more restrictive requirements shall apply.

(Code 1999, Â§ 9-712) [Sec 9-713 Penalty](#)

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-108.

(Code 1999, Â§ 9-713) [ARTICLE 9-7B CHARITABLE SOLICITATIONS](#) [Sec 9-721 Definition](#)

[Sec 9-722 Regulation Of Charitable Solicitations Campaign](#)

[Sec 9-723 Boxes And Receptacles](#)

[Sec 9-724 Application For Permit](#)

[Sec 9-725 Issuance Of Charitable Solicitations Permit](#)

[Sec 9-721 Definition](#)

In addition to the definitions contained in section 9-701, the term "charitable solicitations campaign" means any course of conduct whereby any person, organization, society, association, corporation or any agent, member or representative thereof, shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription, or anything of value on the plea of representation that such sale or solicitation with the proceeds therefrom are for charitable, educational, patriotic or philanthropic purpose.

(Code 1999, Â§ 9-721; Ord. No. 551, 4-1-1991) [Sec 9-722 Regulation Of Charitable Solicitations Campaign](#)

1. It is unlawful to conduct any charitable solicitation campaign within the city on any street, highway, or roadway used for vehicular or pedestrian travel, unless waived upon proof that such activity does not present a danger to the solicitors and will not disrupt, obstruct, or affect the flow of traffic, or in any public place, or by house to house canvass, unless the person, organization, society, association or corporation conducting same and responsible therefor shall first have obtained a permit in compliance with the terms of this article.
2. This article shall not apply to any organization which solicits funds solely from its own members or from its own assemblies not using public streets or public places for such purposes.

(Code 1999, Â§ 9-722; Ord. No. 551, 4-1-1991; Ord. No. 527(06), 2-6-2006) [Sec 9-723 Boxes And Receptacles](#)

It is unlawful for any person to solicit any charitable contribution by means of a box or receptacle in any public place without first filing with the city manager a notice of intention to do so. Each person so soliciting must in all other respects comply with the provisions of this article.

(Code 1999, Â§ 9-723; Ord. No. 551, 4-1-1991) [Sec 9-724 Application For Permit](#)

A permit to conduct a charitable solicitations campaign on the streets or in any public place or by house to house canvass in the city shall be granted only after submitting to the city manager not less than 14 days prior to the initiation of the proposed charitable solicitations campaign an application which shall contain the following information:

1. The full name of the organization applying for a permit and address of the headquarters in the city. If the organization is a chapter or other affiliate of an organization having its principal office outside the city, the name and address of the parent organization;
2. The names and addresses of the officers and person who will be primarily in charge of conducting the solicitation campaign;

3. The purposes for which the gross receipts derived from such solicitations or other activities are to be used;
4. A full statement of the character and extent of the charitable, educational, patriotic, or philanthropic work done by the charitable organization during the last preceding year;
5. An outline of the methods to be used in conducting the charitable solicitations campaign, including the duration of the campaign;
6. Such other information that the city manager may deem appropriate and necessary to determine whether or not the organization is in fact a charitable organization whose primary purpose is to conduct charitable, educational, patriotic, or philanthropic purposes.

(Code 1999, Â§ 9-724; Ord. No. 551, 4-1-1991) [Sec 9-725 Issuance Of Charitable Solicitations Permit](#)

Upon receipt of the written application, the city manager or his designee shall review the application and if he finds that all information appears to be true and correct, and that the proceeds from the proposed solicitation meet the charitable, educational, patriotic, or philanthropic purpose authorized by this article, he shall cause the city clerk to issue a permit to the organization or person to conduct a charitable solicitations campaign for the period and manner determined by the city manager or his designee to be appropriate for the proposed campaign. However, the period of the campaign authorized hereunder shall not exceed three calendar months. Any extension of such period shall be granted only upon the filing of a new application and after the city manager has had opportunity to review the same. There shall be no fee for a charitable solicitations permit issued under the provisions of this article.

(Code 1999, Â§ 9-725; Ord. No. 551, 4-1-1991) [CHAPTER 9-8 PAWNBROKERS Sec 9-801 License Required](#)

[Sec 9-802 Fee](#)

[Sec 9-803 Forfeiture](#)

[Sec 9-804 Bond Required](#)

[Sec 9-805 Registration Of Property Required, Reports](#)

[Sec 9-806 Business Hours](#)

[Sec 9-807 Entering Into Sales With Certain Persons Prohibited](#)

[Sec 9-808 Transactions With Minors Prohibited](#)

[Sec 9-809 Concealing Lost Property Prohibited](#)

[Sec 9-810 Suspicious Circumstances To Prevent Sale](#)

[Sec 9-811 Soliciting Business On Streets Prohibited](#)

State Law reference— Oklahoma Pawnshop Act, 59 O.S. Â§ 1501 et seq.; municipal regulation of pawnshops, 59 O.S. Â§ 1514.

[Sec 9-801 License Required](#)

No person shall operate as a pawnbroker or as a receiver of goods under chattel mortgage without first securing a license and making payment therefor as provided in this chapter.

(Prior Code, Â§ 6-206; Code 1999, Â§ 9-801) [Sec 9-802 Fee](#)

There is hereby levied a fee for the license required by this chapter, per year.

(Prior Code, Â§ 6-207; Code 1999, Â§ 9-802) [Sec 9-803 Forfeiture](#)

Any pawnbroker or any other person who may be engaged in any calling or occupation requiring a license under this chapter, who shall be guilty of the violation of any provision of this chapter or who shall permit any employee in the course of employment to be guilty of the violation of any provision thereof, shall, upon conviction, in addition to the punishment otherwise provided as a penalty therefor, be deprived of the license, by order of the court.

(Prior Code, Â§ 6-208; Code 1999, Â§ 9-803) **Sec 9-804 Bond Required**

1. Every person applying for a license to engage in or carry on the business of pawnbroker shall, before the license is issued to him, enter into a bond with the city, with approved sureties, in the penal sum as set by the city, conditioned that the applicant will strictly observe all laws, regulations and requirements in relation to pawnbrokers or their business, and will pay all costs, fines and penalties incurred on account of his failure or neglect in that regard and will pay all damages to any person by reason of the pawnbroker wrongfully taking, purchasing or receiving in pledge or on deposit any stolen property, or the property of any minor.
2. The bond shall be filed with the city clerk and may be sued upon by any person damaged as aforesaid in the name of the city for the benefit of such person, but in no event shall the city be liable for the costs of such suit.

(Prior Code, Â§ 6-209; Code 1999, Â§ 9-804) **Sec 9-805 Registration Of Property Required, Reports**

1. Every pawnbroker shall keep at his place of business a register in which he shall enter in writing the following:
 1. A minute description of all property taken, purchased or received by him;
 2. Any number that may be in or upon any article;
 3. The time, name and place of residence (giving street and number if within the city) of the person leaving the property; and
 4. The amount loaned, the interest charged and the time when the loan falls due.
2. The pawnbroker shall make such entry within one hour after the receipt or purchase of such property. Every entry shall be made in ink and shall not in any manner be obliterated or erased.
3. The pawnbroker shall give a receipt to the person negotiating or leaving the property; the receipt shall be legible, and shall contain a full and perfect copy of all entries required by law to be kept in the register. No charge shall be made for the receipt.
4. Every pawnbroker shall execute and deliver to the chief of police every day, before the hour of 12:00 noon, a legible and correct copy from the register of all personal property or other valuable things received or deposited or purchased during the preceding day, together with the time when received or purchased and a description of the person by whom the property or valuables was left in pledge or from whom the same was purchased.
5. No person shall be required to furnish a description of any property purchased from manufacturers or wholesale dealers having an established place of business or of any goods purchased at open sale or from any bankrupt stock, or from any other person having an established place of business. Such goods shall be accompanied by a bill of sale or other evidence of open and legitimate purchase; the bill shall be shown to any officer upon demand.
6. Any pawnbroker shall make available a copy or report within two days of any buy or pawn transaction to the police department, provided merchandise bought on invoice from a manufacturer or wholesaler with an established place of business is exempt from this reporting requirement. However, such invoice shall be shown upon request to the administrator or his duly authorized representative or any authorized peace officer. The pawnbroker may provide the transaction report to the police department by either electronically reporting the information in the transaction report to an electronic database accessible only by law enforcement agencies or by reporting a physical copy of the transaction report directly to the law enforcement agency. The transaction report shall include:

1. The name and address of the pawnshop;
 2. The name, address, race, sex, weight, height, date of birth and either identification number of the seller or pledger as verified by either a state-issued identification card, driver's license or federal government-issued identification card or by readable fingerprint of right or left index finger on the back of the pawn or buy transaction copy to be retained for the pawnbroker's record;
 3. The transaction number for the buy or pawn transaction;
 4. The date and time of the transaction;
 5. The manufacturer of the item;
 6. A description of the item; and
 7. The serial number and model number, where available, and any other identifying markings.
7. Items bought, except on invoice from a manufacturer or wholesaler with an established place of business, shall be held for ten days before being disposed of or sold.
 8. The pawnbroker shall obtain a written declaration of ownership from the seller or pledgor on all buy and pawn transactions, except refinance pawn transactions or merchandise bought from a manufacturer or wholesaler with an established place of business. The seller or pledgor shall be required to state how long he has owned the property described in the transaction. The declaration of ownership shall appear on the bill of sale or pawn ticket, to be completed by the seller or the pledgor at the time of the transaction.

(Prior Code, Â§ 6-210; Code 1999, Â§ 9-805)

State Law reference— Similar provisions, 59 O.S. Â§ 1515. [Sec 9-806 Business Hours](#)

No pawnbroker shall purchase, take or receive on deposit, or in any manner, any article or property from any person between the hours of 6:30 p.m. and 8:30 a.m. All pawnbrokers shall remain closed all day on Sunday unless the pawnbroker can show that he uniformly keeps another day of the week as holy time and does not labor on that date. Pawnbrokers may receive and purchase property up to 9:00 p.m. on Saturdays and Mondays.

(Prior Code, Â§ 6-212; Code 1999, Â§ 9-807; Ord. No. 342(01), 12-3-2001) [Sec 9-807 Entering Into Sales With Certain Persons Prohibited](#)

No pawnbroker, secondhand dealer, or any other person shall knowingly purchase, take or receive in pledge, or by any gift or on deposit, or accept possession of any article or property, of or from any of the following:

1. Any person under the influence of intoxicating liquors or drugs;
2. Any person who is a habitual user of drugs of any kind; or
3. Any person who has previously been convicted of petty larceny.

(Prior Code, Â§ 6-213; Code 1999, Â§ 9-808) [Sec 9-808 Transactions With Minors Prohibited](#)

No person in charge of any junk shop, secondhand store, pawnshop, or otherwise, shall knowingly purchase from or advance money to any minor upon articles of value, or have any dealing respecting the title of property in the possession of a minor, without the written consent of the parent or guardian of such minor.

(Prior Code, Â§ 6-214; Code 1999, Â§ 9-809) [Sec 9-809 Concealing Lost Property Prohibited](#)

No person shall attempt to conceal any estray, or lost goods, found or taken up by him, or shall efface any marks or brands thereon, or carry the same beyond the limits of the city or knowingly

permit the same to be done, or willfully fail to cause the same to be advertised, sold or otherwise dealt with as provided by this Code in respect to lost goods.

(Prior Code, Â§ 6-215; Code 1999, Â§ 9-810) [Sec 9-810 Suspicious Circumstances To Prevent Sale](#)

1. Any suspicion or circumstance sufficient to put an ordinary prudent person upon his guard concerning the right of a person to dispose of an article shall be sufficient notice to any person to whom property shall be offered for gift, sale or pledge, to prohibit him from accepting it.
2. The failure to exercise the precautions herein prescribed, and the accepting of a gift, sale, or pledge, of property prohibited herein, which is stolen, or is in the possession of one not entitled to, or competent to, sell, pledge, or give it away, shall be and constitute an offense.

(Prior Code, Â§ 6-216; Code 1999, Â§ 9-811) [Sec 9-811 Soliciting Business On Streets Prohibited](#)

No person shall solicit business for any pawnshop from any person on the streets or other public place, or call to or in any manner attract the attention of any person on the streets or other public place for the purpose of asking the person to patronize any pawnshop.

(Prior Code, Â§ 6-217; Code 1999, Â§ 9-812) [CHAPTER 9-9 PRECIOUS METALS DEALERS](#)
[Sec 9-901 Definitions](#)

[Sec 9-902 License Required](#)

[Sec 9-903 Application](#)

[Sec 9-904 Fee](#)

[Sec 9-905 Investigation, Issuance Or Denial](#)

[Sec 9-906 Transferability, Display](#)

[Sec 9-907 Revocation](#)

[Sec 9-908 Identification Of Sellers](#)

[Sec 9-909 Records Required](#)

[Sec 9-910 Report Of Transactions To Police](#)

[Sec 9-911 Right To Inspect Records](#)

[Sec 9-912 Duty To Retain Items](#)

[Sec 9-913 Purchase From Minors Prohibited](#)

[Sec 9-914 Exemptions From Provisions Of Chapter](#)

State Law reference— Precious Metal and Gem Dealer Licensing Act, 59 O.S. Â§ 1521 et seq.; municipal regulation of precious metals dealers, 59 O.S. Â§ 1527.

[Sec 9-901 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Precious metals means any item containing in any degree, as part of its composition, gold, silver, platinum or pewter.

Precious metal dealer or *dealer* means any person engaged in the business of buying precious metals, whether for cash or trade; and further, this definition shall include any dealer whose business is itinerant in nature, as well as any dealer who conducts his business at a permanent and fixed location within the city. As used herein, the term "dealer" shall include the employers and principals on whose behalf any purchase or trade is made and all employees or agents personally making such purchases or trades.

(Prior Code, Â§ 6-251; Code 1999, Â§ 9-901) [Sec 9-902 License Required](#)

No person shall carry on, operate or engage in the business of purchasing, whether for cash or trade, any precious metals within the city without first obtaining a license from the city clerk.

(Prior Code, Â§ 6-266; Code 1999, Â§ 9-902) [Sec 9-903 Application](#)

Any person desiring to obtain a license as a precious metal dealer shall file a written application with the city clerk, together with the amount of the license fee as hereinafter prescribed. The application form shall request the following information:

1. If the applicant is an individual, the full name, birthdate, permanent residence address and telephone number;
2. If the applicant is a partnership, corporation or other business entity, the full name, birthdate, permanent residence address and telephone number of each partner or each officer and director;
3. If an individual applicant employed by another, the full name of the employer or principal, the permanent address and telephone number of the employer or principal and the name, address and telephone number of the employee's immediate supervisor;
4. Listing of any trade names or aliases used by the applicant for the last five years;
5. The names, birthdates, permanent address and telephone numbers of each person employed, or intended to be employed, in the business as of the time of the filing of the application;
6. Exact address or location of the place within the city where the business of dealer will be carried on;
7. If the applicant's business is itinerant, with no permanent location within the city, a listing of the last four locations, immediately preceding the date of the application, where the applicant conducted business as a precious metal dealer.

(Prior Code, Â§ 6-267; Code 1999, Â§ 9-903) [Sec 9-904 Fee](#)

There is hereby levied a license fee, on a daily or annual basis as the applicant may elect, for issuance of a precious metal dealer's license, which shall be paid at the time an application is made. No part of the license fee shall be subject to refund or abatement.

(Prior Code, Â§ 6-268; Code 1999, Â§ 9-904) [Sec 9-905 Investigation, Issuance Or Denial](#)

1. Upon receipt of an application for a license required by this chapter and the required fee, the city clerk shall refer the same to the chief of police for investigation of the applicant's moral character and business responsibility. Within five days from the receipt of the application, the chief of police shall return the same to the city clerk, accompanied by his recommendations to issue or deny the license. Grounds for denial shall include:
 1. The application contains a materially false or fraudulent statement; and
 2. The applicant, or an officer, partner or employee thereof, has been convicted of a felony within the five years immediately preceding the date of the application.
2. Upon receipt of the recommendation of the chief of police, the city clerk shall issue the license accordingly. If the license is denied, the grounds for denial shall be stated in writing and a copy supplied to the applicant.

(Prior Code, Â§ 6-269; Code 1999, Â§ 9-905) [Sec 9-906 Transferability, Display](#)

The license issued under this chapter shall not be transferable to any other person. No person shall do business as a precious metal dealer, or attempt to do business, under a license transferred to him. The dealer shall at all times prominently display on the business premises a currently valid license.

(Prior Code, Â§ 6-270; Code 1999, Â§ 9-906) [Sec 9-907 Revocation](#)

In addition to any other penalty, the dealer shall, upon a second conviction of a violation of this chapter, have his precious metal dealer license revoked by the city clerk.

(Prior Code, Â§ 6-271; Code 1999, Â§ 9-907) [Sec 9-908 Identification Of Sellers](#)

All dealers shall require each person offering an item or article for sale or trade to produce personal identification. Dealers shall ascertain the name, permanent address and age of all sellers of precious metals. Dealers shall verify a seller's identity only by means of a driver's license, or some other form of identification issued by a governmental agency, which must contain thereon a picture or adequate physical description of the person identified. It shall be unlawful for a dealer to fail to request identification, or to accept inadequate identification, before transacting business with a seller of precious metals.

(Prior Code, Â§ 6-252; Code 1999, Â§ 9-908) [Sec 9-909 Records Required](#)

1. Every dealer shall keep and maintain an adequate record of all transactions with sellers of precious metals. The record of the transactions shall be maintained in a running ledger book; or the dealer may maintain the original bill of sale, or other written receipt, issued at the time of the transaction. Entries on the record shall be legibly written in ink at the time the dealer acquires the article from the seller; and same shall not be obliterated or erased. The following shall be required to be maintained for each transaction with a seller of precious metals:
 1. The date and time of the sale or trade;
 2. Name, address and age of the seller of the items;
 3. The number appearing on the seller's driver's license or other governmental identification card;
 4. Physical description of the seller, including height, weight, race and sex;
 5. A concise and accurate description of the article acquired by the dealer, including any identifying marks, names, initials, serial numbers, brand names or other personalized features; and
 6. The amount paid for the articles by the dealer.
2. The dealer shall maintain the information required by this section for a period of one year from the date of the acquisition of the article.

(Prior Code, Â§ 6-253; Code 1999, Â§ 9-909) [Sec 9-910 Report Of Transactions To Police](#)

Within 24 hours of the sale or trade of any precious metal to a dealer, the dealer shall deliver to the office of chief of police, or the front desk of the police department, a duplicate or photocopy of the record of transaction, required to be kept pursuant to the provision of section 9-909. In the event the delivery time falls on a weekend or holiday, the dealer shall deliver the required records by no later than 12:00 noon of the next regular work day. In lieu of furnishing a duplicate or copy of the records required under section 9-909, the dealer may supply written statement containing only the following information:

1. Name of the dealer and name of the agent or employee dealing with the seller;
2. Description of articles received by dealer, including any identifying marks, numbers, names or initials; and
3. Name and address of the seller of each item.

(Prior Code, Â§ 6-254; Code 1999, Â§ 9-910) [Sec 9-911 Right To Inspect Records](#)

Any police officer of the city, or any law enforcement officer of the county, state or federal government, during the dealer's regular business hours, shall have the right to enter the business premises of the dealer for the purpose of inspecting the records required to be maintained under this chapter or any item of precious metal regulated hereunder. The application for, and acceptance of, a license under this chapter shall be deemed conclusive consent of the dealer to such entry and inspection.

(Prior Code, Â§ 6-255; Code 1999, Â§ 9-911) [Sec 9-912 Duty To Retain Items](#)

1. Every dealer must keep at the business location designated in the license application, all used articles made, in whole or in part, of precious metals or gems, for inspection by any law enforcement officer and the department of consumer credit at reasonable times for a period of ten days or until the articles have been released by written authorization of any law enforcement officer authorized by the law enforcement agency or its designee, except as provided for in 59 O.S. Â§ 1525(C). During this period, the appearance of such articles shall not be altered in any way. A dealer is not prohibited from selling or arranging to sell such articles during the ten-day period as long as such articles remain in his possession as required by this subsection.
2. Whenever a police officer has probable cause to believe that property in possession of a licensed dealer is stolen or embezzled, the police officer may place a written hold order on the property. The initial term of the written hold order shall not exceed 30 days. However, the holding period may be extended in successive 30-day increments upon written notification prior to the expiration of the initial holding period. If the holding period has expired and has not been extended, the hold order shall be considered expired and no longer in effect, and title shall vest in the dealer subject to any restrictions contained in a sale contract. The initial written hold order shall contain the following information:
 1. Signature of the dealer or designee;
 2. Name, title and identification number of the police officer placing the hold order;
 3. Name and address of the agency to which the police officer is attached and the offense number;
 4. Complete description of the property to be held, including model number, serial number and transaction number
 5. Name of agency reporting the property stolen or embezzled;
 6. Mailing address of the dealer where the property is held;
 7. Expiration date of the holding period.
3. While a hold order is in effect, the dealer may consent to release, upon written receipt, the stolen or embezzled property to the custody of the police department. The consent to release the stolen or embezzled property to the custody of law enforcement is not a waiver or release of the dealer's property rights or interest in the property. Otherwise, the dealer shall not release or dispose of the property except pursuant to a court order or the expiration of the holding period, including all extensions. The district attorney's office shall notify the dealer in writing in cases where criminal charges have been filed that the property may be needed as evidence. The notice shall contain the case number, the style of the case and a description of the property. The dealer shall hold such property until receiving notice of the disposition of the case from the district attorney's office. The district attorney's office shall notify the dealer in writing within 15 days of the disposition of the case. Willful noncompliance of a dealer to a written hold order shall be cause for the dealer's license to either be suspended or revoked. A hold order may be released prior to the expiration of any 30-day holding period by written release from the agency placing the initial hold order.

(Prior Code, Â§ 6-256; Code 1999, Â§ 9-912)

State Law reference— Similar provisions, 59 O.S. Â§ 1531. [Sec 9-913 Purchase From Minors Prohibited](#)

No dealer shall purchase or receive in trade any precious metal from any seller under the age of 18 years, unless the parents or guardian of such person shall consent to the transaction in writing.

The written consent shall state that the transaction is fully approved by the parent or guardian, shall be signed by the same and must contain the address and telephone number of the parent or guardian.

(Prior Code, Â§ 6-257; Code 1999, Â§ 9-913) [Sec 9-914 Exemptions From Provisions Of Chapter](#)

1. Retail merchants having permanent and fixed business within the city shall be exempted from the provisions of this chapter insofar, and only insofar, as they make purchases directly from manufacturers, suppliers and wholesalers of precious metals for their retail inventories.
2. Upon obtaining the written approval of the chief of police, exhibitors at bona fide coin shows, art shows, antique shows, and exhibitions of a similar nature, where the same are sponsored by a local nonprofit, civic or cultural organization, shall be exempted from the provisions of this chapter.

(Prior Code, Â§ 6-258; Code 1999, Â§ 9-914) [CHAPTER 9-10 RECREATION CENTERS AND AMUSEMENT DEVICES](#) [ARTICLE 9-10A FAMILY RECREATION CENTERS](#)

[ARTICLE 9-10B COIN-OPERATED AMUSEMENT DEVICES](#)

[ARTICLE 9-10C AMUSEMENTS AND AMUSEMENT PARKS](#)

[ARTICLE 9-10A FAMILY RECREATION CENTERS](#) [Sec 9-1001 Definitions](#)

[Sec 9-1002 License Required](#)

[Sec 9-1003 License Fee](#)

[Sec 9-1004 Zoning Restrictions](#)

[Sec 9-1005 Regulations](#)

[Sec 9-1006 Revocation Of License](#)

[Sec 9-1007 Penalty](#)

[Sec 9-1001 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:

Game room or arcade means any business location in which there are more than six coin-operated amusement devices, as defined in this section, available for use by members of the public or business invitees.

Recreation center means those participant recreation and entertainment uses conducted within an enclosed building, where no alcoholic or nonintoxicating beverages, as defined by this Code, are served or permitted to be consumed. Typical uses include pool halls, billiard parlors, game rooms, arcades, including such entertainment as pinball, video games, foosball, etc., and family amusement centers.

(Code 1999, Â§ 9-1001; Ord. No. 538, 11-19-1990) [Sec 9-1002 License Required](#)

It is unlawful for any person to operate a recreation center within the city limits without first having obtained a license therefor as provided by this article. The city clerk shall issue the license if the city community development director determines that the proposed use is in compliance with the requirements of the city ordinances. No recreation center license issued by virtue of this article shall be assigned to any other person.

(Code 1999, Â§ 9-1002; Ord. No. 538, 11-19-1990) [Sec 9-1003 License Fee](#)

A fee as set by the city shall be paid to the city clerk before a license is issued for the operation of a recreation center.

(Code 1999, Â§ 9-1003; Ord. No. 538, 11-19-1990) [Sec 9-1004 Zoning Restrictions](#)

Recreation centers shall be operated only in such districts as are in accordance with the city's zoning regulations, subject to the provisions of this article.

(Code 1999, Â§ 9-1004; Ord. No. 538, 11-19-1990) [Sec 9-1005 Regulations](#)

1. If 50 percent or more of the gross floor area of a building is devoted to the use of pool or billiard tables, then such business shall be considered a pool hall or billiard parlor and shall comply with the provisions of this article as well as the other applicable provisions of this Code. In the case of conflict between the provisions of this article and those elsewhere in this Code, the more restrictive provision shall prevail.
2. A recreation center shall not open before 10:00 a.m. and shall not be open later than 1:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday and shall not be open later than 2:00 a.m. on Saturday and Sunday mornings.
3. A recreation center shall be required to have at least one on-site security guard who shall be certified by the state council on law enforcement education and training, on duty from 8:00 p.m. until closing on any day such business is open.
4. Sight-proof screening which adequately screens such business from view of surrounding single-family residential areas or uses shall be required.

(Code 1999, Â§ 9-1005; Ord. No. 538, 11-19-1990; Ord. No. 187(97), 4-21-1997) [Sec 9-1006 Revocation Of License](#)

Any license issued under the provisions of this article may be suspended or revoked by the city if the applicant is convicted in municipal court of violating the provisions of this article or has made a false statement on the application for license, or if the use and operation of the business results in a conviction in municipal court for a violation of any ordinance of the city relating to a breach of the peace, health, safety, or general welfare of the city.

(Code 1999, Â§ 9-1006; Ord. No. 538, 11-19-1990) [Sec 9-1007 Penalty](#)

A violation of this article is punishable as provided in section 1-108.

(Code 1999, Â§ 9-1007; Ord. No. 538, 11-19-1990) [ARTICLE 9-10B COIN-OPERATED AMUSEMENT DEVICES](#) [Sec 9-1011 Definitions](#)

[Sec 9-1012 License Fee For Coin-Operated Devices](#)

[Sec 9-1013 Application For License](#)

[Sec 9-1014 Display Of License](#)

[Sec 9-1015 Prohibited Devices Not Legalized](#)

[Sec 9-1016 Gambling Prohibited](#)

[Sec 9-1017 Penalties](#)

State Law reference— Coin-operated amusement devices, 68 O.S. Â§ 1501 et seq.

[Sec 9-1011 Definitions](#)

1. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Coin-operated amusement device means and includes any and all mechanical devices which, upon the payment or insertion of a coin, script, token, or similar object, cause or permit, or is incentive for, the propelling or motivating of any ball, marble, electronic simulation, or other gadget or object that produces or creates, or makes possible the production or creation of, a game of skill, amusement, entertainment, or test of strength, including, but not limited to, shuffle boards, coin-operated devices utilizing tables, boards, or cases of any size whatsoever, balls, sticks, cues, pegs or marbles; and whether or not any motivating force involved is furnished by the player or the device.

Coin-operated music device means and includes any such music device which is operated, motivated, released or played by or upon the payment or insertion of a coin, script, token or similar object, whether there is one or more boxes or devices on the premises for the

reception of such coin, script, tokens or similar objects; coin-operated radios or television receiving sets in hotels or motels shall not be included in such definition.

Coin-operated pool, billiard or snooker tables are defined as coin-operated amusement devices, in accordance with this section.

Pool, billiard or snooker table means any table specifically manufactured for the purpose of playing pool, billiards or snooker, if not coin-operated.

2. Coin-operated music device and coin-operated amusement device as defined herein shall not include coin-operated machines operated by penny coins only; or coin-operated vending machines used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps or other merchandise; or services, such as pay telephones, parking meters, gas and electric meters, or other distribution of needful service; or pool, billiard or snooker tables which are not coin operated.

(Prior Code, Â§ 6-116, in part; Code 1999, Â§ 9-1021) [Sec 9-1012 License Fee For Coin-Operated Devices](#)

Every person who owns and has available to the public, or who permits to be operated by the public in or on his place of business, any coin-operated music device, coin-operated amusement device, or coin-operated pool, billiard or snooker table, shall obtain and pay for an annual license for each such device or table. There is hereby levied an annual license fee on such devices, as set by the city council by motion or resolution.

(Prior Code, Â§Â§ 6-84, 6-117, in part; Code 1999, Â§ 9-1022) [Sec 9-1013 Application For License](#)

Application for an annual license regulated by this chapter shall be made to the city. The application form shall contain the name of the applicant, a description of the device, location of the device and such other information deemed necessary by the licensing officer to identify the device. Any number of machines may be included in one application. Upon payment of the license fee and approval of the application, the license shall be issued.

(Code 1999, Â§ 9-1023) [Sec 9-1014 Display Of License](#)

Before any coin-operated music device, coin-operated amusement device, or coin-operated pool, billiard or snooker table is put into operation or placed where the same may be operated by the public, and at all times when the same is being operated, or is available to the public for operation, the license issued by the city shall be firmly affixed to the device covered thereby, or displayed with other licenses or permits on a wallboard, and plainly visible to and readable by the public.

(Code 1999, Â§ 9-1024) [Sec 9-1015 Prohibited Devices Not Legalized](#)

Nothing in this article shall be construed to legalize any device that may be prohibited by the laws of the state or the ordinances of the city. The city may assume that any device described in any application, and for which a license fee is paid, is lawful. No claim for a refund of any license fee will be entertained based upon an owner's or operator's inability to operate such device because of any law of the state or city or for any other reason.

(Code 1999, Â§ 9-1025) [Sec 9-1016 Gambling Prohibited](#)

If any person keeping, operating, maintaining, controlling or being in charge of any device as referred to and licensed under this article shall permit any gambling of any kind, by persons using and playing such machines and devices, he shall be deemed guilty of an offense against the ordinances of the city, and shall be subject to punishment as provided in section 1-108.

(Prior Code, Â§ 6-118; Code 1999, Â§ 9-1026) [Sec 9-1017 Penalties](#)

Any owner of a coin-operated music device, coin-operated amusement device, or coin-operated pool, billiard or snooker table, who places such device in operation or in a place available to the

public for operation, and any person who permits such a device to be in operation or accessible to the public for operation in his place of business without attaching and displaying the license provided for by this article, shall be guilty of an offense. Upon conviction of a violation of this article, such person shall be punished as provided in section 1-108. Each unlicensed device shall constitute a separate violation.

(Code 1999, Â§ 9-1027) [ARTICLE 9-10C AMUSEMENTS AND AMUSEMENT PARKS](#) [Sec 9-1021 Amusements Generally, Fees](#)

[Sec 9-1022 Amusement Park](#)

[Sec 9-1023 Permit Or License Required, State Law Compliance](#)

[Sec 9-1024 City Clerk To Issue, Fee](#)

[Sec 9-1025 Authorized Hours Of Business; Fencing](#)

[Sec 9-1026 Exemption From Other Occupational License Requirements](#)

[Sec 9-1021 Amusements Generally, Fees](#)

A license in the sum as set forth in the fee schedule is hereby required on every person engaging in, exercising or pursuing any of the following:

1. Bowling alley;
2. Circus;
3. Ferris wheel, merry-go-round, small car, or similar apparatus, when not under the auspices of a street fair, civic club, carnival or circus or amusement park;
4. Itinerant show, exhibition or entertainment of any kind which charges admission (including all activities under its auspices);
5. Shooting gallery, skill or strength game or game of chance;
6. Skating rink;
7. Street fair or carnival; or
8. Wrestling matches, professional.

(Prior Code, Â§ 6-18, in part; Code 1999, Â§ 9-1031) [Sec 9-1022 Amusement Park](#)

An amusement park is defined as mechanical devices of all kinds, slides, shooting galleries, or other games produced, designed and calculated to be witnessed, attended, played or used by the public for entertainment and diversion at an outside and open location of a permanent nature. Games and exhibitions presented to any public or private elementary school, high school or kindergarten, pool or billiard hall or family amusement center, as defined in this Code, shall not be embraced within the meaning of amusement park as herein defined.

(Prior Code, Â§ 6-41; Code 1999, Â§ 9-1032) [Sec 9-1023 Permit Or License Required, State Law Compliance](#)

It is unlawful and an offense for any person to engage in the operation of an amusement park without first obtaining a permit or license from the city clerk. Any amusement park or devices shall comply with any applicable state law and inspections approvals prior to operating in the city.

(Prior Code, Â§ 6-42; Code 1999, Â§ 9-1033) [Sec 9-1024 City Clerk To Issue, Fee](#)

The city clerk is hereby authorized to issue a license or permit to operate an amusement park pursuant to this article, which license or permit shall expire on the last day of the month of the year after which such license is issued. The city clerk shall charge the sum as set forth in the fee schedule for the license or permit for any amusement park.

(Prior code, Â§ 6-43; Code 1999, Â§ 9-1034) [Sec 9-1025 Authorized Hours Of Business; Fencing](#)

1. An amusement park licensed by the terms of this article shall be authorized to be open for business from the hours of 8:00 a.m. to 12:00 midnight on each day of the week; however, any amusement devices which are completely enclosed shall be allowed to remain open until 2:00 a.m. on Saturday and Sunday morning only of each week.
2. An amusement park shall have a chainlink or sight-proof fence of at least six feet in height entirely enclosing such amusement park.

(Prior Code, Â§ 6-44; Code 1999, Â§ 9-1035) [Sec 9-1026 Exemption From Other Occupational License Requirements](#)

Any person obtaining a license or permit as required by this article shall not be required to secure licenses, permits or pay fees as set out in article A of this chapter.

(Prior Code, Â§ 6-45; Code 1999, Â§ 9-1036) [CHAPTER 9-11 WRECKERS AND TOWING SERVICE](#) [Sec 9-1101 Definitions](#)

[Sec 9-1102 License Required](#)

[Sec 9-1103 Fee](#)

[Sec 9-1104 License Revocation Or Suspension](#)

[Sec 9-1105 Vehicle List](#)

[Sec 9-1106 Storage Yard](#)

[Sec 9-1107 Parking](#)

[Sec 9-1108 Rotation Log](#)

[Sec 9-1109 Removal From Rotation Log](#)

[Sec 9-1110 Required Services](#)

[Sec 9-1111 Required Services](#)

[Sec 9-1112 Removal From Department Log](#)

State Law reference—Towing motor vehicles, 47 O.S. Â§ 951 et seq.

[Sec 9-1101 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Inspecting Officers means the City of Moore Chief of Police, or their designee, the City of Moore Community Development Director, or their designee, or the City of Moore City Clerk, or their designee, who makes inspections on behalf of the city of wrecker service vehicles, equipment, and place of businesses and tow and impound yards.

Rotation log means the list of wrecker companies that have been approved to provide wrecker services for the City in accordance with this Chapter.

Storage yard shall be defined as the temporary storage of vehicles that have been towed, carried, hauled or pushed from public or private property for impoundment in a public or private impound yard.

Towing service rotation agreement means the non-exclusive agreement entered into between the city and a wrecker and towing service that defines the obligations, procedures and terms for police dispatched tow service.

Wrecker and towing service means any person, firm, corporation or other entity, whether licensed or not, who owns or operates a business which engages, in whole or in part, in the business of towing, removal and storage of motor vehicles in the City.

(Prior Code, Â§ 24-51; Code 1999, Â§ 9-1201) **HISTORY**

Amended by Ord. 1002.22 on 8/3/2022

[Sec 9-1102 License Required](#)

A. No person shall, within the city, operate a wrecker or towing service without first having obtained from the city clerk a license therefor and without having complied with all other provisions of this chapter, and the provisions of 47 O.S. 951 et seq.

B. Any person or business desiring a license for a wrecker or towing service shall file an application with the city clerk on such forms as may, from time to time, be developed for that purpose and made available to the public. Such license must be renewed annually.

C. Designated officials from the Moore Police Department and the Community Development Department shall make an initial inspection upon receipt of application and shall make an annual inspection upon annual license renewals. Such inspections shall determine if the wrecker and tow service is in compliance with City Code. No license or license renewal shall be issued without Moore Police Department and Moore Community Development Department approval.

D. No license shall be issued to any wrecker service with its storage yard located outside the limits of the city unless such prospective licensee contracts with an individual, company or other organization who maintains a storage yard within the city.

(Code 1999, Â§ 9-1202) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

Sec 9-1103 Fee

1. The fee for the license required by section 9-1102 to perform a wrecker or towing service operation shall be the sum as set by the city. Licenses procured under this chapter shall expire on December 31 following their issuance . A prorated license fee shall be paid for any license issued after January 31.
2. The fee for an annual license renewal and re-inspections required by Section 9-1102 to perform a wrecker or towing service operation shall be the sum as set by the city. License renewal fees shall not be prorated.

(Prior Code, Â§ 24-53; Code 1999, Â§ 9-1203) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

Sec 9-1104 License Revocation Or Suspension

1. A license or permit issued under this division may be revoked or suspended by the city clerk, for good cause, or in any case where any of the provisions of this division are violated. Any license issued for a wrecker and towing service may be revoked or suspended by the city after notice and hearing upon not less than ten days' notice, by certified mail to the last-known address of the licensee, or personal service on the licensee. Such notice shall be calculated from the date of mailing or in the case of personal service, from the date of service upon the licensee. The hearing shall be held before a panel comprised of the Chief of Police, or their designee, Moore City Clerk, the Community Development Director, or their designee, and the City Attorney, or their designee. The panel shall determine license revocation or length of suspension, and other terms and conditions of maintaining a Wrecker and Towing Service license within the City.

(Prior Code, Â§ 24-54; Code 1999, Â§ 9-1204) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

Sec 9-1105 Vehicle List

1. Each year upon license renewal, all wrecker and towing services shall submit a complete inventory of vehicles being stored in the storage yard including the make, model and registration or license tag number. The inventory shall be reviewed by the license renewal inspecting officers. No vehicles shall be stored in the storage yard for a period of time exceeding 12 months. However, if extenuating circumstances require certain vehicles to be stored in the storage yard exceeding 12 months, documentation of the extenuating circumstance and

estimated date of removal shall be provided to the inspecting officers.

(Prior Code, Â§ 24-55; Code 1999, Â§ 9-1205; Ord. No. 481(89), 4-17-1989) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

Sec 9-1106 Storage Yard

1. All wrecker and towing services, who store, park or maintain possession of a towed vehicle shall store such vehicles in a secured facility meeting the following minimum requirements:
 1. Construction material for fencing shall be of wood or metal design, which must allow the facility to remain sight-proof. The fence must not be less than six feet high and not higher than eight feet. All lots shall have a least one gate of the same quality material as the fence and shall be kept closed and locked unless in use. The fence shall be supported by metal poles set in concrete footings. All fences shall be kept in good repair and comply with Section 8-1113(D) of the Moore City Code;
 2. Storage yards shall be designed to be adequate in size for the individual wrecker services need for storing vehicles. No vehicles shall be parked or stored outside of the fenced storage yard other than an employee or customer vehicle that is operational and not impounded or otherwise stored;
 3. A minimum of one primary storage yard shall be located within Moore City Limits. Each vehicle must be initially stored and held at the primary yard. After 30 days from the date of initial storage, vehicles may be moved to a secondary yard;
 4. No storage yard shall be located on a lot with another automotive business without an approved Certificate of Occupancy dated prior to January 1, 2022. There shall be no renting, selling, salvaging, dismantling or repair of vehicles in association with the wrecker and towing service other than what is required by the state licensing authority. The co-mingling of vehicles between the two businesses is not allowed;
 5. Vehicle staging areas shall be provided inside the storage yard to allow the loading and unloading of vehicles behind a sight-proofed fence. No vehicle staging, loading or unloading shall take place on street right-of-way; and
 6. Wrecker and towing services approved prior to April 18, 2022 shall maintain gravel customer parking outside of the storage yard in good repair at all times, free from wash-outs and gulleys, to prevent the tracking of mud or dirt onto a public street. All wrecker and towing services approved after April 18, 2022 shall provide paved customer parking outside of the storage yard that meets the requirements of Section 12-400 of the Moore Land Development Code.
2. The license of any wrecker or towing service business existing as of the date of the passage of this ordinance whose storage yard does not meet the requirements as set forth in this section shall be given 1 year from the expiration date of their current license to become compliant with the Moore City Code.

(Code 1999, Â§ 9-1206; Ord. No. 279(00), 5-1-2000) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

Sec 9-1107 Parking

It is unlawful for any wrecker to be parked or stored on public or private property within an area zoned for residential use.

(Code 1999, Â§ 9-1207; Ord. No. 279(00), 5-1-2000; Ord. No. 669(10), 4-5-2010) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

Sec 9-1108 Rotation Log

1. A wrecker and towing service may apply at any time and be placed on a list maintained by the police department for the purpose of referrals. An interested licensee shall file an application with the Moore Police Department on such forms as may, from time to time, be developed for that purpose and made available to the public. For a wrecker and towing service to be placed on the Moore Police Department Rotation Log, the applicant must hold a valid City of Moore Wrecker and Towing Service license and agree to the terms and conditions of the Rotation Agreement.
2. Referrals shall be directed only to the licensees appearing on said list. The list may be maintained by the city with any number of licensees up to and including five. All wrecker and towing services located on the Rotation Log at time of ordinance passage shall remain on the Rotation Log until such time as the wrecker and towing service is removed from the Rotation Log either voluntarily by the wrecker and towing service or pursuant to Sec. 9-1111.
3. A waiting list to be added to the Rotation Log may be maintained by the Moore Police Department. If at any time the number of wrecker and towing service companies on the Rotation Log falls below five, excepting a temporary suspension from the list, the wrecker and towing service waiting the longest on the wait list shall be offered a place on the Rotation Log.

(Code 1999, Â§ 9-1208; Ord. No. 279(00), 5-1-2000)

HISTORY

Amended by Ord. 1002.22 on 8/3/2022

[Sec 9-1109 Removal From Rotation Log](#)

1. Any licensed wrecker and towing service may be removed or suspended from the Rotation Log for not complying with the requirements of this Chapter or by violating the requirements in the Rotation Agreement. A Company may be suspended or removed from Rotation for good cause, or in any case where any of the provisions of this agreement are violated after notice and hearing upon not less than ten (10) days' notice, by certified mail to the last-known address of the licensee. Such notice shall be calculated from the date of mailing. The hearing shall be held before a panel comprised of the Chief of Police, or their designee, Moore City Clerk, the Community Development Director, or their designee, and the City Attorney, or their designee. The panel shall determine license revocation or length of suspension, and other terms and conditions of maintaining the wrecker and towing service on the Rotation Log.

(Code 1999, Â§ 9-1209; Ord. No. 279(00), 5-1-2000) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

[Sec 9-1110 Required Services](#)

It is unlawful for any wrecker service listed on the city's rotation log to offer or provide free services for any individual employed by the city in exchange for future considerations or services.

(Code 1999, Â§ 9-1210; Ord. No. 279(00), 5-1-2000) HISTORY

Amended by Ord. 1002.22 on 8/3/2022

[Sec 9-1111 Required Services](#)

(Code 1999, Â§ 9-1211; Ord. No. 279(00), 5-1-2000) [Sec 9-1112 Removal From Department Log](#)

(Code 1999, Â§ 9-1212; Ord. No. 279(00), 5-1-2000) [CHAPTER 9-12 MASSAGE PARLORS AND HEALTH SPAS ARTICLE 9-12A GENERALLY ARTICLE 9-12B LICENSES AND PERMITS ARTICLE 9-12C OPERATING REQUIREMENTS](#)

State Law reference— Massage Therapy Practice Act, 59 O.S. Â§ 4200.1 et seq.; local regulation of massage therapy preempted, 59 O.S. Â§ 4200.10.

ARTICLE 9-12A GENERALLY Sec 9-1201 Definitions

Sec 9-1202 Inspections Authorized

Sec 9-1203 Exemptions

Sec 9-1204 Penalty

Sec 9-1201 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means any person at least 18 years of age, other than a massage therapist, who renders any service in connection with the operation of a massage business and receives compensation, from the manager of the business or patrons, but has no physical contact with the customer.

Licensee means the person to whom a license or permit has been issued to own, operate or manage a massage establishment or to engage in massaging.

Manager means the person owning, controlling, conducting, operating or managing a massage establishment, but shall not include the massage therapist, as defined in this section.

Massage means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointment, mud, paraffins, salts or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefor. The term "massage" shall include seated massage.

Massage establishment means any establishment having a source of income or compensation derived from the practice of massage as defined in this section and which has a fixed place of business where any person engages in or carries on any of the activities as defined in the definition of the term "massage" provided in this section.

Massage therapist means any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

Off-site massage service means any business, the functioning of which is to engage in or carry on massages as defined in this section at a location designated by the patron or at a location other than at a massage establishment. Off-site massage service may include seated massage.

Patron means any person, client or customer at least 18 years of age, or if under 18 years of age with written parental or legal guardian consent, who receives a massage under such circumstances that it is reasonably expected that he will pay money or give any other consideration therefor.

Person means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

Seated massage means any massage of the neck, arms, shoulders and back area above the waist where the client is fully clothed, sitting in a special chair designed for upper body massage and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, mud, paraffins, salts, or other similar preparations commonly used in the practice of massage. Seated massage may be performed either at a massage establishment or off-site.

Sexual misconduct means any criminal conviction, either misdemeanor or felony, within the city, the state or any other state for the crime of rape, child molestation, prostitution, acts of lewdness or any crime where the convicted person is required to register as a sex offender under the statutes of

the state.

Sexual or genital areas means the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(Code 1999, Â§ 9-1301; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1202 Inspections Authorized](#)

Any department of the city or its designee may inspect any location where massages are conducted. The chief of police or his authorized representatives may from time to time make inspection of any massage location for the purposes of determining that the provisions of this chapter are fully complied with. It shall be unlawful for any person to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

(Code 1999, Â§ 9-1302; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1203 Exemptions](#)

The provisions of this chapter shall not apply to the following while they are engaged in the personal performance of the duties of their respective professions:

1. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the state;
2. Nurses who are registered under the laws of the state;
3. Barbers and beauticians who are duly licensed under the laws of the state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair; or manicurists or pedicurists and shall apply solely to the massaging of the hands or feet of the patron for cosmetic or beautifying purposes;
4. The giving of massages by a licensee or students currently enrolled in an educational course or program, the purpose of which is to obtain a degree or certification to perform massages, offered by an employer for the benefit of its employees, including, but not limited to, an employer's health benefit or wellness program when offered to employees only, and only during the duration of the employer sanctioned event; and
5. Students practicing internships at a state licensed massage school under the direct supervision of a qualified instructor.

(Code 1999, Â§ 9-1303; Ord. No. 552(91), 4-15-1991; Ord. No. 678(10), 9-7-2010; Ord. No. 704(11), 9-6-2011) [Sec 9-1204 Penalty](#)

Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual manager, employee of the manager, massage therapist or employee of the massage therapist, or whether acting as a mere agent or independent contractor for the manager, employee or massage therapist, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or any of the services defined in this chapter without first obtaining a license or permit and paying a fee to do so from the city or shall violate any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, such person shall be punished as provided in section 1-108.

(Code 1999, Â§ 9-1304; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [ARTICLE 9-12B LICENSES AND PERMITS DIVISION 1 GENERALLY](#)
[DIVISION 2 MASSAGE ESTABLISHMENT LICENSE](#)
[DIVISION 3 MASSAGE THERAPIST LICENSE](#)
[DIVISION 4 OFF-SITE MASSAGE LICENSE](#)
[DIVISION 5 SEATED MASSAGE LICENSE](#)
[DIVISION 1 GENERALLY](#) [Sec 9-1211 Term](#)
[Sec 9-1211 Term](#)

Every license or permit issued pursuant to the provisions of this article shall terminate at the expiration of one year from the date of its issuance unless sooner suspended or revoked. Said license or permit shall be renewed annually pursuant to the same standards and requirements set forth in this chapter.

(Code 1999, Â§ 9-1311; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) **DIVISION 2 MASSAGE ESTABLISHMENT LICENSE Sec 9-1221 Required**

Sec 9-1222 Application

Sec 9-1223 Inspection Of Premises

Sec 9-1224 Facilities Necessary For License

Sec 9-1225 Issuance

Sec 9-1226 Fee

Sec 9-1227 Transfer Prohibited

Sec 9-1228 Use Of False Names Or Improper Location

Sec 9-1229 Display

Sec 9-1230 Revocation Or Suspension

Sec 9-1231 Appeal

Sec 9-1221 Required

No person shall own, control, lease, act as agent for, conduct, operate, or manage an establishment for massaging any person without first securing a license and paying the fee therefor. A separate license shall be required for each place of business.

(Code 1999, Â§ 9-1312; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) **Sec 9-1222 Application**

1. Any person desiring a license for a massage establishment shall file a written application with the city clerk, license and permit division. The applicant shall furnish the following information:
 1. The type of ownership of the business (i.e., whether individual, partnership, corporation, or otherwise);
 2. The name, style, and designation under which the business or practice is to be conducted;
 3. The business address and all telephone numbers where the business is to be conducted;
 4. A complete list of the names and residence addresses of all massage therapists and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business;
 5. The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
 1. Name, complete residence address and residence telephone numbers;
 2. The two previous addresses immediately prior to the present address of the applicant;
 3. Written proof that the applicant is at least 18 years of age;
 4. Height, weight, color of hair and eyes, and sex;
 5. Two front-face-portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size;

6. The massage or similar business history and experience ten years prior to the date of application, including, but not limited to, whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
7. All criminal convictions, except misdemeanor traffic violations; and
8. A complete set of fingerprints taken and to be retained on file by the police chief or his authorized representatives;
6. Such other information and identification of the applicant as shall be deemed necessary by the police chief to discover the truth of the matters hereinbefore required to be set forth in the application;
7. Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the licenses;
8. The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates; and
9. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, the declaration being duly dated and signed in the city.
2. Along with the written application, the applicant shall provide to the chief of police or his designee, for each employee, licensee, manager and massage therapist:
 1. Two forms of state or federal issued identification, at least one must have a picture of the applicant;
 2. A state criminal history report from the state bureau of investigation dated no more than 30 days prior to the date the application was submitted.

(Code 1999, Â§ 9-1313; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1223 Inspection Of Premises](#)

To ensure compliance with this division, before a license is granted for any massage establishment the city shall cause an inspection to be made of the location of the establishment, the equipment and facilities, and the sanitary conditions. The city's inspector shall make a report thereof in writing, which shall be filed with and become a part of the application.

(Code 1999, Â§ 9-1314; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1224 Facilities Necessary For License](#)

1. No license to conduct a massage establishment shall be issued if an inspection by the city or its designee reveals that the facilities do not comply with each of the following requirements:
 1. If the establishment provides tubs, steam baths and showers, said facilities shall be made waterproof with approved waterproofing materials and shall be installed in accordance with the building and plumbing codes of the city;
 2. If the establishment provides steam rooms and shower compartments, said facilities shall have waterproof floors, walls and ceilings approved by the city or its designee;
 3. If the establishment provides wet and dry heat rooms, the floors shall be adequately pitched to one or more floor drains properly connected to the sewer, provided that dry heat rooms with wooden floors need not be provided with pitched floors and floor

drains;

4. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning;
 5. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron;
 6. Protected cabinets shall be provided and used for storage clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;
 7. Toilet facilities shall be provided in convenient locations and shall comply with all building and plumbing codes of the city;
 8. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;
 9. All electrical equipment shall be installed in accordance with the requirements of the city's electrical ordinances; and
 10. The establishment shall have adequate equipment such as massage tables and/or chairs for administering massage. Said equipment shall be of a washable material and kept clean and in good repair.
2. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or city's license and permit division.

(Code 1999, Â§ 9-1315; Ord. No. 552(91), 4-15-1991; Ord. No. 39(92), 11-16-1992; Ord. No. 704(11), 9-6-2011) [Sec 9-1225 Issuance](#)

If the city's inspector find no violations or compliance problems, he shall cause such approval to be delivered to the license and permit division, who shall issue the license unless it finds:

1. The correct license fee has not been tendered to the city, and, in the case of a check or bank draft, not honored with payment upon presentation.
2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health ordinances.
3. The applicant, if an individual; or any of the stockholders holding more than ten percent of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses:
 1. An offense involving the use of force and violence upon the person of another that amounts to a felony;
 2. An offense involving sexual misconduct as defined in section 9-1201; or
 3. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony. The city may issue a license to any person convicted of any of the crimes described above if such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for any such crime mentioned above.

4. The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the application or in any document required by the city in conjunction therewith.
5. The applicant has had a massage establishment, massage therapist or other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within five years prior to the date of the application.
6. The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not at least 18 years of age; and
7. The applicant's facility has not met the requirements of section 9-1224.

(Code 1999, Â§ 9-1316; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1226 Fee](#)

A person who is required by the provisions of this article to obtain a license shall pay to the city the fee established by ordinance or appropriate resolution. Copies of such ordinance or resolution will be on file in the office of the city clerk.

(Code 1999, Â§ 9-1317; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1227 Transfer Prohibited](#)

A license for the operation of a massage establishment at a particular location shall never be transferred.

(Code 1999, Â§ 9-1318; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1228 Use Of False Names Or Improper Location](#)

No person granted a license pursuant to this division shall operate the massage establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license.

(Code 1999, Â§ 9-1319; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1229 Display](#)

Every person licensed under this division shall display such license in a prominent place on the licensed premises.

(Code 1999, Â§ 9-1320; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1230 Revocation Or Suspension](#)

Any license issued for a massage establishment may be revoked or suspended by the city after notice and hearing upon not less than ten days' notice, by certified mail to the last-known address of the licensee, or personal service on the licensee. Such notice shall be calculated from the date of mailing or in the case of personal service, from the date of service upon the licensee. A license or permit issued under this division may be revoked or suspended by the license or permit division, for good cause, or in any case where any of the provisions of this division are violated or where any employee of the licensee, including a massage therapist, is engaged in any conduct which violates any of the state or local laws or ordinances and the licensee has actual or constructive knowledge by due diligence, or upon a finding by the county health department, that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene.

(Code 1999, Â§ 9-1321; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1231 Appeal](#)

1. Any applicant or licensee whose license has been denied, revoked or suspended shall have the right to appeal the decision of the licensing officer to the city council. The city council shall have the power to sustain, reverse or modify the decision of the licensing officer.

2. Any person appealing a decision of the licensing officer shall give written notice of appeal to the city clerk not more than ten days, exclusive of Saturdays, Sundays and city holidays, after the date of the decision of the licensing officer. Such notice shall set forth the reason for the appeal and the specific points on which the licensing officer allegedly erred.
3. An appeal shall stay any decision of the licensing officer which would require the discontinuance of an existing licensed activity.
4. A hearing before the city council shall be scheduled within 30 days from the date the notice of appeal is filed. Notice of such hearing shall be mailed to the person appealing and all other interested parties of record, not less than five days prior to such hearing.

(Code 1999, Â§ 9-1322; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) **DIVISION 3 MASSAGE THERAPIST LICENSE** [Sec 9-1241 Required](#)
[Sec 9-1242 Application](#)
[Sec 9-1243 Issuance Standards](#)
[Sec 9-1244 Fee](#)
[Sec 9-1245 Posting](#)
[Sec 9-1246 Revocation Or Suspension](#)
[Sec 9-1241 Required](#)

Every person engaged in massaging, including seated massage, shall be required to obtain a license from the supervisor of licenses before engaging in the practice of massaging. No such license shall be issued unless the applicant also is licensed under The Massage Therapy Practice Act (59 O.S. Â§ 4200.1 et seq.).

(Code 1999, Â§ 9-1331; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1242 Application](#)

1. Any person desiring the permit required by the provisions of this division shall file a written application with the city clerk, license and permit division. The applicant shall furnish the following information:
 1. The business address and all telephone numbers where the massage is to be practiced.
 2. The following personal information concerning the applicant:
 1. Name, complete residence address and residence telephone numbers;
 2. The two previous addresses immediately prior to the present address of the applicant;
 3. Height, weight, color of hair and eyes, and sex;
 4. Two front-face-portrait photographs taken within 30 days of the date of application and at least two inches by two inches in size;
 5. The massage or similar business history and experience ten years prior to the date of application, including, but not limited to, whether or not such person in previously has been operating in this or another city or state under a license or permit and whether such license or permit, been denied, revoked, or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension, or revocation;
 6. A complete set of fingerprints taken and to be retained on file by the police chief or his authorized representatives; and
 7. A copy of a current and valid massage therapist license issued by the State Board of Cosmetology and Barbering issued under the Massage Therapy Practice Act (59 O.S. Â§ 4200.1 et seq.).

3. Such other information and identification of the person deemed necessary by the police chief in order to discover the truth of the matters required above.
 4. Authorization for the city, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
 5. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, the declaration being duly dated and signed in the city.
 6. A statement showing the name and address of the person by whom the massage therapist is employed, if applicable, and such massage therapist shall file successive statements if a change is made in the employment of the massage therapist during the existence of the permit.
2. Along with the written application, the applicant shall provide to the chief of police or his designee:
 1. Two forms of state or federal issued identification, at least one must have a picture of the applicant; and
 2. A state criminal history report from the state bureau of investigation dated no more than 30 days prior to the date the application was submitted.

(Code 1999, Â§ 9-1332; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) HISTORY
Amended by Ord. 901(19) on 3/4/2019

[Sec 9-1243 Issuance Standards](#)

No license shall be issued pursuant to the provisions of this division if:

1. The correct permit fee has not been tendered to the city, and, in the case of a check or bank draft, not honored with payment upon presentation.
2. The applicant has been convicted of any of the following offenses or convicted or an offense without the state that would have constituted any of the following offenses if committed within the state:
 1. An offense involving the use of force and violence upon the person of another that amounts to a felony;
 2. An offense involving sexual misconduct as defined in section 9-1201; or
 3. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony. The city may issue a permit to any person convicted of any of the crimes described above if it finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for any such crime mentioned above.
3. The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith.
4. The applicant has had a massage establishment, massage therapists, or other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within five years prior to the date of the application.
5. The applicant is not at least 18 years of age.

(Code 1999, Â§ 9-1333; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1244 Fee](#)

A person who is required by the provisions of this division to obtain a permit shall pay to the city the fee established by ordinances or appropriate resolution. Copies of such ordinance or resolution shall be on file in the office of the city clerk.

(Code 1999, Â§ 9-1334; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1245 Posting](#)

Every massage therapist or manager shall post the permit required by this division in his work area.

(Code 1999, Â§ 9-1335; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [Sec 9-1246 Revocation Or Suspension](#)

Any license issued for a manager or massage therapist may be revoked or suspended by the city pursuant to the provision of sections 9-1230 and 9-1231.

(Code 1999, Â§ 9-1336; Ord. No. 552(91), 4-15-1991; Ord. No. 704(11), 9-6-2011) [DIVISION 4 OFF-SITE MASSAGE LICENSE Sec 9-1251 License Required](#)

[Sec 9-1252 Requirements Necessary For A License](#)

[Sec 9-1253 Fee](#)

[Sec 9-1251 License Required](#)

No person shall engage in off-site services as defined in section 9-1201 without first securing a license from the city clerk, license and permit division, and paying the fee therefor.

(Code 1999, Â§ 9-1341; Ord. No. 704(11), 9-6-2011) [Sec 9-1252 Requirements Necessary For A License](#)

No license to conduct off-site services shall be issued unless the following requirements are met:

1. The applicant must have a valid massage therapist license issued by the city;
2. The applicant shall have adequate means, such as germicide or alcohol, for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron;
3. The applicant shall have adequate means of disinfecting hands prior to administering a massage;
4. The applicant shall have adequate means of separating linens from any chemicals, oils, or other wet items; and
5. The applicant shall have adequate equipment, such as a table or massage chair, for administering massages. Said equipment shall be of a washable material and kept clean and in good repair.

(Code 1999, Â§ 9-1342; Ord. No. 704(11), 9-6-2011) [Sec 9-1253 Fee](#)

A person who is required by the provisions of this division to obtain a permit shall pay to the city the fee established by ordinances or appropriate resolution. Copies of such ordinance or resolution shall be on file in the office of the city clerk.

(Code 1999, Â§ 9-1343; Ord. No. 704(11), 9-6-2011) [DIVISION 5 SEATED MASSAGE LICENSE Sec 9-1261 License Required](#)

[Sec 9-1262 Requirements Necessary For A License](#)

[Sec 9-1261 License Required](#)

No person shall engage in seated massage services as defined in section 9-1201 without first securing a massage therapist license from the city clerk, license and permit division, and paying the fee therefor.

(Code 1999, Â§ 9-1351; Ord. No. 704(11), 9-6-2011) [Sec 9-1262 Requirements Necessary For A License](#)

Seated massage, as defined in section 9-1201 may be performed at a massage establishment or off-site, provided it meets the following conditions:

1. Seated massage shall only be offered at a commercial or industrial place of business and only for employees and/or patrons of that business.
2. Seated massage shall be offered in a public area only, to which all patrons or employees are provided free access.
3. Chairs/seats used for seated massage shall be constructed of non-porous, easily cleanable materials and shall be cleaned and sanitized after each use. Any openings, splits or tears shall be repaired before the next use.

(Code 1999, Â§ 9-1352; Ord. No. 704(11), 9-6-2011) [ARTICLE 9-12C OPERATING REQUIREMENTS](#) [Sec 9-1271 Sanitation Generally](#)

[Sec 9-1272 Posting Of Prices](#)

[Sec 9-1273 Employee Register](#)

[Sec 9-1274 Records Required](#)

[Sec 9-1275 Employment Of Massage Therapists](#)

[Sec 9-1276 Contagious Diseases](#)

[Sec 9-1277 Required Dress](#)

[Sec 9-1278 Sheets And Towels](#)

[Sec 9-1279 Operating Hours](#)

[Sec 9-1280 Advertising](#)

[Sec 9-1281 Persons Under 18 Prohibited On Premises](#)

[Sec 9-1282 Alcoholic Beverages And Low-Point Beer](#)

[Sec 9-1283 Indecent Conduct](#)

[Sec 9-1284 Requirements For Cubicles, Booths, Etc.](#)

[Sec 9-1285 Treatment Of Diseased Persons](#)

[Sec 9-1271 Sanitation Generally](#)

Every place where a massage is being conducted, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(Code 1999, Â§ 9-1361; Ord. No. 704(11), 9-6-2011) [Sec 9-1272 Posting Of Prices](#)

Price rates for massage services, including seated massage and off-site services, shall be prominently displayed in a location available to all prospective customers.

(Code 1999, Â§ 9-1362; Ord. No. 704(11), 9-6-2011) [Sec 9-1273 Employee Register](#)

The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time as massage therapists and their permit numbers. Such register shall be posted at the massage establishment at all times.

(Code 1999, Â§ 9-1363; Ord. No. 704(11), 9-6-2011) [Sec 9-1274 Records Required](#)

Every massage establishment, manager or permittee or licensee administering a massage shall maintain an appointment book in which shall be entered the name of each and every patron, the time, date and place of service and the service provided.

(Code 1999, Â§ 9-1364; Ord. No. 704(11), 9-6-2011) [Sec 9-1275 Employment Of Massage Therapists](#)

No person shall employ as an operator a massage therapist any person unless the employee has obtained and has in effect a permit license issued pursuant to this chapter.

(Code 1999, Â§ 9-1365; Ord. No. 704(11), 9-6-2011) [Sec 9-1276 Contagious Diseases](#)

Except as otherwise provided, no manager of any massage establishment shall employ or permit any massage therapist to work and no massage therapist shall work in any establishment or location which is affected with any infectious, contagious or communicable disease or any disease which may, by law, be required to be reported to the health department of the city or of the state.

(Code 1999, Â§ 9-1366; Ord. No. 704(11), 9-6-2011) [Sec 9-1277 Required Dress](#)

All employees of a massage establishment, and all massage therapists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas.

(Code 1999, Â§ 9-1367; Ord. No. 704(11), 9-6-2011) [Sec 9-1278 Sheets And Towels](#)

All places where massage is being conducted shall have clean laundered sheets and towels in sufficient quantity and which shall be laundered after each use thereof and stored in a sanitary manner.

(Code 1999, Â§ 9-1368; Ord. No. 704(11), 9-6-2011) [Sec 9-1279 Operating Hours](#)

No massage establishment or off-site service shall be kept open or provide massaging between the hours of 10:00 p.m. and 8:00 a.m.

(Code 1999, Â§ 9-1369; Ord. No. 704(11), 9-6-2011) [Sec 9-1280 Advertising](#)

No massage establishment or massage therapist shall place, publish or distribute, or cause to be placed, published or distributed, any advertisement, picture, or statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services. Any advertisement of a massage establishment or massage therapist shall contain the license number of said establishment or therapist.

(Code 1999, Â§ 9-1370; Ord. No. 704(11), 9-6-2011) [Sec 9-1281 Persons Under 18 Prohibited On Premises](#)

No person shall permit any person under the age of 18 years to come or remain on the premises of any massage establishment as a massage therapist, employee, patron, or in any other capacity without parental/legal guardian presence or written consent, unless such person is on the premises on lawful business.

(Code 1999, Â§ 9-1371; Ord. No. 704(11), 9-6-2011) [Sec 9-1282 Alcoholic Beverages And Low-Point Beer](#)

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage as defined in 37 O.S. Â§ 506, or low-point beer as defined in 37 O.S. Â§ 163.2, on the premises of any massage establishment or place where massaging is being conducted.

(Code 1999, Â§ 9-1372; Ord. No. 704(11), 9-6-2011) [Sec 9-1283 Indecent Conduct](#)

1. It shall be unlawful for any person, conducting a massage, to place his hands upon, to touch with any part of his body, to fondle in any manner, or to massage, a sexual or genital part area of any other person.
2. It shall be unlawful for any person, in a massage establishment conducting a massage, to expose his sexual or genital areas, or any portion thereof, to any other person. It shall also be unlawful for any person, conducting a massage, to expose the sexual or genital areas, or any portions thereof, of any other person.
3. It shall be unlawful for any person, while in the presence of any other person conducting a massage, to fail to conceal with a fully opaque covering, the sexual or genital areas of his body.

4. It shall be unlawful for any person owning, operating or managing a massage establishment, knowingly to cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsection (A), (B) or (C) of this section.

(Code 1999, Â§ 9-1373; Ord. No. 704(11), 9-6-2011) [Sec 9-1284 Requirements For Cubicles, Booths, Etc.](#)

It shall be unlawful for any massage to be carried on within any cubicle, room, booth, or any area which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or county health departments.

(Code 1999, Â§ 9-1374; Ord. No. 704(11), 9-6-2011) [Sec 9-1285 Treatment Of Diseased Persons](#)

No person affected with any contagious disease or with any disease of the skin shall be treated with a massage.

(Code 1999, Â§ 9-1375; Ord. No. 704(11), 9-6-2011) [CHAPTER 9-13 PENALTIES Sec 9-1301 Penalty](#)

[Sec 9-1301 Penalty](#)

A violation of any of the provisions of this part is punishable as provided in section 1-108. A violation of this part may also result in revocation or suspension of a license issued hereunder, in addition to other penalties or remedies authorized by law.

(Code 1999, Â§ 9-1501) [CHAPTER 9-14 TATTOOING, BODY PIERCING AND MEDICAL MICROPIGMENTATION ARTICLE 9-14A TATTOOING, BODY PIERCING, MEDICAL MICROPIGMENTATION ARTICLE 9-14B LICENSES AND PERMITS](#)

State Law reference— Body piercing and tattooing, 21 O.S. Â§ 842.1 et seq.; local regulation of body piercing and tattooing, 21 O.S. Â§ 842.3.

[ARTICLE 9-14A TATTOOING, BODY PIERCING, MEDICAL MICROPIGMENTATION Sec 9-1401 Tattooing, Body Piercing, Medical Micropigmentation](#)

[Sec 9-1402 Requirements](#)

[Sec 9-1401 Tattooing, Body Piercing, Medical Micropigmentation](#)

1. It shall be unlawful for any person to perform or offer to perform body piercing or tattooing on a child under 18 years of age. No person under 18 years of age shall be allowed to receive a tattoo. No person under 18 years of age shall be allowed to receive a body piercing procedure unless the parent or legal guardian of such child gives written consent for the procedure, and the parent or legal guardian of the child is present during the procedure. No person shall be allowed to purchase or possess tattoo equipment or supplies without being licensed either as a state medical micropigmentologist or as a state tattoo artist.
2. Tattooing shall not be performed upon a person impaired by drugs or alcohol. A person impaired by drugs or alcohol is considered incapable of consenting to tattooing and incapable of understanding tattooing procedures and aftercare suggestions.
3. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice means any person who is training under the supervision of a licensed tattoo artist. That person cannot independently perform the work of tattooing. The term "apprentice" also means any person who is training under the supervision of a licensed body artist. That person cannot independently perform the work of body piercing.

Artist means the person who actually performs the body piercing or tattooing procedure.

Body piercing means a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry or other decoration; provided, however, the term does not include ear piercing.

Body piercing operator means any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment whether actually performing the work of body piercing or not. A mobile unit, including, but not limited to, a mobile home, recreational vehicle, or any other nonpermanent facility, shall not be used as a body piercing establishment.

Tattoo operator means any person who owns, controls, operates, conducts, or manages any permanent tattooing establishment whether performing the work of tattooing or not, or a temporary location that is a fixed location at which an individual tattoo operator performs tattooing for a specified period of not more than seven days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing.

Tattooing means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment, provided that medical micropigmentation, performed pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act, shall not be construed to be tattooing.

4. This chapter shall not apply to any act of a licensed practitioner of the healing arts performed in the course of such practitioner's practice of the practitioner.

(Code 1999, Â§ 9-1600; Ord. No. 555(06), 9-18-2006) HISTORY

Amended by Ord. 914(19) on 6/3/2019

Sec 9-1402 Requirements

1. All body piercing operators, tattoo operators and artists shall be prohibited from performing body piercing or tattooing unless licensed in the appropriate category by the state department of health.
2. The city shall not grant or issue a license to a body piercing or tattoo operator if the place of business of the body piercing or tattoo operator is within 1,000 feet of a church, school, or playground.
 1. The provisions of this subsection (B) shall not apply to the renewal of licenses or to new applications for locations where body piercing or tattoo operators are licensed at the time the application is filed with the department.
 2. The following words, terms and phrases, when used in this subsection (B), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Church means an establishment, other than a private dwelling, where religious services are usually conducted

Playground means a place, other than grounds at a private dwelling, that is provided by the public or members of a community for recreation.

School means an establishment, other than a private dwelling, where the usual processes of education are usually conducted.

(Code 1999, Â§ 9-1601; Ord. No. 555(06), 9-18-2006) **ARTICLE 9-14B LICENSES AND PERMITS** Sec 9-1411 Term

Sec 9-1412 Required

Sec 9-1413 Application

Sec 9-1414 Issuance

Sec 9-1415 Fee

Sec 9-1416 Transfer Prohibited

[Sec 9-1417 Use Of False Names Or Improper Location](#)

[Sec 9-1418 Display](#)

[Sec 9-1419 Revocation Or Suspension](#)

[Sec 9-1420 Appeal](#)

[Sec 9-1411 Term](#)

Every license or permit issued pursuant to the provisions of this article shall terminate at the expiration of one year from the date of its issuance unless sooner suspended or revoked.

(Code 1999, Â§ 9-1602; Ord. No. 555(06), 9-18-2006) [Sec 9-1412 Required](#)

No body piercing operator, tattooing operator or artist shall own, control, lease, act as agent for, conduct, operate, or manage an establishment for tattooing or body piercing without first securing a license and paying the fee therefor. A separate license shall be required for each office or place of business.

(Code 1999, Â§ 9-1603; Ord. No. 555(06), 9-18-2006) [Sec 9-1413 Application](#)

Any body piercing operator, tattooing operator, or artist desiring a license for tattooing or body piercing shall file a written application with the city clerk, license and permit division. The applicant shall furnish the following information:

1. A state department of health license issued in the appropriate category;
2. The type of ownership of the business (i.e., whether individual, partnership, corporation, or otherwise);
3. The name, style, and designation under which the business or practice is to be conducted;
4. The business address and all telephone numbers where the business is to be conducted;
5. A complete list of the names and residence address of all operators and employees in the business and the name and residence address of the manager or other person principally in charge of the operation;
6. The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and the holder of any lien, of any nature, upon the business or the equipment used therein; and concerning the manager or other person principally in charge of the operation of the business:
 1. Name, complete residence address and residence telephone numbers;
 2. The two previous addresses immediately prior to the present address of the applicant;
 3. Written proof that the applicant is at least 18 years of age;
 4. Height, weight, color of hair and eyes, and sex;
 5. Two front-face-portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size;
 6. All criminal convictions, except misdemeanor traffic violations; and
 7. A complete set of fingerprints taken and to be retained on file by the police chief or his authorized representatives;
7. Such other information, identification, and physical examination of the applicant as shall be deemed necessary by the police chief to discover the truth of the matters hereinbefore required to be set forth in the application;

8. Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(Code 1999, Â§ 9-1604; Ord. No. 555(06), 9-18-2006) HISTORY

Amended by Ord. 914(19) on 6/3/2019

Sec 9-1414 Issuance

If the city's inspectors find no violations or compliance problems, the inspector shall cause such approval to be delivered to the license and permit division who shall issue the license unless it finds:

1. The current license fee has not been tendered to the city, and, in the case of a check or bank draft, not honored with payment upon presentation.
2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health ordinances.
3. The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the application or in any document therewith.
4. The applicant has attached copies of all state certificates and surety bonds approved by the state attorney general and filed in the office of the secretary of state.

(Code 1999, Â§ 9-1605; Ord. No. 555(06), 9-18-2006) **Sec 9-1415 Fee**

A person who is required by the provisions of this article to obtain a license shall pay to the city the fee established by ordinance or appropriate resolution.

(Code 1999, Â§ 9-1606; Ord. No. 555(06), 9-18-2006) **Sec 9-1416 Transfer Prohibited**

A license for the operation of a tattoo or body piercing establishment at a particular location shall never be transferred.

(Code 1999, Â§ 9-1607; Ord. No. 555(06), 9-18-2006) **Sec 9-1417 Use Of False Names Or Improper Location**

No person granted a license pursuant to this article shall operate the tattoo or body piercing establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license.

(Code 1999, Â§ 9-1608; Ord. No. 555(06), 9-18-2006) **Sec 9-1418 Display**

Every person licensed under this article shall display such license in a prominent place on the licensed premises.

(Code 1999, Â§ 9-1609; Ord. No. 555(06), 9-18-2006) **Sec 9-1419 Revocation Or Suspension**

Any license issued for tattoo or body piercing may be revoked or suspended by the city after notice and hearing upon not less than ten days' notice, by certified mail to the last-known address of the licensee, or personal service on the licensee. Such notice shall be calculated from the date of mailing or in the case of personal service, from the date of service upon the license. A license or permit issued under this article may be revoked or suspended by the license or permit division, for good cause, or in any case where any of the provisions of this chapter are violated or where any employee of the manager licensee, including an operator, is engaged in any conduct which violates any of the state or local laws or ordinances at the licensee's place of business and the manager licensee has actual or constructive knowledge by due diligence, or upon a finding by the county health department, that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene.

(Code 1999, Â§ 9-1610; Ord. No. 555(06), 9-18-2006) **Sec 9-1420 Appeal**

1. Any applicant or licensee whose license has been denied, revoked or suspended shall have the right to appeal the decision of the licensing officer to the city council. The city council shall have the power to sustain, reverse or modify the decision of the licensing officer.
2. Any person appealing a decision of the licensing officer shall give written notice of appeal to the city clerk not more than ten days, exclusive of Saturdays, Sundays and city holidays, after the date of the decision of the licensing officer. Such notice shall set forth the reason for the appeal and the specific points on which the licensing officer allegedly erred.
3. An appeal shall stay any decision of the licensing officer which would require the discontinuance of an existing licensed activity.
4. A hearing before the city council shall be scheduled within 30 days from the date the notice of appeal is filed. Notice of such hearing shall be mailed to the person appealing and all other interested parties of record, not less than five days prior to such hearing.

(Code 1999, Â§ 9-1611; Ord. No. 555(06), 9-18-2006) **CHAPTER 9-15 HOME OCCUPATIONS**

Sec 9-1501 Purpose And Intent

Sec 9-1502 Home Occupations

Sec 9-1503 Applicability And Exemptions

Sec 9-1504 Action Regarding Complaints And Violation Of Standards

HISTORY

Adopted by Ord. 970(21) on 6/7/2021

Sec 9-1501 Purpose And Intent

The City Council hereby finds that there is a need to permit residents of the community a broad choice in the use of their homes as a place of livelihood and for the production or supplementing of personal and family income. It is the intent of the city council to:

1. Protect residential areas from potential adverse impact of activities defined as home occupations.
2. Establish measurable and comprehensive criteria and standards for the use of residential structures for home occupations.
3. Protect the public interest by enabling certain business activities to be conducted from within residential properties subject to limitations that will protect residential neighborhoods from the potential impacts of such business activities. **HISTORY**

Adopted by Ord. 970(21) on 6/7/2021

Sec 9-1502 Home Occupations

A home occupation is any occupation or profession carried on in a residence which is clearly incidental and secondary to the residential use of the premises. Residents of a dwelling unit may conduct home occupations as accessory activities, provided the residents observe the following standards:

1. Home occupations shall exhibit no evidence that a business is being conducted from the premises. A home occupation shall not permit:
 1. Outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises;
 2. Exterior signage which identifies the property as a business location.
2. The total area devoted to all home occupation(s) shall not exceed 10 percent of the gross floor area of the dwelling or housekeeping unit. Areas within attached private garages and accessory storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for indoor storage of goods associated with the home occupation, as well as for the home occupation itself.

3. All on-site activities of the home occupation(s) shall be conducted indoors; no outside storage is allowed.
4. The following activities are examples of permitted home occupations:
 1. Dressmaking, seamstresses, tailors;
 2. Artists and sculptors;
 3. Resident owned and operated beauty and/or barbershops (limited to one chair);
 4. Tutoring limited to two students at a time;
 5. Home crafts, such as model making, rug weaving, and lapidary work;
 6. Office facility of a minister, rabbi, or priest;
 7. Office facility of a salesman, sales representative or manufacture's representative;
 8. Office facility of a professional;
 9. Repair shop for small (less than 1.5 cubic feet) household items;
 10. Telephone answering or soliciting;
 11. Computer programming and small scale repair;
 12. Home cooking and preserving;
 13. Music and arts instruction (limited to two students at a time);
 14. Massage therapist;
 15. Typing/word processing service;
 16. Personal training (no more than two persons in a group); and
 17. Pet grooming (limited to two pets at a time).Additional uses may be allowed which meet the intent of this chapter, if not specifically prohibited by subsection E below.
5. The following activities shall be prohibited as home occupations:
 1. Repair, building or servicing of vehicles;
 2. Antique shop;
 3. Gift shop;
 4. Veterinary clinic or hospital;
 5. Painting of vehicles, trailers or boats;
 6. Large appliance repair (including stoves, refrigerators, washers and dryers);
 7. Upholstering;
 8. Cabinet and woodworking shops;
 9. Machine and sheet metal shops;
 10. Martial arts or dance/aerobics studio;
 11. Small engine repair and any use which may include hazardous chemicals;
 12. Dispensing of medical drugs or other items which may be potentially hazardous to the surrounding area;
 13. Parking and storage of heavy equipment;

14. Storage and/or distribution for use on other properties of building materials, toxic or flammable materials, fertilizer, and spray painting or spray finishing operations that involve toxic or flammable materials which, in the judgement of the Fire Marshal, pose a dangerous risk to the residence, its occupants, and/or surrounding properties;
 15. Retail sales;
 16. Mortuaries;
 17. Dancing studios, exercise studios;
 18. Private clubs;
 19. Restaurants; and
 20. Medical marijuana sales, production, and collective gardens.
6. Sales shall be limited to mail order and telephone sales, with off-site delivery. No on-site retail sales are permitted.
 7. Services to patrons shall be arranged by appointment or provided off site.
 8. The home occupation(s) shall not use electrical or mechanical equipment that results in:
 1. A change to the fire rating of the structure(s) used for the home occupation(s);
 2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or
 3. Fluctuations in line voltage off premises.
 9. There shall be no offensive noise, vibration, smoke, dust, odors, heat, light or glare noticeable at or beyond the property line resulting from the operation.
 10. The home occupation shall not pave any additional area beyond the normal paved area of a driveway for the purpose of accommodating additional off street parking.
 11. No business involving the pickup or delivery of good or products will be conducted between the hours of 7:00 pm and 7:00 am.
 12. The home occupation shall not include the remodeling of the exterior of the dwelling or the accessory structure that changes the residential character. HISTORY
Adopted by Ord. 970(21) on 6/7/2021
[Sec 9-1503 Applicability And Exemptions](#)
1. No person shall carry on a home occupation, or permit such use to occur on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.
 2. Home occupation regulations shall not apply to:
 1. Conducting of occasional "host" parties where goods, such as cosmetic supplies, are sampled or displayed;
 2. Paperwork and similar activities performed by residents, who may have a primary office elsewhere and when no additional traffic is generated;
 3. Services or activities that are not performed at the residence, such as newspaper delivery, and babysitting;
 4. Garage sales, subject to the requirements of the City of Moore;
 5. Hobbies that do not result in payment to those engaged in such activity; and
 3. A maximum of one home occupation may be conducted on a property. HISTORY
Adopted by Ord. 970(21) on 6/7/2021
[Sec 9-1504 Action Regarding Complaints And Violation Of Standards](#)

1. Complaints. The City of Moore or the public may originate complaints. Complaints from the public shall clearly state the objection to the home occupation, such as but not limited to:
 1. Generation of excessive traffic;
 2. Exclusive use of on-street parking spaces; or
 3. Other offensive activities not compatible with a residential neighborhood.
2. Review of Complaints. The community development director, and/or his/her designee, shall review written complaints. The community development director and/or his/her designee shall notify the operator in writing of the complaints and the operator shall have 10 days to provide a written response to the complaints. Within 10 days of the filing of the written response of the operator, the director shall either approve the use as it exists, order the home occupation to cease, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this chapter and provide written notice to the operator of the director's decision.
3. Cessation of Home Occupation Pending Review. If it is determined by the community development director, and/or his/her designee, in the exercise of reasonable discretion, that the home occupation is question will affect public health and safety, the use may be ordered to cease, pending city council review and/or exhaustion of all appeals.
4. City Council Review. The City Council shall either approve the use as it exists, compel suitable restrictions and conditions to ensure compatibility with the neighborhood, or order the cessation of the Home Occupation.
5. Penalty. If a personal violates subsection (C) or (D) of this section after the community development director or City Council has ordered the occupation to cease, it shall be considered an offence punishable as provided in section 1-108 and 1-109. HISTORY

Adopted by Ord. 970(21) on 6/7/2021

PART 10 OFFENSES AND CRIMES CHAPTER 10-1 GENERAL PROVISIONS

CHAPTER 10-2 OFFENSES AGAINST PERSONS

CHAPTER 10-3 OFFENSES AGAINST PROPERTY

CHAPTER 10-4 OFFENSES AGAINST PUBLIC PEACE

CHAPTER 10-5 OFFENSES AGAINST THE PUBLIC

CHAPTER 10-6 OFFENSES AGAINST PUBLIC AUTHORITY

CHAPTER 10-7 GANG-RELATED ACTIVITIES

CHAPTER 10-8 JUVENILE OFFENSES

CHAPTER 10-1 GENERAL PROVISIONS Sec 10-101 Attempts To Commit An Offense

Sec 10-102 Aiding In An Offense

Sec 10-103 "Offense" Defined

Sec 10-104 "Violation" Defined

Sec 10-105 Penalty Not To Excuse Offense

Sec 10-106 Capacity To Commit Offense

Sec 10-107 Intoxication, No Defense

Sec 10-108 Witness, Self-Incrimination

Sec 10-109 Nuisances

Sec 10-110 Conspiracy

Sec 10-111 Limitations Of Actions

Sec 10-112 Lawful Use Of Force

Sec 10-101 Attempts To Commit An Offense

Every person who attempts to commit an offense against the ordinances of the city, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed

for the attempted offense itself.

(Prior Code, Â§ 16-1; Code 1999, Â§ 10-101)

State Law reference— Attempts to commit crimes, 21 O.S. Â§ 41 et seq. [Sec 10-102 Aiding In An Offense](#)

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender.

(Prior Code, Â§ 16-2; Code 1999, Â§ 10-102) [Sec 10-103 "Offense" Defined](#)

The term "offense," whenever used in this Code or in any part, chapter, article or ordinance of the city, means the unlawful act of doing, or failing to do, some particular act or thing construed therein to be detrimental to the general welfare, morals, peace, health or safety of the inhabitants of the city.

(Code 1999, Â§ 10-103) [Sec 10-104 "Violation" Defined](#)

The doing of any of the acts or things prohibited, or failing to do any of the acts or things commanded to be done, as more fully specified and set forth by any provision of this Code or any part, chapter or article hereof, or future ordinances of the city, is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of the city and unlawful.

(Code 1999, Â§ 10-104) [Sec 10-105 Penalty Not To Excuse Offense](#)

The imposition of one penalty for an offense shall not excuse it or permit it to continue, nor prevent the imposition of further penalties, should the offenses be continued or permitted to continue.

(Code 1999, Â§ 10-105) [Sec 10-106 Capacity To Commit Offense](#)

All persons are capable of committing an offense as herein provided, except those belonging to the classes following:

1. Children under the age of seven years;
2. Children over the age of seven years, but under the age of 14 years, in the absence of proof that at the time of committing the act or neglect charged against them they knew its wrongfulness;
3. Persons who are impaired by reason of mental retardation upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness;
4. Mentally ill persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness;
5. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
6. Persons who committed the act charged without being conscious thereof; and
7. Persons who committed the act, or made the omission charged, while under involuntary subjection to the power of superiors.

(Code 1999, Â§ 10-106)

State Law reference— Similar provisions, 21 O.S. Â§ 152. [Sec 10-107 Intoxication, No Defense](#)

No act committed by any person while in a state of intoxication, whether from liquor or drugs, shall be deemed less an offense by reason of his being in such condition.

(Code 1999, Â§ 10-107)

State Law reference— Similar provisions, 21 O.S. Â§ 153. [Sec 10-108 Witness, Self-Incrimination](#)

No person otherwise competent as a witness shall be incapacitated, excused or disqualified from testifying concerning the offense mentioned in any section, division, article, chapter or part of this Code, or any ordinances hereafter enacted on the ground that his testimony might incriminate him, but the testimony which may be given by such witness shall in no case be used against him.

(Code 1999, Â§ 10-108) [Sec 10-109 Nuisances](#)

It is unlawful and an offense for any person to permit, maintain, aid, abet, or sanction a nuisance on or about any premises owned by him or under his control at any place within the corporate limits of the city.

(Code 1999, Â§ 10-109)

State Law reference— Nuisances, 21 O.S. Â§ 1 et seq. [Sec 10-110 Conspiracy](#)

Any two or more persons assembled or who shall assemble with the intent to mutually agree to do any unlawful act with force or violence and shall make any movement therefor against the property of the city or the person or property of another person shall be guilty of an offense.

(Code 1999, Â§ 10-110)

State Law reference— Conspiracy, 21 O.S. Â§ 421 et seq. [Sec 10-111 Limitations Of Actions](#)

The time within which a charge may be filed under the provisions of this chapter shall be one year from the date of the commission or omission or in cases involving fraud, deception or deceit, one year from the discovery of the fraud, deception or deceit, unless otherwise provided by the statutes of the state.

(Code 1999, Â§ 10-111) [Sec 10-112 Lawful Use Of Force](#)

1. To use or to attempt to offer to use force upon or toward the person of another is not unlawful in the city in the following cases:
 1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting him or acting by his direction;
 2. When necessarily committed by any person in arresting one who has committed any felony, and delivering him to a public officer competent to receive him in custody;
 3. When committed either by the party about to be injured, or by any other person in his aid or defense, in preventing or attempting to prevent an offense against his person, or any trespass or other unlawful interference with real or personal property in his lawful possession, provided the force used is not more than sufficient to prevent such offense, and that the same shall be necessary for the self-defense of his person or property;
 4. When committed by a parent or authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by his refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force used is reasonable in manner and moderate in degree;
 5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage,

interurban car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is sufficient to expel the offending passenger, with a reasonable regard to his personal safety;

6. When committed by any person in preventing an idiot, lunatic, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of such person;
 7. In preventing or interrupting an intrusion upon the lawful possession of property; and
 8. To preserve the peace or prevent the commission of an offense.
2. Where force is permitted to effect a lawful purpose only that degree of force necessary to effect such purpose shall be used.

(Code 1999, Â§ 10-112)

State Law reference— Similar provisions, 21 O.S. Â§ 643. [CHAPTER 10-2 OFFENSES AGAINST PERSONS](#) [Sec 10-201 Assault And Battery](#)

[Sec 10-202 "Assault" Defined](#)

[Sec 10-203 "Battery" Defined](#)

[Sec 10-204 Reckless Conduct](#)

[Sec 10-201 Assault And Battery](#)

No person shall commit an assault or battery, or both, upon the person of another.

(Prior Code, Â§ 16-76; Code 1999, Â§ 10-201)

State Law reference— Assault and battery generally, 21 O.S. Â§ 641 et seq.; city's power to prevent, 11 O.S. Â§ 22-110. [Sec 10-202 "Assault" Defined](#)

An assault is any willful and unlawful attempt or offer with force or violence to do corporal hurt to another.

(Prior Code, Â§ 16-76; Code 1999, Â§ 10-202)

State Law reference— Similar provisions, 21 O.S. Â§ 641. [Sec 10-203 "Battery" Defined](#)

A battery is any willful and unlawful use of force or violence upon the person of another.

(Prior Code, Â§ 16-76; Code 1999, Â§ 10-203)

State Law reference— Similar provisions, 21 O.S. Â§ 642. [Sec 10-204 Reckless Conduct](#)

1. Reckless conduct, as used in this section, consists of an act which creates a situation of unreasonable risk and probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another.
2. It is unlawful for any person to endanger another's safety by reckless conduct in the operation or handling of any weapon or instrument, including a pistol, revolver or other firearm.

(Prior Code, Â§ 16-77; Code 1999, Â§ 10-204)

State Law reference— Similar provisions, 21 O.S. Â§ 1289.11. [CHAPTER 10-3 OFFENSES AGAINST PROPERTY](#) [Sec 10-301 Petit Larceny, And Larceny Of Lost Property](#)

[Sec 10-302 Larceny By False Pretense](#)

[Sec 10-303 Altering Keys](#)

[Sec 10-304 Possession Of Stolen Property](#)

[Sec 10-305 Defrauding Public Accommodations; Proof; Exception](#)

Sec 10-306 Concealing Unpurchased Merchandise, Merchant's Authority To Detain
 Sec 10-307 Failure To Pay Fare For Public Conveyance
 Sec 10-308 False Or Bogus Checks
 Sec 10-309 Harmful Deception
 Sec 10-310 Defacing Building, Damaging Property
 Sec 10-311 Removing Or Breaking Private Property
 Sec 10-312 Damaging Private Property
 Sec 10-313 Public Works Under Construction
 Sec 10-314 Damaging Or Tampering With Motor Vehicle
 Sec 10-315 Tampering With Or Damaging Of Utilities
 Sec 10-316 Destroying Trees And Shrubbery
 Sec 10-317 Trespassing Prohibited, Notice, Soliciting
 Sec 10-318 Congregating, Parking On-Premises After Hours
 Sec 10-319 Unlawful Intrusion On Land
 Sec 10-320 Throwing Or Shooting At Persons Or Property
 Sec 10-321 Throwing Out Lighted Substances Or Debris Prohibited
 Sec 10-322 Littering, Deposits Unlawful
 Sec 10-323 Posting Advertising, Other Matter On Building Of Another
 Sec 10-324 Posting Advertising, Other Matter On Utility Poles Or On Or Over Streets And Side-walks
 Sec 10-325 False Weights
 Sec 10-326 Electric Fences Prohibited
 Sec 10-327 Unlawful Use Of Another's Garbage Or Refuse Container
 Sec 10-328 Fireworks Prohibited; Exceptions
 Sec 10-301 Petit Larceny, And Larceny Of Lost Property

1. No person shall steal, take and carry away by fraud or stealth, with intent to deprive another thereof, any personal property under the value of \$1,000.00 or such other amount constituting a misdemeanor under statute or embezzle any money, personal property or effects of another under the value of \$1,000.00 or less or such other amount constituting a misdemeanor under statute. This subsection does not apply to taking property from the person of another.
2. One who finds lost property of the value of \$1,000.00 or less or such other amount constituting a misdemeanor under statute, under circumstances which gives him knowledge or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person who is not entitled thereto, without having first made such effort as the circumstances render reasonable and just to find the owner and restore the property to him, is guilty of a petit larceny.

(Prior Code, Â§Â§ 16-91, 16-93; Code 1999, Â§ 10-301)

State Law reference— Larceny, 21 O.S. Â§ 1701 et seq.; embezzlement, 21 O.S. Â§ 1451 et seq. **HISTORY**

Amended by Ord. 778(14) on 7/7/2014

Sec 10-302 Larceny By False Pretense

No person shall induce, or attempt to induce, any person to give up or pay over any money or other thing of value which money or value does not exceed \$1,000.00 or less or such other amount constituting a misdemeanor under statute, by any false representation or pretense, or in exchange for any false or bogus coin or check, draft or other false evidence of value, or in consideration of refraining from a lawful or unlawful arrest or in consideration of refraining from reporting any unlawful act to any public official.

(Prior Code, Â§Â§ 16-105, 16-107, in part; Code 1999, Â§ 10-302)

State Law reference— False pretenses, 21 O.S. Â§ 1541.1 et seq. HISTORY

Amended by Ord. 791(15) on 6/1/2015

Sec 10-303 Altering Keys

No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

(Code 1999, Â§ 10-303) **Sec 10-304 Possession Of Stolen Property**

No person shall keep in his possession, or dispose of, or conceal any stolen property, or fail promptly to inform some proper official of the possession thereof, under circumstances indicating that such property had been stolen or the possession thereof obtained unlawfully. This section applies only if the property has a value of less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.

(Prior Code, Â§ 16-97; Code 1999, Â§ 10-304)

State Law reference— Receiving stolen property, 21 O.S. Â§ 1713. **Sec 10-305 Defrauding Public Accommodations; Proof; Exception**

1. No person shall obtain food, lodging or other accommodation in any hotel, motel, inn, boardinghouse, eatinghouse or roominghouse or place, or any other lodging place, with the intent to defraud the owner or keeper.
2. Proof that lodging, food and other accommodations were obtained by false pretense or fictitious show of any package or other property or that the person gave a check or negotiable paper on which payment was refused or that the person left the hotel, motel, inn, boardinghouse, eatinghouse or roominghouse or place, or other lodging place, without paying or offering to pay for the food, lodging or other accommodation or that the person surreptitiously removed or attempted to remove the package or property, or that the person registered under a fictitious name shall be prima facie proof of attempt to defraud.
3. No person shall refuse to pay the legal fare of any of the vehicles mentioned in this section after having hired the same, and no person shall hire any vehicle with intent to defraud the person from whom it is hired of the value of such service.
4. This section shall not apply where there has been an agreement in writing for delay in payment. This section applies only if the property does not exceed a value of less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.

(Prior Code, Â§ 16-105; Code 1999, Â§ 10-305)

State Law reference— Similar provisions, 21 O.S. Â§ 1503. **Sec 10-306 Concealing Unpurchased Merchandise, Merchant's Authority To Detain**

Any person concealing unpurchased merchandise of any establishment, either on the premises or outside the premises of the establishment, shall be presumed to have so concealed the merchandise with the intention of committing a wrongful taking of such merchandise. 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; any such reasonable detention shall not be deemed to be unlawful nor render any such merchant, his agent or employee, criminally or civilly liable.

(Prior Code, Â§ 16-96; Code 1999, Â§ 10-306) **Sec 10-307 Failure To Pay Fare For Public Conveyance**

No person shall use or accept the use and services of any street car, taxi cab, omnibus, automobile or any other means of public conveyance or passengers, operating under the Code, ordinance,

franchise, permit or license of the city or state, and refuse or fail to pay to the operator of the conveyance the usual, customary, regulation or legal charge, or price as fare immediately upon the performance of the service.

(Code 1999, Â§ 10-307; Ord. No. 518, 4-2-1990) [Sec 10-308 False Or Bogus Checks](#)

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person any money, property or valuable thing of a value less than \$1,000.00 or such greater amount constituting a misdemeanor under state law by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within 30 days after same is delivered and accepted.

(Prior Code, Â§ 16-92, 16-106, in part; Code 1999, Â§ 10-308; Ord. No. 683(10), 11-15-2010)

State Law reference— Bad checks, 21 O.S. Â§ 1541.1 et seq. [Sec 10-309 Harmful Deception](#)

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

(Prior Code, Â§ 16-33; Code 1999, Â§ 10-309) [Sec 10-310 Defacing Building, Damaging Property](#)

1. No person shall purposely deface or damage any public or private building or appurtenances thereof, or any fence, street, bridge, sidewalk, driveway, street, or public work.
2. No person shall:
 1. Destroy, injure, deface, damage or molest any structure, building, work or other property, real or personal, belonging to another;
 2. Use such property wrongfully to the detriment of the owner or other person entitled to its use; or
 3. Interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.
3. This section applies only if the loss is less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.

(Prior Code, Â§ 16-99; Code 1999, Â§ 10-310)

State Law reference— Destroying property generally, 21 O.S. Â§ 1760. [Sec 10-311 Removing Or Breaking Private Property](#)

No person shall willfully, unlawfully or maliciously take and carry or cause to be taken and carried away any part of a house, barn, fence, gate or other structure, or maliciously break, tear down or destroy any part of a house, barn or other structure not his own. This section applies only if the loss is less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.

(Code 1999, Â§ 10-311)

State Law reference— Destroying property generally, 21 O.S. Â§ 1760. [Sec 10-312 Damaging Private Property](#)

No person shall willfully and wantonly damage or destroy the personal property of another. This section applies only if the loss is less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.

(Code 1999, Â§ 10-312)

State Law reference— Destroying property generally, 21 O.S. Â§ 1760. [Sec 10-313 Public Works Under Construction](#)

1. Any person who removes, destroys, disturbs, or in any manner injures any grade stake, stone or other mark or monument set by or under authority of the city to designate or mark grades, lines, corners or bench marks on any public work in the city prior to the completion and acceptance of the contract for which such stakes or monuments are set, without lawful authority, is guilty of an offense.
2. Any contractor or other person constructing any public work in the city shall protect such work by barriers or obstructions. It is unlawful for any person to cross the barriers or to remove them until the work has been completed and opened by authority of the city.

(Code 1999, Â§ 10-313)

State Law reference— Destroying property generally, 21 O.S. Â§ 1760. [Sec 10-314 Damaging Or Tampering With Motor Vehicle](#)

1. No person, other than a peace officer in the performance of his official duties, shall, with intent and without right to do so, injure or tamper with any vehicle or in any other manner damage any part or portion of the vehicle or any accessories, appurtenances or attachments thereto. This subsection applies only if the loss is less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.
2. No person, other than a peace officer in the performance of his official duties, shall, without right to do so and with intent to commit a crime, climb into or upon a vehicle, whether it is in motion or at rest, attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of the vehicle while the vehicle is at rest and unattended, or set in motion any vehicle while the vehicle is at rest and unattended.

(Prior Code, Â§ 16-98; Code 1999, Â§ 10-314)

State Law reference— Damaging motor vehicles, 21 O.S. Â§Â§ 1787, 1788. [Sec 10-315 Tampering With Or Damaging Of Utilities](#)

1. No person shall alter, remove, tamper with, molest, damage or injure any wires, cable, appurtenance, structure, pipes or equipment of any utility of the city, or any public utility, or connect or tamper with the wires, cables or pipes of any electric, water, sewer, cable television or gas utility or of the city without consent of the utility or city having been first obtained. This subsection applies only if the loss is less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.
2. It is unlawful to open up any manhole or opening to a sewer unless authorized by the city, or to leave a manhole or other opening so opened without replacing the fixture or appliances thereto in their proper place and position.
3. No person except a member of the fire department or a person acting on lawful order or permit issued by the city shall open or use water from any fire hydrant or take off the caps or damage the same. No person may block the approach or access to a fire hydrant or attach, fasten, stand or brace anything against or on the hydrant.
4. No person shall in any manner whatsoever:

1. Cut into, attach to or intercept the wires, cables or pipes of any electric, water, cable television or gas utility or of the city for the purpose of fraudulently taking therefrom electric current, water, transmissions or gas;
2. Cut into, attach to or intercept the wires, cables or pipes for the purpose of conducting around any meter electric current, water or gas in order to prevent the current, water or gas from being measured by the meter, or in such other manner so as to consume or use the utility or cable service so as to evade payment therefor, with the unlawful intent to defraud the company or city out of the value of the service; or
3. By any device or manipulation whatsoever to cause current, transmissions, water or gas used upon any premises to be fraudulently conveyed upon any premises for the purposes of use thereof, and with the intent to defraud and cheat the utility or city from payment thereof.
5. Each day that any person maintains any such fraudulent connection with any wires, cables or pipes, or fraudulently takes from any such wires, cables or pipes either electric current, transmissions, water or gas shall constitute a separate offense.

(Prior Code, Â§ 16-102; Code 1999, Â§ 10-315) [Sec 10-316 Destroying Trees And Shrubbery](#)

1. No person shall willfully, maliciously and without lawful authority cut down, root up, sever, injure or destroy any fruit tree, shade or ornamental tree, cultivated root or plant, grape or strawberry vine, shrub or plant whatever standing on or attached to the land of another, or pick, destroy, carry away therefrom, or in any way interfere therewith, any of the fruit thereof.
2. No person shall willfully or without lawful authority cut down, destroy, root up or in any manner injure any fruit, shade or ornamental tree, shrub or vine planted or growing on any street, land, avenue, alley or other public ground of the city.
3. This section applies only if the loss is less than \$1,000.00 or such greater amount constituting a misdemeanor under state law.

(Code 1999, Â§ 10-316)

State Law reference— Destroying property generally, 21 O.S. Â§ 1760. [Sec 10-317 Trespassing Prohibited, Notice, Soliciting](#)

1. It is unlawful and an offense for any person to commit a trespass within the city upon either public or private property.
2. Trespass shall include each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner or other person in lawful possession of the premises. Trespass shall also mean the act of entering upon or remaining on private property when such is plainly forbidden by signs, markings, or otherwise, by verbal command of the owner, his agent, or employee, or after having been directed to do so by a police officer, although this sentence shall not apply to persons, including employees, whose presence upon the premises is authorized by the owner or by a person in lawful possession of such premises. Trespass shall also include the act of returning to private property after having been directed to vacate the premises by the owner, his agent, employee or police officer under the terms of this section.
3. Any of the following acts by any person shall be deemed a violation of this section:
 1. The doing of an injury or misfeasance to the person of another;

2. The doing of any injury or misfeasance to the property of another when done with force and violence, either actual or implied;
 3. Each and every actual entry upon the premises of another owner or person in possession of real property, whether the property is public or private, without the owner's or occupant's consent, express or implied;
 4. An entry upon the premises, or any part thereof, of another in violation of a notice exhibited thereon prohibiting entry at specified times;
 5. An entry upon the premises, or any part thereof, of another in violation of any notice, warning or protest given orally or in writing by any owner or other lawful occupant thereof;
 6. An entry upon any public property, including parks or parking areas, in violation of a notice exhibited there prohibiting entry at specified times;
 7. An entry upon any public property in violation of any notice, warning or protest given orally or in writing by a city official;
 8. If on the property of another, or upon public property lawfully, a failure or refusal to depart in case of being requested to so depart orally or written, by any owner, lawful occupant, or by a city official;
 9. An entry upon any portion of a public park, where the entry involves the use of any vehicle, equipment or device where such use is specifically prohibited;
 10. An entry of any public building except for the purpose of dispatching business with the public corporation or consent is obtained from the city council or other public official which is lawfully authorized to give consent; or
 11. Remaining on public or 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. The provisions of this subsection shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises; nor shall the provisions of this subsection apply unless hours of business operation are posted upon such premises. Trespass also includes the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.
4. For purposes of constituting a violation of this section, the exhibited notice required under subsections (C)(4) through (7) of this section shall meet the following criteria:
1. The notice shall be plainly posted in a place conspicuous to those who would enter the property;
 2. The notice shall be legible so as to afford reasonable warning prior to the commission of a trespass; and
 3. If upon property to which the public is invited at least some part of the day, the notice shall clearly specify the days and times of day entry is prohibited, and further specify that entry at such times constitutes a punishable offense under this Code.

(Code 1999, Â§ 10-317; Ord. No. 501, 12-18-1989, in part)

State Law reference— Trespass, 21 O.S. Â§ 1835 et seq. [Sec 10-318 Congregating, Parking On-Premises After Hours](#)

1. No person shall stand, walk, sit, lie, congregate or otherwise occupy or remain upon the premises of any place or business within the city after business hours without consent of the

lawful owner, occupant, lessee or employee thereof.

2. No person shall stop, stand, park, leave, or place any motor vehicle, whether occupied or not, upon any public or private property without the consent of the owner, occupant, lessee or employee thereof, except where such property is provided for public parking and the use for such parking is not restricted by proper notice. In addition to fine or other punishment for a violation of this subsection, the vehicle so parked, left or placed shall be subject to impoundment upon complaint of the property owner or lawful occupant. The person violating this subsection shall be wholly responsible for payment of towage and storage charges.
3. No person may be charged under this section unless the premises in question is posted with a conspicuous sign which states, substantially, that the premises are posted, and that any person congregating, occupying or remaining upon the premises or parking or leaving a motor vehicle thereon is subject to prosecution pursuant to this Code.
4. When used in this section, the term "after business hours" shall mean that the doors of the business which are open to the public during business hours are closed and locked and that the business is no longer admitting customers. The term "after business hours" applies to places of business which are vacant or permanently or temporarily closed or otherwise unoccupied. The term "place of business" means any private property upon which a building, house or other structure is used for commercial or public purposes (e.g., without limitation, restaurants, gas stations, shopping malls or centers, theaters, convenience stores, grocery stores, drug stores or pharmacies, recreational facilities, wholesale or retail sales activities, offices, banks or other financial institutions, manufacturing, and professional services (medical, legal, accounting, insurance, consulting)).
5. There is a rebuttable presumption that any person or motor vehicle upon the premises of a place of business that is properly posted pursuant to this section after such time as the front door or other such door that admits members of the public is closed and locked is on the premises of such business unlawfully under this section; however, this presumption shall not be applied within 30 minutes of any opening or closing times posted by such place of business. This presumption may only be rebutted by proof beyond a reasonable doubt that any person held by the municipal judge to be subject to this rebuttable presumption was on the premises in question with permission of the lawful owner, occupant, lessee or employee thereof.
6. If a motor vehicle is alleged to be unlawfully parked or left under this section, it shall be rebuttably presumed that the person in whose name the motor vehicle was last registered was the person who parked or left the motor vehicle.
7. The parking or leaving of a motor vehicle as set forth herein shall constitute the offense of unlawful parking or leaving a motor vehicle after business hours, punishable as provided in section 1-108.
8. If a person violates subsection (A) of this section, it shall constitute the offense of unlawful presence on property after business hours or congregating after business hours and is punishable as provided in section 1-108.
9. The provisions of this section are cumulative of other applicable offenses enacted in this Code or state law.

(Code 1999, Â§ 10-318; Ord. No. 456, 8-1-1988) [Sec 10-319 Unlawful Intrusion On Land](#)

1. No person shall intrude or remain upon any lot or piece of land, or in any building within the city without license or authority from the owner thereof, or erect or occupy thereon any structure whatever without such license or authority.

2. No person shall place, erect or occupy within the bounds of any street, alley or avenue of the city any structure whatever unless such person is granted a license by the city to do so.

(Code 1999, Â§ 10-319)

State Law reference— Trespass, 21 O.S. Â§ 1835 et seq. [Sec 10-320 Throwing Or Shooting At Persons Or Property](#)

No person shall throw or shoot any object into or across any street or alley, or in any place where he is likely to hit another person wrongfully, or injure property, or to throw any object at any person, vehicle, structure, or property of another, whether public or private, except where such is done in defense of oneself or another person or property.

(Prior Code, Â§ 16-101; Code 1999, Â§ 10-320) [Sec 10-321 Throwing Out Lighted Substances Or Debris Prohibited](#)

No person shall throw, drop, deposit or otherwise place in, upon or within the limits of any street, avenue, public ground, public waterway or city-owned property or waterway any lighted cigarette, cigar or other flaming or glowing substances, or any substance or thing which may cause a fire.

(Code 1999, Â§ 10-321) [Sec 10-322 Littering, Deposits Unlawful](#)

It is unlawful to throw, deposit or discharge any item or waste material, liquid or solid, on any street or public place in the city or upon the property of another without express authority to do so.

(Code 1999, Â§ 10-322)

State Law reference— Littering, 21 O.S. Â§ 1753.3 et seq. [Sec 10-323 Posting Advertising, Other Matter On Building Of Another](#)

1. No person shall place upon any building any advertising or other matter of any kind, nor print or exhibit printing on a building or any part thereof, in words, signs or characters, except with the express consent of the owner, lessee or authorized agent of the owner of the building.
2. No person shall place, post, paint, mark, write, print or put any sign, poster, picture, announcement, writing, device, advertisement or other marking upon any public or private building, fence, sidewalk, bridge, post, automobile or vehicle or property of another without the consent of the owner or person in charge thereof.

(Prior Code, Â§ 16-100; Code 1999, Â§ 10-323) [Sec 10-324 Posting Advertising, Other Matter On Utility Poles Or On Or Over Streets And Sidewalks](#)

It is unlawful for any person to place any advertising or other matter of any kind on any utility pole, or to place any advertising on the streets or sidewalks of the city or to place any advertising on any signs or banners stretched over the streets or sidewalks of the city. Nothing herein shall be construed to prevent any permanently located commercial or business establishment in the city from erecting and maintaining business or commercial signs in accordance with the ordinances of the city, nor to prohibit the granting of permission by the city to religious, charitable, patriotic or civic bodies to use banners across the streets of the city in such places as may be designated by the city manager for the observance of holidays, charitable drives and the commemoration and celebration of other public or civic occasions.

(Code 1999, Â§ 10-324) [Sec 10-325 False Weights](#)

It is unlawful for any person to sell any commodity or article of merchandise and in the sale thereof knowingly make or give a false or short weight therefor or for any person owning or keeping or having in charge any scale used in weighing any animal, commodity or article to knowingly and willfully report any false or untrue weight whereby another person shall be defrauded or damaged.

(Prior Code, Â§ 16-108; Code 1999, Â§ 10-326)

State Law reference— False weights and measures, 21 O.S. Â§ 1551 et seq. [Sec 10-326 Electric Fences Prohibited](#)

It is unlawful for any person to erect, install or maintain any electrically charged fence within the city, except that the building official may issue a permit for an electrically-charged fence to retain animals upon proof that the fence will not be hazardous to life, and upon proof that the electric charge is regulated by a controlling device.

(Code 1999, Â§ 10-327; Ord. No. 520, 5-21-1990) [Sec 10-327 Unlawful Use Of Another's Garbage Or Refuse Container](#)

It is unlawful and an offense for any person to dispose of garbage, refuse, rubbish or waste into any refuse container, dumpster or other receptacle for the deposit of same belonging to or leased by another, whether by rental agreement, lease or agreement with the city or a public or private trash, garbage or refuse hauling service, without the permission of the owner, lessee or other person entitled to the possession or use thereof.

(Code 1999, Â§ 10-328; Ord. No. 458, 8-1-1988) [Sec 10-328 Fireworks Prohibited; Exceptions](#)

1. For the purpose of this section, the term "fireworks" shall have the same meaning as in state law, 68 O.S. Â§ 1621 et seq.
2. It is unlawful for any person to manufacture, display, possess, use or sell fireworks within the city except as provided in this section.
3. Pyrotechnic or fireworks displays may be authorized in accordance with the city fire code when under proper control and the time, place and manner of the display is permitted by the city.

(Prior Code, Â§Â§ 9-96, 9-97; Code 1999, Â§ 10-329)

State Law reference— Local regulation of fireworks, 11 O.S. Â§ 22-110. [CHAPTER 10-4 OFFENSES AGAINST PUBLIC PEACE ARTICLE 10-4A GENERAL PROVISIONS](#)

[ARTICLE 10-4B NOISE](#)

[ARTICLE 10-4A GENERAL PROVISIONS Sec 10-401 Disturbing The Peace](#)

[Sec 10-402 Disturbing Funerals](#)

[Sec 10-403 Disorderly Conduct](#)

[Sec 10-404 Parades, Public Assemblies, And Special Events](#)

[Sec 10-405 Firearms And Carrying Certain Weapons Prohibited](#)

[Sec 10-406 Begging And Soliciting Alms](#)

[Sec 10-407 Lawful Operation Of Unmanned Aircraft Systems](#)

[Sec 10-401 Disturbing The Peace](#)

1. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in subsection (B) of this section.
2. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:
 1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
 2. Appearing in an intoxicated condition;
 3. Engaging in a fistic encounter;
 4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;

5. Pointing any pistol or any other deadly weapon whether loaded or not at any other persons either in anger or otherwise;
 6. Holding an unlawful assembly of two or more persons, including being assembled together and acting in concert, to do any unlawful act against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;
 7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;
 8. Obstructing the free passage of pedestrians or vehicles on a street, right-of-way or sidewalk, or other public place;
 9. Obstructing, molesting or interfering with any person lawfully in a public place;
 10. Making noises that a reasonable person of ordinary sensibilities would find unnecessarily loud or offensive;
 11. Disturbing any congregation or assembly of persons meeting for religious worship by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or
 12. Committing any other act in such a manner calculated as to unreasonably disturb, interfere or alarm the public or the comfort and repose of any person.
3. Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in subsection (B) of this section, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place; and any who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.
 4. This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.

(Prior Code, Â§Â§ 16-57—16-59, 16-61; Code 1999, Â§ 10-401) [Sec 10-402 Disturbing Funerals](#)

No person shall willfully disturb, interrupt or disquiet any assemblage of people who have met for the purpose of any funeral, or obstruct or detain any person engaged in accompanying any funeral to a place of burial.

(Code 1999, Â§ 10-402) [Sec 10-403 Disorderly Conduct](#)

A person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, alarm or recklessly creating the risk thereof, he:

1. Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;
2. Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Endangers the lawful pursuits of another by acts of violence, angry threats and abusive conduct;
4. Jostles or crowds or pushes any person in any public place;
5. Uses "fighting words" directed toward any person and thus creates a turmoil;

6. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or
7. By acts of violence, interferes with another's pursuit of a lawful occupation.

(Code 1999, Â§ 10-403)

State Law reference— Disorderly conduct generally, 21 O.S. Â§ 1361 et seq.; power of city relating to disorderly conduct, 11 O.S. Â§ 22-110. [Sec 10-404 Parades, Public Assemblies, And Special Events](#)

1. As used in this section, the term "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.
2. No person shall use any street, alley, public way, park or other property owned or controlled by the city, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the city manager under such conditions as deemed appropriate.
3. Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this Code are complied with.
4. Not less than two weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the city. The time requirements may be waived by the city manager at his discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the city. The application shall provide such other information as requested.
5. The city manager shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
 1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 2. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
 3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
 4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
 5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
 6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and
 7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

6. The city manager, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the city harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.
7. Without regard to the above provision of this section, the city manager, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this section when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.
8. The city manager, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five days after notice of the action of the city manager. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.
9. As used in this section, the term "special event" means any activity which occurs upon private or public property that (1) may reasonably affect the ordinary use of public streets, rights-of-way or sidewalks, or (2) include the erection of any temporary structure (inflatables/bouncy toys, or tents or canopies larger than 400 square feet, etc.) where the public is invited, or (3) include the sale or consumption of alcoholic beverages on a premises not currently licensed by the state for the sale or consumption of alcohol on the premises where the public is invited. This includes, but is not limited to, fairs, festivals, foot races, bike races, block parties, grand opening celebrations, and other temporary assemblages of people. The term "expressive special event" means a special event as defined above, organized or conducted solely or primarily for the purpose of engaging in speech protected by the First Amendment of the United States Constitution. The term "spontaneous expressive event" shall mean an expressive special event that is occasioned by news, affairs, or circumstances coming into public knowledge less than five days prior to the date of such event.
 1. No person, organization, business or corporation shall conduct any type of special event as defined above without a special event permit from the city.
 2. An application for a special event shall be submitted to the city no later than 30 days prior to the proposed event. In the event of an expressive special event, the application must be submitted within five business days prior to the proposed event. In the event of a spontaneous expressive event, the event must not present a substantial safety or traffic hazard and must not unduly impede, obstruct, impair or interfere with the public's use of the street or other public property, the operation of emergency vehicles, the provision of the city services, or any lawful competing use of the location where the event is located. If any portion of the preceding cannot be met, then the event organizer must make a diligent and good faith effort to relocate the event to another location. If the location cannot be relocated due to the special communicative value of the event's location or the unavailability of another location, then the chief of police shall take appropriate action to the extent reasonably necessary to eliminate the hazard, risk, interference, or impairment; provided however, that the chief of police shall not order the area cleared or the cessation of spontaneous expressive activities unless reasonably necessary to avoid imminent danger to person or property. Applicants may file application as early as desired by the applicant.
 3. Reasons for denial of a special events permit include, but are not limited to, the event will disrupt traffic within the city beyond practical solution; will interfere with access to fire stations and the fire hydrants; the location of the special event will cause undue hardship to adjacent businesses or residents; the event would require the diversion of so

many city, public safety and/or and public works employees that allowing the event would unreasonably deny service to the remainder of the city; and the application contains incomplete or false information.

4. This section shall not be construed as imposing upon the city or its officials or employees any liability or responsibility for any injury or damages to any person in any way connected to the use for which permits have been issued. The city and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit or the approval of any use of the right-of-way.
5. A special event permit may be issued only after adequate waste disposal facilities and toilet facilities as necessary have been identified and obtained by the permittee. The permittee will clean their property, city property and any adjacent properties of trash, rubbish, or debris generated by the special event, returning it to its pre-event condition within 24 hours of the conclusion of the event. If the permittee fails to clean up such refuse, such clean up shall be as required by law or other sections of this Code and the costs charged to the permittee.
6. The permittee shall obtain other permits that may be required from other jurisdictions for this special event.

(Code 1999, Â§ 10-404; Ord. No. 629(08), 9-2-2008)

State Law reference— Power of local authorities to regulate assemblies, 47 O.S. 15-102. HISTORY

Amended by Ord. 904(19) on 4/15/2019

Sec 10-405 Firearms And Carrying Certain Weapons Prohibited

1. No person shall transport a loaded firearm except in compliance with state law.
2. It shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any blackjack, loaded cane, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except as may be authorized by law.
3. It shall be unlawful for any person to discharge a firearm, air rifle or BB gun within the city except as may be authorized by law.
4. Any person violating this provision shall, upon conviction, be punished by a fine not to exceed the maximum penalty established by state law.

State Law reference— Carrying firearms, 21 O.S. Â§ 1289.6; firearms definitions, 21 O.S. Â§ 1289.1 et seq. HISTORY

Adopted by Ord. 898(19) on 3/4/2019

Sec 10-406 Begging And Soliciting Alms

1. 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:
Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.
Ask, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.
Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the

individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

2. It shall be unlawful for any person to solicit money or other things of value:
 1. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
 2. Within 15 feet of the entrance to or exit from any public toilet facility;
 3. Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
 4. Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
 5. In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxi stand;
 6. From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
 7. From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility; or
 8. Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility.
3. It shall be unlawful for any person to solicit money or other things of value by accosting another or by forcing oneself upon the company of another.

(Prior Code, Â§ 16-34; Code 1999, Â§ 10-408) **Sec 10-407 Lawful Operation Of Unmanned Aircraft Systems**

1. Definitions.
 1. Pilot or Remote Pilot in Command means any person in control of and unmanned aircraft.
 2. Unmanned Aircraft means an aircraft operated without the possibility of direct intervention from within or on the aircraft.
 3. Unmanned Aircraft System means an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
 4. Recreational Purposes means the use of an unmanned aircraft for personal interests and enjoyment.
2. Operating Rules.
 1. All persons operating unmanned aircraft systems within the corporate limits of the City of Moore must be in compliance with all applicable municipal, state and federal law, including, but not limited to:
 1. Drones weighing over .55 pounds must have a Federal Aviation Administration registration number affixed.

2. As of September 16, 2023, all drones weighing over .55 pounds are required to comply with the Federal Aviation Administration's Remote ID rule.
3. Operating a drone for commercial, or any other non-recreational purpose, or flying at night requires the operator to have a Remote Pilot Certificate or Certificate of Authorization from the FAA.
2. A remote pilot in command may not fly and unmanned aircraft in the area where human beings are present (other than the pilot in control), unless:
 1. The human being(s) is/are located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling unmanned aircraft; or,
 2. The remote pilot in command is using an unmanned aircraft that:
 1. Weighs .55 pounds or less including everything that is on board or otherwise attached to the aircraft, on takeoff and throughout the duration of the flight; and,
 2. Does not contain any exposed rotating parts that would lacerate human skin upon impact with a human being.
3. No person shall operate an unmanned aircraft system with the intent to disturb, harass, bother or annoy any other person, domesticated animal or livestock or operate in any reasonable person.
4. No person shall operate an unmanned aircraft with the intent to intentionally harm another person or to destroy public or private property.
5. No person shall operate an unmanned aircraft in a careless, negligent, reckless or dangerous manner.
6. No person shall attach to an unmanned aircraft:
 1. A firearm; or,
 2. Any other item intended to cause injury, do harm or be a hazard.
7. No person shall operate an unmanned aircraft while in a state of intoxication as defined in Section 10-501 of the Moore Municipal Code.
8. No person shall act with the intent to interfere with another's ability to safely operate an unmanned aircraft in flight such that the pilot's ability to control the aircraft is diminished to such a degree as to result in a collision.
9. The owner/remote pilot in command of an unmanned aircraft system that causes injury to the person of another or damage to the property owner with their name, address and phone number as soon as practicable after the injury or property damage is discovered.
10. This section shall not apply to agencies within the governments of the City of Moore, the State of Oklahoma, or the United States when operating an unmanned aircraft system in accordance with their official duties.
3. **Penalty for Violation.**

Any person who is found guilty of violating this section is guilty of a misdemeanor and subject to up to a \$500 fine. **HISTORY**

Adopted by Ord. 1028.23 on 6/5/2023

[ARTICLE 10-4B NOISE Sec 10-411 Findings Of Fact](#)

[Sec 10-412 Definitions](#)

[Sec 10-413 Prohibitions Generally](#)

Sec 10-414 Specific Prohibitions

Sec 10-415 Exemptions

Sec 10-416 Permit

Sec 10-417 Duties And Responsibilities Of City Departments

Sec 10-418 Penalty And Injunctive Relief

State Law reference— City's power to restrain and prohibit unnecessary noise, 11 O.S. Â§ 22-110.

Sec 10-411 Findings Of Fact

It is found and declared that:

1. The making and creation of excessive, unnecessary noise within the city is a condition which has existed for some time and the extent and volume of such noise is increasing;
2. The making, creation or maintenance of such excessive, unnecessary, unnatural or unusual noise, prolonged in time, place and use, affects and is a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city;
3. A substantial body of scientific and technological knowledge and expertise exists by which noise is recognized as sound which is excessive and thereby unwanted and rejectable, and may be substantially abated;
4. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy in pursuance of and for the purpose of securing and promoting the peace and quiet for the greater assurance of public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants.

(Code 1999, Â§ 10-421; Ord. No. 544, 2-4-1991; Ord. No. 90(94), 9-6-1994) Sec 10-412 Definitions

1. 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:

Ambient sound pressure level is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far, statistically equivalent to L90; the percentile noise level exceeded 90 percent of the time based on any measurement period of not less than ten minutes or more than 30 minutes.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated as dB(A) or dBA.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Continuous sound means any sound, essentially without interruption, which exists for a period of six minutes or more.

Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals (20 micronewtons per square meter), denoted as dB.

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Device means any mechanical object or piece intended to produce, or which produces, the resultant effect objectively sought when operated or used.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency vehicle means vehicles of the fire, police and highway patrol departments and legally authorized ambulances and emergency vehicles of state departments.

Emergency work means any work performed for the purpose of preventing or alleviating physical traumas or property damage threatened or caused by an emergency.

Excessive sound means that sound level which elicits complaints, usually independent of each other in the estimate of the sound's being acceptable or unacceptable.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Impulsive sound means sound pulses of short duration, usually less than one second, with an abrupt onset and rapid decay.

L1 percentile level means the time-averaged sound pressure level, A-weighted, that is exceeded in any time measurement period one percent of that time.

L10 percentile level means the time-averaged sound pressure level, A-weighted, that is exceeded in any time measurement period ten percent of that time.

L90 percentile level means the time-averaged sound pressure level, A-weighted, that is exceeded in any time measurement period 90 percent of that time.

Measurement period means that total amount of time used in the measurement of sound levels for a given incident not including time intervals, or their total time, between intervals of actual sound measurement time. Limits are as stated herein, not less than ten minutes and not more than 30 minutes.

Motor vehicle means every vehicle self-propelled on land and every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, the definition of the term "motor vehicle" shall not include implements of husbandry.

Muffler means a device for abating the sound of escaping gases of any internal combustion engine.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any plainly audible sound which:

1. Injures or endangers the safety or health of a human;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property. For the purpose of this definition, the term "plainly audible" means where the listener clearly can hear the content of the sound produced by the noise source. Sounds which may be clearly or plainly audible include, but are not limited to, musical rhythms, spoken words, vocal sounds and engine noises.

Person means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the state or any political subdivision of the state.

Powered model vehicle means any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

RMS sound pressure means the square root of the time average square of the sound pressure, denoted P_{rms} .

Sound means temporal and spatial oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes progressively alternate compression and rarefaction of that medium, and which propagates at finite speed to distant points and can evoke an auditory sensation.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels.

Sound pressure means the instantaneous difference between the actual pressure and the average barometric pressure at a given point in space, as produced by sound energy.

Sound pressure level means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20×10^{-6} n/m²). The sound pressure level is denoted L_p or SPL and is expressed in decibels (dB).

2. All defined terminology used in this article which is not defined in subsection (A) of this section or in Part 1 of this Code shall be in conformance with applicable publication of the American National Standards Institute (ANSI) or its successor body.

(Code 1999, Â§ 10-422; Ord. No. 544, 2-4-1991; Ord. No. 90(94), 9-6-1994) [Sec 10-413 Prohibitions Generally](#)

It is unlawful for any person to make, continue or cause to be made or continued any noise disturbance, any excessive, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable people of ordinary sensibilities, within the limits of the city.

(Code 1999, Â§ 10-423; Ord. No. 544, 2-4-1991) [Sec 10-414 Specific Prohibitions](#)

The following acts, among others and not to exclude other such acts, are declared to be excessive or unusual noises in violation of this article, except and unless in the urgent interest of public health, welfare and safety, a permit has been issued by the city manager for continuance or

performance over such time periods as may be so stated:

1. Owning, maintaining or harboring for hire any animal or bird, which, by frequent or prolonged noise-making, cause or tend to cause excessive sound levels, whether originating from public or private facilities, except publicly-owned or publicly-operated zoos. Police dogs may be exempted from the prohibitions of this section under such terms and conditions as the city manager or council may establish;
2. Performance of construction, demolition or repair work at or on any structural or roadway project or undertaking whether by manual or mechanical means, such as to produce a noise disturbance;
3. Discharge into the open air of the sound-laden exhaust from, or escape of excessive sound from, working parts of the transmission or conveyance of fluids or solids through piping, conduit, or by way of other mechanical transport, stationary, portable or mobile engine or motorized vehicle, such as to produce a noise disturbance;
4. Sounding of horns, whistles, sirens, firearms or other such alarm or announcement device, whether manual or power-operated, or the detonation of fireworks or explosives, except as required as warning of fire, natural disaster or other impending or incidental danger, or which may be required as a part of law enforcement, by emergency, or as excepted by the exemptions to this article;
5. Operating or permitting the use or operation of any device designed for sound production, amplification or reproduction, including, but not limited to, any radio, musical instrument, phonograph, equipment, electronic audio equipment, television set, tape recorder, loud speaker, or other similar device:
 1. Between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to be plainly audible within any dwelling unit which is not the source of the sound; or
 2. On public property or on a public right-of-way so as to be plainly audible 50 feet or more from such device, except as authorized by permit;
6. Shouting, carousing, singing, boisterous, belligerent or clamorous noise-making or other prolonged noise-making such as to cause or tend to cause excessive sound pressure levels;
7. Operation of any motorized surface boat or underwater vehicle, whether on land, water impoundment, lake, stream, diversion channel, or astride a conveyance, such as to produce a noise disturbance;
8. Operation of powered models or toys such as to produce a noise disturbance;
9. Running, testing or otherwise operating aircraft engines on the ground or operating an airport facility in such a manner as to cause or tend to cause noise disturbance. Nothing in this section shall be construed to prohibit, restrict, penalize or enjoin or in any manner regulate the movement of aircraft which are, in all respects, conducted in accordance with or pursuant to applicable federal laws and regulations, or air traffic control instructions;
10. Operating or permitting to be operated in any place of public entertainment during any hour of operation when patrons or customers may be expected to be present, any loudspeaker or sound amplifier which produces, reproduces or amplifies sound, or which produces a noise disturbance at a point normally to be occupied by a patron or customer, unless a conspicuous legible sign is posted at or within five feet of each public entrance and not more than five feet above the level of the ground, floor, or other entrance threshold, readable by a person with 20/20 vision at a distance not less than ten feet from the loudspeaker or amplifier, which sign shall state:
"WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT"

This provision shall not be construed to allow the operation of a loudspeaker or sound amplifier in such manner as to violate subsection (K) of this section;

11. Creating noise disturbance within 500 feet of any school or other such institution of learning, church, hospital, convalescent hospital or mass-care home, or court of law from 10:00 p.m. to 7:00 a.m., provided conspicuous, legible signs are serviceably displayed at such distance from the aforementioned institutions, or any of them, that such potential violation may be avoided;
12. No property owner, lessor or lessee shall knowingly allow any automobile, motorcycle, minibike or other vehicle which creates a noise disturbance to be driven across his property. Nothing in this section shall be construed as to prohibit the arrest of the operators of such vehicles as may be provided by this Code.
13. Operating or permitting to be operated any device designed for sound production, amplification or reproduction, included but not limited to, any radio, musical instrument, phonograph, equipment, electronic audio equipment, tape recorder, loudspeaker, or other similar device at any city owned park that exceeds sixty-five decibels (65 dB) measured at the boundary of any city owned park.

(Code 1999, Â§ 10-424; Ord. No. 544, 2-4-1991; Ord. No. 90(94), 9-6-1994) HISTORY

Approved by Ord. 998(21) on 12/20/2021

Sec 10-415 Exemptions

The following sources of potentially excessive sound shall be exempt from noise control regulation:

1. Safety signals and alarm devices; only storm warning sirens or horns that are owned, operated, authorized, and required by the city and the authorized testing of such equipment, emergency vehicle sirens or horns used when responding to an emergency, and emergency pressure relief valves;
2. Noise created or to be created as the result of provisions of section 10-414 such that a permit shall be issued beforehand by the city manager, and such event shall be conducted in accordance with provisions of such permit;
3. Disaster or other emergency, or, as result of such disaster, demanding the immediate undertaking by operators or mechanical devices for relief of stress thus created;
4. Organized sporting event; organized sporting event shall not include sporting events located at any city owned park, including but not limited to, all youth association regular season games and tournaments;
5. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way; and
6. Interstate railway locomotives and trains en route, and not engaged in switching operations within residential land use classifications between 10:00 p.m. and 7:00 a.m.

(Code 1999, Â§ 10-427; Ord. No. 544, 2-4-1991; Ord. No. 90(94), 9-6-1994; Ord. No. 758(13), 9-16-2013) HISTORY

Approved by Ord. 997(21) on 12/20/2021

Sec 10-416 Permit

1. Application for a permit for relief from noise restrictions designated in this article, on the basis of undue hardship, may be made to the city manager or his authorized representative. Any such application shall set out clearly the conditions describing the undue hardship so alleged.
2. A permit may be granted only upon sufficient and reliable showing in the application that such conditions indicate one or more of the following to be true:

1. Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this article;
 2. The activity, operation or noise source will be of temporary duration, and cannot be performed in a manner that would comply with other sections of this article; and
 3. No other reasonable alternative is available to the applicant.
3. A permit may be granted only for an effective time period of three days or less, except in the case of construction or demolition, the effective time period of such permit shall not exceed 45 days continuous time lapse. A permit may be renewed while the urgent necessity continues for three days or less, except in the case of construction or demolition, the renewal shall not exceed 45 days. Any such permit thus granted shall state all conditions upon which it may be granted, including, but not limited to, effective date, time of day, location, limitations for personnel or equipment involved, and any other conditions or requirements the city manager may deem necessary to minimize the adverse effects upon the community or surrounding neighborhood.

(Code 1999, Â§ 10-428; Ord. No. 544, 2-4-1991; Ord. No. 90(94), 9-6-1994) [Sec 10-417 Duties And Responsibilities Of City Departments](#)

1. All departments and agencies of the city shall, to the fullest extent consistent with other ordinances, carry out their programs in such a manner as to further the policy of this article and in cooperation with the enforcement of it.
2. All departments whose duty it is to review and approve new projects or changes to existing projects that result, or may result, in the production of excessive sound levels shall consult with the agent of enforcement prior to any such approval.

(Code 1999, Â§ 10-429; Ord. No. 544, 2-4-1991; Ord. No. 90(94), 9-6-1994) [Sec 10-418 Penalty And Injunctive Relief](#)

1. Any person who violates any provision of this article shall, upon conviction thereof, be guilty of an offense against the city.
2. Each day of violation of any provision of this article shall constitute a single offense if the disturbance is continuous. If the disturbance is not continuous, each violation of any provision of this article shall constitute a separate offense, although committed on the same day.
3. As an additional remedy, any activity, conduct or the operation or maintenance of any device, instrument, vehicle or machinery which is continuing in nature and in violation of any ordinance provision, and which causes discomfort or annoyance, or which endangers the comfort, repose, health or peace of residents in the area, or which produces a noise disturbance shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. An injunction or restraining order may be issued pursuant to the statutes of the state.

(Code 1999, Â§ 10-430; Ord. No. 544, 2-4-1991; Ord. No. 90(94), 9-6-1994) [CHAPTER 10-5 OFFENSES AGAINST THE PUBLIC](#) [Sec 10-501 Public Intoxication](#)

[Sec 10-502 Marijuana And Controlled Dangerous Substances Prohibited](#)

[Sec 10-503 Drug Paraphernalia](#)

[Sec 10-504 Sniffing Glue, Paint And Other Substances](#)

[Sec 10-505 Curfew For Minors](#)

[Sec 10-506 False Representation As Blind, Crippled Or Physically Defective To Obtain Money, Aid](#)

[Sec 10-507 Prowling On Premises](#)

[Sec 10-508 Misrepresenting Age By False Documents](#)

[Sec 10-509 Obscene, Threatening Or Harassing Telecommunication Or Other Electronic](#)

Communications

Sec 10-510 Disorderly House

Sec 10-511 Nudity, Improper Dress And Indecent Exposure

Sec 10-512 Gambling And Gambling Devices

Sec 10-513 Prostitution Prohibited

Sec 10-514 Offenses Near Schools

Sec 10-515 Sleeping In Places, Property

Sec 10-516 Contributing To Delinquency Of A Minor

Sec 10-517 Prevention Of Youth Access To Tobacco

Sec 10-518 Display Of Material Harmful To Minors

Sec 10-519 Spray Paint Restrictions For Minors

Sec 10-501 Public Intoxication

No person shall be in any public place in a state of intoxication. A state of intoxication means the condition in which a person is under the influence of drugs, intoxicating liquors or nonintoxicating beverage to such an extent as to deprive the person of his full mental or physical power or be unable to exercise care for his own safety or the safety of others.

(Code 1999, Â§ 10-501)

State Law reference— Oklahoma Alcohol and Drug Abuse Services Act, 43A O.S. Â§ 3-401 et seq.; intoxication in a public place or at a public gathering, 37 O.S. Â§ 8. [Sec 10-502 Marijuana And Controlled Dangerous Substances Prohibited](#)

1. It is unlawful for any person to:
 1. Possess a controlled dangerous substance including, but not limited to: methamphetamine, heroin, opium, opiates, cocaine or any other illegal substances as noted in Title 63 O.S. Â§2-101 et seq., 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.
 2. Possess marijuana in any place within the city; unless that person is in possession of an appropriate license issued by the Oklahoma Medical Marijuana Authority of the State of Oklahoma. No person shall possess a quantity of medical marijuana in excess of the amounts proscribed by state law as established for each category of license; possession of up to one and one half ounces of marijuana by a person who can state a medical condition, but are not in possession of a state issued medical marijuana license shall be punishable by a fine not to exceed \$400.00 or maximum allowed by state law. Unless otherwise stated, violation of any provision contained in this paragraph is punishable by a fine of up to \$500.00 and court costs.
 3. Use marijuana in any place within the city except as legally prescribed by a physician licensed to practice in the state; or to use smokable, vaporized, vapable and e-cigarettes medical marijuana and medical marijuana products smoked by a patient license holder at locations that would violate 63 O.S. Â§ 1-1521 et seq., commonly referred to as the "Smoking in Public Places and Indoor Workplace Act" and part 8, chapter 7 sections 8-701 through 8-704 of this Code; or
 4. Be about a place where marijuana is sold or furnished illegally.
2. For the purpose of this section, the term "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, but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except resin extracted therefrom), fibre, oil or cake, or the sterilized seed of such plant

which is incapable of germination.

3. For the purpose of this section, the term "controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act or any drug, substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law.
4. Any person who violates any of the provisions of this section or fails to comply with any of the requirements thereof, as it pertains to a controlled dangerous substance other than marijuana, shall be, upon conviction, guilty of a misdemeanor punishable by a fine not to exceed the lesser of \$500.00 and court costs or the maximum allowed by state law.

(Prior Code, Â§ 16-63, in part; Code 1999, Â§ 10-502)

State Law reference— Controlled dangerous substances, 63 O.S. Â§ 2-101 et seq. HISTORY

Amended by Ord. 895(18) on 12/3/2018

Amended by Ord. 1029.23 on 6/5/2023

Sec 10-503 Drug Paraphernalia

1. For the purpose of this section, the term "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 Oklahoma Uniform Controlled Dangerous Substances Act (63 O.S. Â§ 2-101 et seq.), hereinafter referred to as "the Act," and adopted by reference herein. The term "drug paraphernalia" includes, but is not limited to:
 1. 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;
 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 3. Isomerization devices used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
 7. 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;
 8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
 9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
 10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and
 12. 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:
 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 2. Water pipes;
 3. Carburetion tubes and devices;
 4. Smoking and carburetion masks;
 5. 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;
 6. Miniature cocaine spoons, and cocaine vials;
 7. Chamber pipes;
 8. Carburetor pipes;
 9. Electric pipes;
 10. Air-driven pipes;
 11. Chillums;
 12. Bongs; or
 13. Ice pipes or chiller.
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:
 1. Statements by an owner or by anyone in control of the object concerning its use;
 2. 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;
 3. The proximity of the object, in time and space, to a direct violation of the Act;
 4. The proximity of the object to controlled substances;
 5. The existence of any residue of controlled substances on the object;
 6. 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;
 7. Instructions, oral or written, provided with the object concerning its use;
 8. Descriptive materials accompanying the object which explain or depict its use;
 9. National and local advertising concerning its use;
 10. The manner in which the object is displayed for sale;
 11. 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;
 12. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise;

13. The existence and scope of legitimate uses for the object in the community; and
 14. 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 deliver, possess with intent to deliver, or manufacture with intent to 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. The term drug paraphernalia shall not include 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 medical marijuana where the possession of such items is authorized by an appropriate license issued by the State of Oklahoma, Medical Marijuana Authority.

(Code 1999, Â§ 10-503)

State Law reference— Similar provisions, 63 O.S. Â§Â§ 2-101.1, 2-405. HISTORY

Amended by Ord. 894(18) on 12/3/2018

Sec 10-504 Sniffing Glue, Paint And Other Substances

No person shall sniff or inhale paint, glue, gasoline or other volatile substances for purposes of intoxication.

(Code 1999, Â§ 10-504)

State Law reference— Glue sniffing, 63 O.S. Â§ 465.20. **Sec 10-505 Curfew For Minors**

1. 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:

Minor means any person under the age of 18.

Parent means any person having legal custody of a minor as a:

1. Natural or adoptive parent;
2. Legal guardian;
3. Person who stands in loco parentis; or
4. Person to whom legal custody has been given by order of the court. *Public place* means 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.

Remain means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

Street means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right-of-way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

Time of night referred to here 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.

Year of age continues from one birthday, such as the 17th to (but not including the day of) the next, such as the 18th birthday, making it clear that 17 or less years of age is herein treated as equivalent to the phrase "under 18 years of age."

2. It shall be unlawful for any person 17 or less years of age (under 18) to be or remain in or upon the streets or public places within the city at night during the period ending 5:00 a.m. and beginning:
 1. At 11:00 p.m. for minors on Sunday through Thursday; and
 2. At 1:00 a.m. on Saturday morning and Sunday morning for minors.
3. In the following exceptional cases, a minor on a city street or in a public place during the nocturnal hours for which this section is intended to provide the maximum limits of regulation does not constitute a violation of the curfew regulations:
 1. When accompanied by a parent of such minor;
 2. When accompanied by an adult authorized by a parent of such minor to take the parent's place accompanying the minor for a designated period of time, date and purpose within a specified area. The authorized adult shall possess a written communication signed by the minor and countersigned by the parent/legal guardian of such minor which includes their home address and telephone number. The authorized adult shall have this communication from the minor's parent/guardian in his possession;
 3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned by a parent or legal guardian of such minor with their home address and telephone number, specifying times and dates when, and where, and in what manner the minor will be on the streets and other public places at night (during hours when the curfew regulations are otherwise applicable to the minor) in the exercise of a First Amendment right specified in such communication;
 4. The minor is on an errand, specific business or activity of an emergency nature directed or permitted by his parent;

5. If the minor has in the minor's possession a written communication signed by the minor and countersigned by a parent or legal guardian of such minor evidencing their home address and telephone number, and establishing such reason relating to a direct route for a designated time for a described purpose including points of origin and destination. Each communication will also note the date and time limits the reason will encompass;
 6. When the minor is on 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;
 7. When returning home, by a direct route, from (and within 45 minutes of the termination of) a school activity, or an activity of a religious or the voluntary association, provided the minor has a written communication in the minor's possession, countersigned by the parent or legal guardian indicating the home address and telephone number, the purpose for the event, and when, where and in what manner the minor will be on the streets at night;
 8. Upon being petitioned, the city council may authorize by regulation a relaxation of the curfew in other matters of reasonable necessity and is determined to be consistent with the public interest and the purposes of these curfew regulations. Normally, such regulation by the city council permitting use of the streets or public places should be issued sufficiently in advance to permit appropriate notification of agencies, such as the schools, and the media when appropriate. The regulation shall define the activity, the scope of the use of the streets or public places permitted, and the period of time involved, not to extend more than 45 minutes beyond the time for termination of such activity;
 9. When the minor is within the scope of his employment and carries a certified card or some other form indicating employment, briefly identifying the minor, the addresses and telephone numbers of his home and his place of employment and his hours of employment or carries a valid proof of employment; or
 10. Whenever the minor is engaged in interstate or intrastate vehicular travel with consent of his parent or legal guardian. This contemplates normal travel and clearly exempts bona fide interstate movement through the city, particularly on normal routes.
4. It shall be unlawful for a parent, or other person, having legal custody of a minor knowingly to permit, or by inefficient control to allow, such a minor to be or remain upon any city street or public place under circumstances not constituting an exception to, or otherwise beyond the scope of, the curfew regulations. The term "knowingly" includes knowledge which a parent, or legal guardian, should reasonably be expected to have concerning the whereabouts of a minor in that parent's or person's legal custody. It is intended to continue to keep neglectful or careless parents or legal guardians up to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
 5. A police officer of the city, upon finding or having attention called to any minor on the streets in prima facie violation of the curfew regulations, normally shall take the minor to the city police station, or other place designated by the chief of police, where a parent, or legal guardian, shall immediately be notified to come for such minor, whereupon they may be questioned about the necessary facts constituting a violation of these regulations. 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. In the case of a first violation by a minor, the municipal court shall cause to be personally delivered or, by certified mail, sent to a parent, or legal guardian, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew regulations, including enforcement of

parental responsibility and of applicable penalties.

6. If, after the warning notice pursuant to subsection (E) of this section of a first violation by a minor, a parent or legal guardian violates the section (in connection with a second violation by the minor), this shall be treated as an offense by the parent or legal guardian. The penalty, upon a plea of guilty, nolo contendere, or finding of guilt, shall be punished as provided in section 1-108, or a term of community service.

(Code 1999, Â§ 10-505; Ord. No. 85(94), 6-6-1994) [Sec 10-506 False Representation As Blind, Crippled Or Physically Defective To Obtain Money, Aid](#)

No person shall falsely represent himself as blind, deaf, dumb, crippled or physically defective for the purpose of obtaining money or other things of value, or to secure aid or assistance on account of such false representation.

(Code 1999, Â§ 10-506) [Sec 10-507 Prowling On Premises](#)

No person shall be upon the property or premises of another with the intent to peer or peep into the window or door of the dwelling.

(Code 1999, Â§ 10-507)

State Law reference— Peeping toms generally, 21 O.S. Â§ 1171. [Sec 10-508 Misrepresenting Age By False Documents](#)

No person shall, for the purpose of violating any statutes of the state or any ordinances of the city, willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age or by presenting a document not his own.

(Code 1999, Â§ 10-508)

State Law reference— Misrepresentation of age by false documents, 21 O.S. Â§ 1518 et seq. [Sec 10-509 Obscene, Threatening Or Harassing Telecommunication Or Other Electronic Communications](#)

1. It shall be unlawful for a person who, by means of a telecommunication or other electronic communication device, willfully:
 1. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;
 2. Makes a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;
 3. Makes a telecommunication or other electronic communication, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;
 4. Makes a telecommunication or other electronic communication, whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person at the called number;
 5. Knowingly permits any telecommunication or other electronic communication under the control of the person to be used for any purpose prohibited by this section; and
 6. In conspiracy or concerted action with other persons, makes repeated calls or electronic communications or simultaneous calls or electronic communications solely to harass any person at the called numbers.
2. As used in this section, the term "telecommunication" and "electronic communication" mean any type of telephonic, electronic or radio communications, or transmission of signs, signals,

data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet. The term "telecommunication" includes:

1. A communication initiated by electronic mail, instant message, network call, or facsimile machine; and
2. A communication made to a pager.
3. Use of a telephone or other electronic communications facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.
4. Any person who is convicted of the provisions of subsection (A) of this section shall be punished pursuant to section 1-108.

(Code 1999, Â§ 10-509; Ord. No. 612(08), 1-22-2008)

State Law reference— Similar provisions, 21 O.S. Â§ 1172. [Sec 10-510 Disorderly House](#)

1. A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:
 1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by state statute;
 2. The violation of any of the ordinances of the city or statutes of the state regulating the sale, distribution, possession or use of alcoholic and nonintoxicating beverages as defined by law;
 3. The performance of any sexual act declared unlawful by state statute or city ordinance, including, but not limited to, soliciting for purposes of prostitution; or
 4. The violation of any state statute or city ordinance prohibiting gambling.
2. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.
3. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house; and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house.
4. No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the city shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.

(Code 1999, Â§ 10-510)

State Law reference— Municipal power to regulate disorderly houses and indecencies, 11 O.S. Â§ 22-109. [Sec 10-511 Nudity, Improper Dress And Indecent Exposure](#)

It is unlawful for any person to:

1. Appear in any public place in the city in a state of nudity;
2. Appear in any public place in the city in any offensive, indecent or lewd dress; or
3. Make an indecent public exposure of his person.

(Prior Code, Â§ 16-37; Code 1999, Â§ 10-511)

State Law reference— Similar provisions, 21 O.S. Â§ 1021. [Sec 10-512 Gambling And Gambling Devices](#)

1. Any person who plays or carries on, or opens or causes to be opened, or who conducts, either as owner or employee, roulette, craps, or any banking or percentage game, played with dice, cards or any other device, for money, checks, credit or any representative of value, or any other gambling game, is guilty of an offense.
2. Any person who bets on or plays at any of the prohibited games mentioned in subsection (A) of this section, or otherwise gambles, is guilty of an offense.
3. It is unlawful for any person to exhibit or expose to view in any building, or in any part of or room in any building, any table, cards, dice, roulette wheel or other article or apparatus designed for or used for gambling purposes.
4. It is unlawful for any person to keep, own, operate, use, conduct or cause to be kept, operated, used or conducted, either as owner, manager, dealer, clerk or employee, and whether for hire or not, any punch board, machine, cards, game, parlay card or any other device or paraphernalia, wherein or whereby any money or property or any representative of either, or other valuable thing, may be played, bet, staked, wagered or hazarded, won, lost or obtained upon any change, combination of numbers, emblems or any uncertain or contingent event or condition, or football or baseball contest.
5. It is unlawful for any person to play any prohibited game described in this section.
6. It is unlawful for any person to bar or barricade any building, or any part of or room in any building, in order to render the same difficult of access or ingress to the police officers of the city, in which building, or any part of or room in any such building, any table, cards, dice, roulette wheel or other article or apparatus designed for or being used for gambling purposes are exhibited or exposed to view.
7. The apparatus and paraphernalia used in the conduct of any of the gambling games prohibited by this section are hereby declared to be a public nuisance and subject to seizure and suppression by any officer, and shall be abated, forfeited and destroyed upon the order and decree of any court of competent jurisdiction.
8. It is unlawful for any person to knowingly be about in the immediate vicinity where a person is gambling, whether by playing games, operating a slot machine or other device, or otherwise.
9. Nothing herein contained shall be construed to prevent the sponsoring and operation of bingo games by nonprofit religious, fraternal, charitable or educational organizations, provided the organizations are properly licensed and operated in accordance with law.

(Prior Code, Â§Â§ 16-31, 16-32; Code 1999, Â§ 10-512)

State Law reference— Gambling generally, 21 O.S. Â§ 941 et seq.; search and seizure of equipment used for gambling, 22 O.S. Â§ 1261 et seq. [Sec 10-513 Prostitution Prohibited](#)

1. As used in this section, the term "prostitution" means and includes the getting or receiving of the body for sexual intercourse for hire and includes the giving or receiving of the body for indiscriminate sexual intercourse without hire.

2. It is unlawful:
 1. To engage in prostitution, lewdness or assignation;
 2. To solicit, induce, entice or procure another to commit an act of lewdness, assignation or prostitution; or
 3. To aid, abet or participate in the doing of any of the acts herein prohibited.
3. No person shall in any way or manner whatever, keep, harbor or house any prostitute.
4. No person shall entice or attempt to entice any female into a house of prostitution, or have illicit sexual intercourse with any female under 18 years of age.
5. No person shall keep or maintain a house of prostitution or house of assignation.
6. No person shall lease, let or furnish any building, room, tent or structure of any kind, or any conveyance used or to be used as a place of prostitution or assignation within the city, or knowingly permit the same to be so used.
7. No person shall knowingly accept, receive, levy or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any women engaged in prostitution.
8. No person shall offer, or offer to secure another for the purpose of prostitution, or for any other lewd or indecent act.
9. No person shall direct, take or transport, or offer or agree to take or transport or aid or assist in transporting, any person to any house, place, building or other structure, vehicle, trailer or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

(Prior Code, Â§ 16-36; Code 1999, Â§ 10-513)

State Law reference— Definition of prostitution, 21 O.S. Â§ 1030; soliciting, 21 O.S. Â§ 1029; pimping, 21 O.S. Â§ 1081. [Sec 10-514 Offenses Near Schools](#)

No person shall engage in any of the conduct or acts hereinafter set forth around, in or near any school or school grounds or streets and alleys adjacent to any school:

1. Any conduct that would disturb the orderly conduct of the school;
2. Annoying or molesting any student or employee of the school;
3. Lewd or wanton conduct in, near or around any of the schools or school grounds or streets and alleys adjacent to the schools;
4. Moving or parking any vehicle in the vicinity of any school for the purpose of annoying or molesting any student or employee of the school; or
5. Any other act or conduct calculated to or likely to annoy or molest any student or employee of such school.

(Code 1999, Â§ 10-514) [Sec 10-515 Sleeping In Places, Property](#)

It is unlawful for any person, without lawful reason, between the hours of 12:00 midnight and sunrise, to sleep on any street, in any other public place, or on any property of another without the expressed or tacit consent of the owner or person in charge of such place.

(Code 1999, Â§ 10-515) [Sec 10-516 Contributing To Delinquency Of A Minor](#)

1. The term "any person," as used in this section, means any human being, without regard to the legal or natural relationship to a minor, as well as legal or corporate entities. The term "minor" means any person under the age of 18 years.

2. Any person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, as defined by state law, shall be guilty of an offense.

(Prior Code, Â§ 16-16; Code 1999, Â§ 10-516)

State Law reference— Contributing to delinquency of minors, 21 O.S. Â§ 856 et seq. [Sec 10-517 Prevention Of Youth Access To Tobacco](#)

1. *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:
 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's license, license for identification only, or other generally accepted means of identification that describes the individual as 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. *Tobacco product* means any product that contains tobacco and is intended for human consumption.
 6. *Transaction scan* means the process by which a seller checks, by means of a transaction scan device, the validity of a driver's license or other government-issued photo identification.
 7. *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's license or other government-issued photo identification.
 8. *Vapor products* 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. The term "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. The term "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.
2. *Furnishing or sale of tobacco products, nicotine products or vapors to minors.*
 1. It shall be unlawful and an offense for any person to sell, give, or furnish in any manner any tobacco product, nicotine product, nicotine product or vapor product to another person who is under 21 years of age or to purchase in any manner a tobacco product or vapor product on behalf of any such person. It shall not be unlawful for an employee

under 21 years of age to handle tobacco products, nicotine or vapor product when required in the performance of the employee's duties.

2. Any person engaged in the sale or distribution of tobacco 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 under 21 years of age. If an individual engaged in the sale or distribution of tobacco products, nicotine product, nicotine products or vapor products has demanded and was shown proof of age from a prospective purchaser or recipient who is not under 21 years of age, the failure to subsequently require proof of age shall not constitute a violation of this subsection.
3. If the sale of a tobacco product, nicotine product or vapor product to a minor is made by an employee of the owner of a store at which these products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. If employees of the owner of the store at which tobacco products, nicotine products or vapor products are sold at retail are found to be in violation of this section, the owner of the store, if the owner knew of the employee's previous violations, shall also be found to be in violation and shall be subject to an identical fine. An owner of a store licensed to sell tobacco products, nicotine products or vapor products shall not be deemed in violation of the provisions of subsection (B)(1) or (2) of this section for any acts constituting a violation by an employee of the store owner, if the violation occurred prior to actual employment of the person by the store owner, or the violation occurred at a location other than the owner's store.
4. Penalty. Any person violating the provisions of subsection (B)(1) or (2) of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine in the amount of not less than \$25.00 nor more than \$200.00.
5. Record to be sent to the alcoholic beverage laws enforcement commission. Upon conviction for violating the provisions of subsection (B)(1) or (2) of this section, a report of the conviction of the person shall be forwarded by the municipal court clerk of the city to the alcoholic beverage laws enforcement ("ABLE") commission for possible administrative action.
6. Defenses. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to prosecution under subsection (B)(1) or (2) of this section. A person cited for violation of this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation, if such person proves that:
 1. The individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver's license or other government-issued photo identification purporting to establish that such individual was 21 years of age or older; and
 2. The person cited for the violation confirmed the validity of the driver's license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device; provided that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver's license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection (6) does not affect the availability of any other defense under any other provision of law.

7. Notice to be sent to the department of public safety. Upon failure of the employee to pay the fine within 90 days of the day of the assessment of such fine, the clerk of the municipal court shall notify the department of public safety and the department shall suspend or not issue a driver's license to the employee until proof of payment has been furnished to the department of public safety. Upon failure of a store owner to pay the fine within 90 days of the assessment of such fine, the clerk of the municipal court shall notify the state tax commission and the state tax commission shall suspend the store's license to sell tobacco products until proof of payment has been furnished to the state tax commission.
 8. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for any violation of subsection (B)(1) or (2) of this section, each individual franchise or business location shall be deemed a separate entity.
3. *Receipt of tobacco product, nicotine products or vapor products by minors*
 1. It is unlawful for a person who is under twenty-one (21) years of age to purchase, receive, or have in his or her possession a tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product or to present or offer to any person purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product. 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 in the performance of the employee's duties.
 2. Penalty. Any person violating the provisions of subsection (C)(1) of this section shall be guilty of an offense and, upon conviction, shall complete an education or tobacco use cessation program approved by the court.
 3. If the violator fails to complete the tobacco use cessation program ordered by the court, a fine may be imposed that shall not exceed Fifty Dollars (\$50.00) for a first offense or One Hundred Dollar (\$100.00) for subsequent offenses.
 4. The violator may also be required to complete a community service program or other appropriate programs or services as ordered by the court.
 5. They city shall establish rules to provide for notification to a parent or guardian of any minor cited for a violation of this section.
 4. *Distribution of tobacco product, nicotine product or vapor product samples.*
 1. It shall be unlawful and an offense for any person to distribute tobacco product samples or vapor product samples to any person under 21 years of age.
 2. Notwithstanding subsection (D)(1) of this section, no person shall distribute tobacco product samples, nicotine samples, nicotine product samples or vapor product samples in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 21 years of age.
 3. Penalty. Any person violating the provisions of subsection (D)(1) or (2) of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine in the amount of not less than \$25.00 nor more than \$200.00.
 4. Notice to be sent to the department of public safety. Upon failure of an individual to pay any fine within 90 days of the assessment of such fine, the clerk of the municipal court shall notify the department of public safety, and the department shall suspend or not issue a driver's license to the individual until proof of payment has been furnished

to the department of public safety.

5. *Sale of tobacco products except in original sealed package.*

1. It is unlawful and an offense for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
2. Any person violating the provisions of subsection (E)(1) of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than \$200.00, excluding costs, fees and assessments, for each offense.

6. *Signs in retail establishments required.*

1. Every person who sells or displays tobacco products, nicotine products or vapor products at retail shall post conspicuously and keep so posted at the place of business a sign, as specified by the alcoholic beverage laws enforcement (ABLE) commission, stating the following:
"IT'S THE LAW, WE DO NOT SELL TOBACCO PRODUCTS, NICOTINE PRODUCTS OR VAPOR PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE."
The sign shall also provide the toll-free number operated by the alcoholic beverage laws enforcement (ABLE) commission for the purpose of reporting violations of the Prevention of Youth Access to Tobacco Act.
2. Any person violating the provisions of subsection (F)(1) of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than \$50.00, excluding costs, fees and assessments, for each day a violation occurs. Each day a violation is continuing shall constitute a separate offense. The notice required by subsection (F)(1) of this section shall be the only notice required to be posted or maintained in any store that sells tobacco products, nicotine products, or vapor products at retail.

7. *Notice to retail employees.*

1. Every person engaged in the business of selling tobacco products at retail shall notify each individual employed by that person as a retail sales clerk that state law:
 1. Prohibits the sale or distribution of tobacco products, nicotine products or vapor products to any person under 21 years of age and the purchase or receipt of these products by any person under 21 years of age; and
 2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under 21 years of age.
2. This notice shall be provided before the individual commences work as a retail sales clerk. The individual shall signify that he has received the notice required by this section by signing a form stating as follows:
"I understand that state law prohibits the sale or distribution of tobacco products, nicotine products or vapor products to persons under 21 years of age and out-of-package sales, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under 21 years of age. I promise, as a condition of my employment, to obey the law. I understand that violations by me may be punishable by fines, suspension, or non-issuance of my driver's license. In addition, I understand that violations by me may subject the store owner to fines or license suspension."

8. *Vending machine sales restricted.*

1. It shall be unlawful for any person to sell tobacco products, nicotine products or vapor products through a vending machine unless the vending machine is located:

1. In areas of factories, businesses, offices, or other places that are not open to the public; or
 2. In places that are open to the public, but to which persons under 21 years of age are not admitted.
2. Any person violating the provisions of subsection (H)(1) of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than \$200.00, excluding costs, fees and assessments, for each offense.
9. *Display or sale of tobacco products, nicotine products or vapor products.*
1. It is unlawful for any person or retail store to display or offer for sale tobacco products, nicotine products or vapor products in any manner that allows public access to the product without assistance from the person displaying the tobacco product, nicotine product or vapor product or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admit into the store persons under 21 years of age.
 2. Any person violating the provisions of subsection (I)(1) of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than \$200.00, excluding costs, fees and assessments, for each offense.
10. *Prohibiting possession or sale of tobacco, nicotine or vapor use device or material.*
1. It is unlawful for any person who is under 21 years of age to possess any material or device used in the smoking, chewing, or other method of consumption of tobacco, including cigarette papers, pipes, holders of smoking materials or all types, and other items designed primarily for the smoking or ingestion of tobacco products.
 2. It is unlawful for any person to sell, give or furnish in any manner to another person who is under 21 years of age any material or device used in the smoking, chewing, or other method of consumption of tobacco, nicotine or vapor products, including cigarette papers, pipes, holders of smoking materials or all types, and other items designed primarily for the smoking or ingestion of these products.
 3. Any person violating the provisions of subsection (J)(1) or (2) of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not more than \$200.00, excluding costs, fees and assessments, for each offense.
11. *Restrictions on manner of enforcement.*
1. Any conviction for a violation of subsections (B) through (I) of this section and compliance checks conducted by the city pursuant to subsection (K)(2) of this section shall be reported in writing to the alcoholic beverage laws enforcement (ABLE) commission within 30 days of the conviction or compliance check. Such reports shall be compiled in the manner prescribed by the ABLE commission.
 2. Persons under 21 years of age may be enlisted by the city to assist in enforcement of subsections (B) through (I) of this section, provided such persons may be used to test compliance only if written parental consent has been provided and the testing is conducted under the direct supervision of the alcoholic beverage laws enforcement (ABLE) commission or conducted by another law enforcement agency if such agency has given written notice to the ABLE commission in the manner prescribed by the ABLE commission. The city may conduct, pursuant to rules of the ABLE commission, compliance checks without prior notification to the ABLE commission and shall be exempt from the written notice requirement of this subsection. This subsection shall not apply to the use of persons under 21 years of age to test compliance if the compliance test is being conducted by or on behalf of a retailer of cigarettes, as defined in 68 O.S.

Â§ 301, at any location the retailer of cigarettes is authorized to sell cigarettes.

(Prior Code, Â§ 16-17; Code 1999, Â§ 10-517; Ord. No. 336(01), 10-15-2001; Ord. No. 582(07), 5-21-2007)

State Law reference— Similar provisions, 37 O.S. Â§ 600.1 et seq. HISTORY

Amended by Ord. 842(16) on 12/19/2016

Amended by Ord. 958(20) on 12/21/2020

Amended by Ord. 1016.22 on 10/17/2022

Amended by Ord. 1035.23 on 10/2/2023

Sec 10-518 Display Of Material Harmful To Minors

1. 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:

A reasonable bona fide attempt means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

Harmful to minors means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:

1. The average person 18 years of age or older applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors;
2. The average person 18 years of age or older applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
3. The material or performance lacks serious literary, scientific, artistic, or political value for minors. *Knowingly* means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
 1. The character and content of any material or performance which is reasonably susceptible of examination by the defendant; and
 2. The age of the minor. However, a honest mistake shall constitute an excuse from liability pursuant to this subsection if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor. *Material* means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, or video tape, whether in its original form or any digital format.

Minor means any unmarried person under the age of 18 years.

Nudity means the:

1. Showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering;
2. Showing of the female breast with less than a full opaque covering of any portion of the female breast below the top of the nipple; or

3. Depiction of covered male genitals in a discernibly turgid state. *Performance* means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

Person means any individual, partnership, association, corporation, or other legal entity of any kind.

Sexual conduct means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast.

Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Sadomasochistic abuse means flagellation or torture by or upon a person clothed or naked or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed or naked.

2. No person having custody, control or supervision of any commercial establishment shall knowingly:
 1. Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material; provided, however, a person shall be deemed not to have displayed material harmful to minors if the material is kept behind devices commonly known as "binder racks" so that the lower two-thirds of the material is not exposed to view;
 2. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or
 3. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.
3. Any person convicted of violating any provision of subsection (B) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as set forth in section 1-108. Each day that a violation of subsection (B) of this section occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act or transaction prohibited by subsection (B) of this section shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material shall constitute a single offense.

(Code 1999, Â§ 10-518; Ord. No. 36(92), 10-19-1992)

State Law reference— Material harmful to minors, 21 O.S. Â§ 1040.76 et seq. HISTORY

Amended by Ord. 842(16) on 12/19/2016

Sec 10-519 Spray Paint Restrictions For Minors

1. 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:

Minor means any individual under the age of 18 years of age.

Person means any individual, firm, association, partnership or corporation, selling or offering for sale any item prohibited by this section.

2. Prohibited conduct.

1. No person shall sell to any minor any aerosol container of paint (spray paint) capable of defacing property unless such minor is accompanied by a parent or a guardian;
2. Any person selling or offering for sale any aerosol container of paint shall require bona fide evidence of majority and identity. Bona fide evidence of majority and identity shall be established only by a document issued by a federal, state, county or municipal government, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the federal Selective Service Act or an identification card issued to a member of the armed forces;
3. Proof that the defendant, or his employee or agent, demanded, was shown and acted in reliance upon such bona fide evidence in any sale transaction forbidden hereby shall be a defense to any criminal prosecution therefor.
3. Any person who owns, manages or operates a place of business wherein aerosol containers of paint capable of defacing property are sold shall conspicuously post at the place of display of the containers for sale and at the place of sale (cash register) a sign in letters at least one-half inch in height, "Spray Paint Shall Not Be Sold To Minors."
4. Any person who has reached the age of majority who shall give, trade, or otherwise provide to any minor any aerosol container of paint used in the actual application of graffiti or defacement of property shall be guilty of an offense and shall, upon conviction, be punished as prescribed.
5. Any person convicted for an offense in violation of this section shall, upon conviction, be punished as provided in section 1-108.

(Code 1999, Â§ 10-519; Ord. No. 72(94), 1-3-1994) **CHAPTER 10-6 OFFENSES AGAINST PUBLIC AUTHORITY** Sec 10-601 Escaping Custody

Sec 10-602 Conveying Instruments To Assist Escape

Sec 10-603 Assisting Prisoner To Escape

Sec 10-604 Delivery Of Articles To Person In Confinement

Sec 10-605 Assaulting City Officer

Sec 10-606 Resisting A Police Officer

Sec 10-607 Obedience To Orders Of Police And Firefighter

Sec 10-608 Eluding Police Officer By Motor Vehicle

Sec 10-609 Use Of Siren Or Whistle

Sec 10-610 Impersonating A Police Officer Or Any City Officer

Sec 10-611 False Statements, Reports Or Complaints

Sec 10-612 False Alarms

Sec 10-613 Removal Of Barricades

Sec 10-614 Resisting Public Officials

Sec 10-615 Duties Of The Public At Fires, Emergencies

Sec 10-616 Tampering With Signs, Equipment

Sec 10-617 Interfering With Police Dog In Performing Functions Or Duties

Sec 10-618 Destroying, Tampering With Evidence

Sec 10-601 Escaping Custody

No person lawfully in custody or confined in the city jail, before or after conviction for any violation of the ordinances of the city, or held in custody going to the city jail, or working upon the streets or other public grounds of the city or in custody of any officer of the city, shall break or attempt to break such city jail or custody, and escape or attempt to escape therefrom.

(Prior Code, Â§ 16-125; Code 1999, Â§ 10-601; Ord. No. 506, 2-5-1990)

State Law reference— Escapes, 21 O.S. Â§ 444. [Sec 10-602 Conveying Instruments To Assist Escape](#)

No person shall convey into the city jail any disguised instrument or any thing proper or useful to facilitate the escape of any prisoner lawfully committed to or detained in the city jail for any violation of the city ordinances, for any criminal offense, or lawfully detained or imprisoned therein, whether such escape is effected or attempted or not.

(Code 1999, Â§ 10-602)

State Law reference— Conveying instruments to assist escape, 21 O.S. Â§ 438. [Sec 10-603 Assisting Prisoner To Escape](#)

No person shall in any way aid, remove or assist any person to resist or escape from custody of any police officer or from any lawful confinement in the city.

(Prior Code, Â§ 16-124; Code 1999, Â§ 10-603; Ord. No. 506, 2-5-1990)

State Law reference— Assisting prisoner to escape, 21 O.S. Â§Â§ 437, 441. [Sec 10-604 Delivery Of Articles To Person In Confinement](#)

No person shall deliver any article or thing to any person under arrest without the consent of the officer having charge and custody of the prisoner.

(Code 1999, Â§ 10-604; Ord. No. 506, 2-5-1990) [Sec 10-605 Assaulting City Officer](#)

No person shall knowingly assault, batter, or assault and batter any city officer or official while in the performance of their duties.

(Code 1999, Â§ 10-605; Ord. No. 505, 2-5-1990)

State Law reference— Assaulting law officer, 21 O.S. Â§Â§ 649, 650. [Sec 10-606 Resisting A Police Officer](#)

1. It is unlawful to resist, oppose or assault, prevent, fail to cooperate with or in any way interfere with a police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the city.
2. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.
3. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.
4. The term "obstruction of" shall, in addition to their common meaning, include:
 1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;
 2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or
 3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

(Prior Code, Â§ 16-122; Code 1999, Â§ 10-606; Ord. No. 506, 2-5-1990) [Sec 10-607 Obedience To Orders Of Police And Firefighter](#)

No person shall fail to heed a reasonable order of a police officer or firefighter while such officer is in the discharge of an official duty in maintaining the public safety or welfare.

(Code 1999, Â§ 10-608) [Sec 10-608 Eluding Police Officer By Motor Vehicle](#)

No operator of a motor vehicle who has received a visual or audible signal, a red light or a siren from a police officer driving a motor vehicle, showing the same to be an official police, sheriff or highway patrol car directing the operator to bring his vehicle to a stop, shall willfully increase his speed or extinguish his lights to elude or attempt to elude such police officer, or attempt in any other manner to elude the police officer.

(Code 1999, Â§ 10-609)

State Law reference— Eluding police officer, 21 O.S. Â§ 540A. [Sec 10-609 Use Of Siren Or Whistle](#)

1. No person shall use any police whistle or any other instrument used by a police officer to give signals to each other, or imitate any signal given by one police officer to another or any special signal used by police officers, for the purpose of improperly or causelessly attracting the attention of the police.
2. No person, except members of police department, fire department or ambulance services, shall ring, use or otherwise sound any siren or any other device for making similar noise.

(Code 1999, Â§ 10-610) [Sec 10-610 Impersonating A Police Officer Or Any City Officer](#)

1. No person, other than police officers of the city, shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the police officers of the city.
2. No person shall do or attempt any act to impersonate a police officer.
3. It is unlawful to falsely impersonate any officer or employee of the city, or falsely represent himself to be an officer or employee of the city, by any kind of representation, pretense, insignia, sound, clothing or conduct, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the city without being authorized to do so.

(Prior Code, Â§ 16-126; Code 1999, Â§ 10-611; Ord. No. 506, 2-5-1990)

State Law reference— Impersonating public officers, 21 O.S. Â§Â§ 263, 264, 1533. [Sec 10-611 False Statements, Reports Or Complaints](#)

1. No person shall knowingly make or file or cause to be made or filed a false or misleading report or misrepresentation, allegation or complaint with the police department or any officer or employee of the city, or on any official application or to commit perjury before any tribunal of the city.
2. No person shall willfully and without probable cause make a false report to any person of any crime, violation of the city's ordinances, or circumstances indicating the possibility of crime or violation having been committed, including, but not limited to, the unlawful taking of personal property, which report causes or encourages the exercise of police or other official action or investigation.

(Code 1999, Â§ 10-612) [Sec 10-612 False Alarms](#)

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department, police department or any other emergency personnel, or summon any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless or unnecessary run to any part of the city or outside the city.

(Prior Code, Â§ 9-1; Code 1999, Â§ 10-613; Ord. No. 506, 2-5-1990)

State Law reference— False fire alarms, 21 O.S. Â§ 1851. [Sec 10-613 Removal Of Barricades](#)

It is unlawful for any person, except by proper authority, to remove any barricade or obstruction placed by authority of the city to keep traffic off any pavement, street, curb, sidewalk or other area.

(Code 1999, Â§ 10-614; Ord. No. 506, 2-5-1990) [Sec 10-614 Resisting Public Officials](#)

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the city in the discharge of his official duties;
2. Obstruct, threaten or otherwise intimidate or attempt to intimidate any officer or employee from the discharge of his official duties; or
3. Assault or beat, or 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.

(Code 1999, Â§ 10-615; Ord. No. 506, 2-5-1990, in part) [Sec 10-615 Duties Of The Public At Fires, Emergencies](#)

1. All persons at fires or other emergencies or accidents shall conduct themselves in an orderly and lawful manner and to assist in maintaining law and order.
2. No person at or near any fire or emergency shall conduct himself in a disorderly manner or neglect or refuse to promptly obey any order of the fire chief or his assistants relative to such fire; and no person shall resist, obstruct, hinder or abuse any officer of the fire department or any firefighter in the proper discharge of his duty.
3. Every police officer present at a fire shall keep back all persons who are in the way or impeding the work of the fire department, and so far as possible protect all property from loss or injury, and cooperate with and assist the fire department in every way possible while at the fire. The fire chief or an assistant fire chief or any police officer shall have the power to designate persons to guard any goods.
4. No person shall follow or block the way of any emergency vehicle engaged in emergency run, or knowingly interfere with officers at the location of any fire or emergency.

(Code 1999, Â§ 10-616; Ord. No. 506, 2-5-1990, in part)

State Law reference— Interfering with firefighters, 21 O.S. Â§ 1217. [Sec 10-616 Tampering With Signs, Equipment](#)

It is unlawful for any person to tamper with any signs, signal equipment or other device placed, operated and maintained by the city in connection with the administration of its code provisions, ordinances, regulations, services, functions or performance of duties thereto.

(Code 1999, Â§ 10-617; Ord. No. 506, 2-5-1990) [Sec 10-617 Interfering With Police Dog In Performing Functions Or Duties](#)

It is unlawful and an offense for any person to interfere with, tease, meddle with, throw objects at or toward, torture, torment, injure, beat, strike, kick, mutilate, disable or kill any dog used by the police department of the city, or any member thereof, in the performance of the functions or duties of the department.

(Prior Code, Â§ 16-131; Code 1999, Â§ 10-618)

State Law reference— Crimes against police dogs, 21 O.S. Â§ 649.2. [Sec 10-618 Destroying, Tampering With Evidence](#)

It is unlawful to destroy, alter, conceal or disguise physical evidence, plant false evidence or furnish false information to an officer which impedes that or another officer in the performance of his duties, or which is intended to prevent the apprehension or to obstruct the prosecution or defense of any person.

(Code 1999, Â§ 10-619; Ord. No. 506, 2-5-1990) **CHAPTER 10-7 GANG-RELATED ACTIVITIES** **Sec 10-701 Prohibition Of Gang-Related Criminal Activity**

Sec 10-702 Definitions

Sec 10-703 Offense

Sec 10-704 Buildings Or Place Used By Gang Members As Nuisance

State Law reference— Gang-related offenses, 21 O.S. Â§ 856.3.

Sec 10-701 Prohibition Of Gang-Related Criminal Activity

The city declares that the city is in the early stages of a crisis, which has been caused by violent street gangs whose members threaten, terrorize and commit a multitude of crimes against the peaceful citizens of this community. These criminal activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected activities. It is the intent of the city council to prohibit, reduce, and eradicate criminal activity by street gangs by focusing upon patterns of criminal activity and upon the organized nature of street gangs, which together are the chief source of terror created by street gangs.

(Code 1999, Â§ 10-701; Ord. No. 7(91), 12-16-1991) **Sec 10-702 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Criminal street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, which has as one of its primary activities the commission of one or more of the criminal acts enumerated in this section as part of the definition for the term "pattern of criminal street gang activity" or which has a common name or common identifying sign, color or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

"Pattern of criminal street gang activity" of two or more of the commission, attempted commission, or solicitation, provided at least one of the offenses occurred after the enactment of this chapter and at least one offense occurred following Code offenses by any members of a criminal gang, on separate occasions within a three-year period, for the purpose of furthering gang activity:

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delim(@@) tab( ); lw(35.0n) lw(35.0n). T{ Offense
T} T{ Relevant Code Provision
T} T{ Assault and battery
T} T{ 10-201
T} T{ Reckless conduct
T} T{ 10-204(B)
T} T{ Petit larceny
T} T{ 10-301
T} T{ Possession of stolen property
T} T{ 10-304
T} T{ Defacing building, damaging property
T} T{ 10-310 T} T{ Damaging private property
T} T{ 10-312 T} T{ Damaging or tampering with motor vehicle
T} T{ 10-314 T} T{ Throwing or shooting at persons or property
T} T{ 10-320 T} T{ Possession of marijuana and drug paraphernalia
T} T{ 10-502 and 10-503
T} T{ Disorderly house
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T} T{ 10-510 T} T{ Prostitution
T} T{ 10-513 T} T{ Offenses near schools
T} T{ 10-514 T}

Youthful and street gang member means a person who engages in a pattern of youth and street gang activity and meets two or more of the following criteria:

1. Admits to gang membership;
2. Is a youth under the age of 21 years who is identified as a gang member by a parent or guardian;
3. Is identified as a gang member by a documented reliable informant;
4. Resides in or frequents a particular gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known gang members;
5. Is identified as a gang member by an informant of previously untested reliability and such identification is corroborated by independent information;
6. Has been arrested more than once in the company of identified gang members for offenses which are consistent with usual gang activity;
7. Is identified as a gang member by physical evidence, such as photographs or other documentation; and
8. Has been stopped in the company of known gang members four or more times.

(Code 1999, Â§ 10-702; Ord. No. 7(91), 12-16-1991) [Sec 10-703 Offense](#)

Any criminal street gang member or youth street gang member convicted of the foregoing violations while in furtherance of a pattern of criminal gang activity shall be punished as provided in section 1-108.

(Code 1999, Â§ 10-703; Ord. No. 7(91), 12-16-1991) [Sec 10-704 Buildings Or Place Used By Gang Members As Nuisance](#)

Every building or place used by members of a criminal street gang or youth street gang for the purpose of the commission of the offenses listed in section 10-702 or any offense involving dangerous or deadly weapons, burglary, rape or narcotic trafficking and every building or place wherein or upon which that criminal conduct by gang members takes place is a nuisance which shall be enjoined, abated, and prevented as provided in part 8, chapter 1, whether it is a public or private nuisance. Injunctions requested pursuant to this provision shall be limited to those necessary to protect the health and safety of the residents or the public or those necessary to prevent further criminal activity. No nonprofit or charitable organization which is conducting its affairs with ordinary care and skill, and no governmental entity, shall be abated pursuant to this section. Nothing in this chapter or in part 8, chapter 1 shall preclude any aggrieved person from seeking any other remedy provided by law.

(Code 1999, Â§ 10-704; Ord. No. 7(91), 12-16-1991) [CHAPTER 10-8 JUVENILE OFFENSES](#)

[Sec 10-801 Jurisdiction Of Juvenile Offenders](#)

[Sec 10-802 Exceptions](#)

[Sec 10-803 Failure To Comply With Written Promise To Appear With Juvenile](#)

[Sec 10-804 Parental Responsibility For Juvenile Court Fines](#)

[Sec 10-805 General And Specific Penalties](#)

[Sec 10-806 Truancy](#)

[Sec 10-807 Skateboarding Prohibited](#)

[Sec 10-808 Runaway Prohibited](#)

[Sec 10-801 Jurisdiction Of Juvenile Offenders](#)

The city municipal court may assume jurisdiction of juvenile offenders, unless otherwise excepted from the jurisdiction of the municipal court, who have been charged with a violation of a municipal ordinance, and which relate to at least one of the following offenses:

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delim(@@) tab( ); lw(35.0n) lw(35.0n). T{ Assault
T} T{ 10-202 T} T{ Battery
T} T{ 10-203 T} T{ Curfew violation
T} T{ 10-505 T} T{ Disorderly conduct
T} T{ 10-403 T} T{ Petty larceny and larceny of lost property
T} T{ 10-301 T} T{ Damaging private property
T} T{ 10-312 T} T{ Disturbing the peace
T} T{ 10-401 T} T{ Public intoxication
T} T{ 10-501 T} T{ Possession of marijuana
T} T{ 10-502 T} T{ Possession of drug paraphernalia
T} T{ 10-503 T} T{ Transportation of low-point beer in a moving vehicle
T} T{ 3-210 T} T{ Minors in possession of low-point beer, prohibited while in public
T} T{ 3-211 T} T{ Minors in possession of intoxicating beverages in public prohibited
T} T{ 3-109 T} T{ Possession of tobacco products
T} T{ 10-517 T} T{ Graffiti
T} T{ 8-1001 to 8-1008
T} T{ Failure to appear
T} T{ 6-115 T} T{ Attempt to commit an offense
T} T{ 10-101 T} T{ Trespassing prohibited
T} T{ 10-317 T} T{ Noise
T} T{ 10-411 to 10-416
T} T{ Offenses near schools
T} T{ 10-514 T} T{ Assaulting city officer
T} T{ 10-605 T} T{ Resisting a police officer
T} T{ 10-606 T} T{ Fireworks prohibited
T} T{ 10-328 T} T{ Littering prohibited
T} T{ 10-322 T} T{ Skateboarding prohibited
T} T{ 10-807 T} T{ Attempting to elude a police officer
T} T{ 10-608 T} T{ Mandatory school attendance
T} T{ 10-806 T} T{ Harmful deception
T} T{ 10-309 T} T{ Harassing phone calls
T} T{ 10-509 T}
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(Code 1999, Â§ 10-800; Ord. No. 337(01), 10-15-2001; Ord. No. 381(02), 10-7-2002; Ord. No. 444(04), 2-1-2004)

Sec 10-802 Exceptions

1. The municipal court for the city will decline jurisdiction of offenders, known to the court, who are presently under the supervision or treatment of the district court system and/or have charges pending there or elsewhere in the state.
2. The municipal court of the city, to the best of its knowledge, will decline jurisdiction of offenders who have previously been certified as an adult for any purpose, pursuant to 10A O.S. Â§ 2-5-205.

(Code 1999, Â§ 10-801; Ord. No. 337(01), 10-15-2001) **Sec 10-803 Failure To Comply With Written Promise To Appear With Juvenile**

Any person who fails to voluntarily appear before the court with a juvenile defendant on the appointed date and time, regardless of the disposition of the charge for which the citation was

originally issued to the juvenile defendant, after having such juvenile defendant released to his care and control and pursuant to a signed promise to appear with the juvenile shall be guilty of an offense.

(Code 1999, Â§ 10-802; Ord. No. 337(01), 10-15-2001) [Sec 10-804 Parental Responsibility For Juvenile Court Fines](#)

Any person who is a parent, legal guardian, or legal custodian of a juvenile defendant shall assure the municipal court that any fines assessed against the juvenile shall be promptly paid. If fines assessed against a juvenile in juvenile court remain unpaid after 90 days, the fines, along with administrative fees and court costs, shall be assessed against the parent, legal guardian, or legal custodian. Any person who fails to remit the assessed amount within 15 days from issuance of a summons shall be guilty of an offense.

(Code 1999, Â§ 10-803; Ord. No. 337(01), 10-15-2001) [Sec 10-805 General And Specific Penalties](#)

1. Any juvenile convicted of violating the ordinances enumerated in section 10-800, where no specific penalty is provided therefor, shall be punished pursuant to section 1-108.
2. Any juvenile convicted of violating section 10-517 shall be punished by a fine for a first offense, not exceeding \$50.00, and for a second and subsequent offense by a fine not exceeding \$100.00.
3. The following specific offenses, unless otherwise provided in this Code, shall be punished by a fine not exceeding \$500.00.
 1. Possession of marijuana or other controlled substance; possession of drug paraphernalia
 2. Graffiti.
 3. Battery of an officer.
 4. Eluding a police officer.

(Code 1999, Â§ 10-806; Ord. No. 377(02), 8-19-2002) HISTORY

Amended by Ord. [819\(16\)](#) on 4/18/2016

[Sec 10-806 Truancy](#)

1. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the age of five years and under the age of 18 years to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school.
2. It shall be unlawful for any child who is over the age of 12 and under the age of 18 years, and who has not finished four years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session, provided that this section shall not apply if any such child:
 1. Is prevented from attending school by reason of mental or physical ability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;
 2. Is excused from attendance at school, due to an emergency, by the principal teacher of the school in which the child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;
 3. Who has attained his 16th birthday is excused from attending school by the school administrator of the school district where the child attends school, and the parent, guardian or custodian of the child, provided that no such child shall be excused from attending

school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that such child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of 18 years.

3. Any parent, guardian, custodian, child or other person violating any of the provision of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding that allowed by law. Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court, may constitute a separate offense. At the trial of any person charged with violating the provisions of this section, the attendance records of the child, or ward, may be presented in court by any authorized employee of the school or the school resource officer.

(Code 1999, Â§ 10-807; Ord. No. 379(02)-B, 10-7-2002; Ord. No. 437(03), 12-15-2003) **Sec 10-807 Skateboarding Prohibited**

It is unlawful for any person riding in or on, or by means of any skateboard, roller skates, roller blades, coaster, or similar device to go in or on the following prohibited areas:

1. Any private property open to the public which is specifically hereinafter listed, provided the area is clearly and conspicuously posted with signs stating "Skating and Skateboarding Prohibited (Moore Code Section 10-807)."
 1. On walls, steps, or railings of a shopping center, business, or nonprofit establishment.
 2. Parking lots of a shopping center, business, or nonprofit establishment.
 3. Driveways of a shopping center, business, or nonprofit establishment.
 4. Sidewalks and pedestrian ways within a shopping center, business, or nonprofit establishment.
2. Walls, steps, railings, driveways, or parking lots on public property (public schools), provided the area is clearly and conspicuously posted with signs stating "Skating and Skateboarding Prohibited (Moore Code Section 10-807)."

(Code 1999, Â§ 10-808; Ord. No. 380(02), 10-7-2002) **Sec 10-808 Runaway Prohibited**

1. A runaway shall be defined as any unemancipated minor who has been reported to law enforcement as being voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult and without the parent or other custodial adult's knowledge as to the child's whereabouts.
2. Compelling reason means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance.
3. It shall be unlawful and an offense to be a runaway.
4. It shall be the responsibility of the custodial parent or other custodial adult to notify the appropriate law enforcement agency of the runaway status.
5. If the court deems it to be in the best interest of the child, a minor cited as a runaway shall be referred to social services for counseling.

(Code 1999, Â§ 10-809; Ord. No. 472(04), Â§ 1, 8-16-2004) **PART 11 PARKS, RECREATION AND CEMETERY CHAPTER 11-1 PARKS AND RECREATION CHAPTER 11-2 LIBRARY CHAPTER 11-3 CEMETERY CHAPTER 11-1 PARKS AND RECREATION ARTICLE 11-1A GENERAL PROVISIONS**

ARTICLE 11-1B RULES AND REGULATIONS

State Law reference— Parks and recreation, 11 O.S. Â§ 33-101 et seq.

ARTICLE 11-1A GENERAL PROVISIONS Sec 11-101 Park Board Created

Sec 11-102 Organization And Procedures

Sec 11-103 Power And Duties

Sec 11-104 Compensation

Sec 11-101 Park Board Created

1. A park board consisting of seven members shall be appointed by the city council for three-year terms, with at least one member appointed from each ward. In the initial creation of the board, two members shall be appointed for one year; two members shall be appointed for two years; and three members shall be appointed for three years. . All current members, if reappointed, may serve two additional three (3) year terms or until July 31, 2027. New members appointed after the effective date of this ordinance shall be limited to three consecutive three year terms. Former members of the park board shall be eligible for reappointment after the expiration of one three year term. Appointment to the park board to fill an unexpired term shall not be considered as a full term. The city manager or his designee shall be an ex officio member of the board, shall advise and consult with the board, but shall have no vote on matters coming before the board.
2. Vacancies in the park board shall be filled as in the original instance by the city council for the unexpired term. If a member ceases to be a resident of the city, his term shall automatically terminate.
3. The office of any member of the park board who shall not attend meetings of the board of three successive meetings after having been notified in writing thereof, without reason satisfactory to the city council, shall be declared by the city council to be vacant.

(Prior Code, Â§ 17-16; Code 1999, Â§ 11-101; Ord. No. 52(93), 3-1993; Ord. No. 171(96), 10-7-1994) HISTORY

Approved by Ord. 994(21) on 11/15/2021

Sec 11-102 Organization And Procedures

The park board shall elect from its membership a chairman, vice-chairman and secretary for terms of one year. Such elections shall be held at the time of the board's annual meeting each year, which shall be in November. The board shall adopt and modify from time to time as needed rules, bylaws and administrative procedures for the orderly transaction of its business. Such rules, bylaws or procedures shall be filed with the city clerk. The park board shall establish the time, place and frequency of its meetings for the following calendar year at the annual meeting and cause same to be filed in compliance with the Oklahoma Open Meeting Act.

(Prior Code, Â§ 17-16; Code 1999, Â§ 11-102; Ord. No. 52(93), 3-1993; Ord. No. 171(96), 10-7-1994) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-103 Power And Duties

1. The park board shall act as an advisory board to the city council with reference to city parks and recreation facilities within the city. The board shall make recommendations with reference to the operation of the city parks and recreation facilities and recommendations as to rules and regulations concerning the use of the parks and recreation facilities by the public. The board shall also make recommendations to the city council with reference to the beautification and improvement of the parks and recreation facilities.
2. The board shall make recommendations to the city council with regard to planning for future development of the parks, and the safety of the public in general in enjoying and using the parks and recreation facilities as it deems necessary.

3. The park board shall make recommendations, as it deems appropriate, for the overall physical development and improvement of the parks and recreation facilities of the city. It may consult any and all civic organizations, clubs or associations desiring to contribute to or make improvements to the parks and recreation facilities of the city.

(Prior Code, Â§ 17-16; Code 1999, Â§ 11-103; Ord. No. 52(93), 3-1993; Ord. No. 171(96), 10-7-1994) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-104 Compensation

The park board shall serve without pay. The necessary expenses incurred by such board shall be paid from the city treasury as other legal expenses of city government. No expenses shall be incurred by the board without prior approval of the city council.

(Prior Code, Â§ 17-16; Code 1999, Â§ 11-104; Ord. No. 52(93), 3-1993; Ord. No. 171(96), 10-7-1994) HISTORY

Amended by Ord. 840(16) on 12/19/2016

ARTICLE 11-1B RULES AND REGULATIONS Sec 11-112 Motorized Vehicles

Sec 11-113 Closing Hours For Parks

Sec 11-114 Glass Containers Prohibited

Sec 11-115 Penalty

Sec 11-116 Prohibiting Animals From City Parks

Sec 11-117 Swimming Prohibited In City Park, Property Owned Or Maintained By City

Sec 11-118 Development Restrictions For Parkland Located In Section 24, Township 10 North, Range 3 West Of The I.M., Moore, Cleveland County, Oklahoma

Sec 11-112 Motorized Vehicles

No motorized vehicle shall be permitted in any park except:

1. Vehicles operated by the city or under contract to the city;
2. Vehicles entering, exiting or being parked or stored, where part is designed and maintained for entrance, exit, parking or storage of motorized vehicles.

(Prior Code, Â§ 17-1; Code 1999, Â§ 11-112) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-113 Closing Hours For Parks

1. All city parks shall be closed to the public at 12:01 a.m. and remained closed until 6:00 a.m. each day unless otherwise designated; provided, however, that for programs or events sponsored or approved by the city, or for which a city permit has been issued, the hours of peroration may be extended during any such program or event and for a period of 60 minutes following the conclusion of such program or event.
2. Little River Park shall be closed to the public at 10:00 p.m. until 6:00 a.m. each day. The grounds of Central Park shall be closed to the public at 12:00 midnight until 5:00 a.m. each day.
3. Signs stating park hours will be posted prominently in each park.
4. Any person found in violation of this section shall be subject to punishment as provided in section 1-108.

(Prior Code, Â§ 17-2; Code 1999, Â§ 11-113; Ord. No. 87(94), 7-18-1994) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-114 Glass Containers Prohibited

It is unlawful and an offense for any person to take or carry glass bottles, jars or containers into any city park. With the exception of the Fourth of July celebration where wine tasting and sales

are permitted by proper licensing.

(Code 1999, Â§ 11-114; Ord. No. 411, 8-4-1986) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-115 Penalty

It is unlawful of any person to use any recreational facilities owned or operated by the city without having complied with the rules and regulations promulgated by the city in connection therewith. Any violation of rules and regulations, or failure to comply with such, shall be guilty of an offense.

(Prior Code, Â§ 17-3; Code 1999, Â§ 11-115) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-116 Prohibiting Animals From City Parks

1. Subject to 7 O.S. Â§ 19.1:
 1. No animals shall be permitted within posted areas of any and all athletic fields owned by the city during times of competition. Times of competition shall include a reasonable time prior to and following completion of any competition.
 2. Animals shall not be permitted within the Buck Thomas Park during the time scheduled for the annual Fourth of July celebration, unless the animal is the main attraction of any booth or amusement ride, including, but not limited to, pony rides.
 3. In addition, animals shall not be permitted within Buck Thomas Park, or any other park, in any area and time as designated and posted by the parks and recreation department, with the exception of the any area of a park designated as a dog park.
2. Any person found to be in violation of this section shall be punished as authorized by section 1-108.

(Code 1999, Â§ 11-116; Ord. No. 515(05), 8-15-2005) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-117 Swimming Prohibited In City Park, Property Owned Or Maintained By City

1. No person shall be allowed to swim, bath, dive or wade in any of the following areas owned or maintained by the city: city park, pond, retention pond, creek, stream, brook or drainage ditch, except in city-operated municipal swimming pools or unless specifically authorized by special permit approved by the city manager.
2. It is unlawful for a parent of a child (under 18 years of age) or the guardian of a ward to knowingly permit, or by inefficient control to allow, such child to violate subsection (A) of this section under circumstances not constituting an exception.
3. The term "knowingly" includes knowledge which a parent, or legal guardian, should reasonably be expected to have concerning the whereabouts of a child in that parent's or person's custody.
4. Any person found in violation of this section shall be subject to punishment as provided in section 1-108.

(Code 1999, Â§ 11-117; Ord. No. 588(07), 5-21-2007) HISTORY

Amended by Ord. 840(16) on 12/19/2016

Sec 11-118 Development Restrictions For Parkland Located In Section 24, Township 10 North, Range 3 West Of The I.M., Moore, Cleveland County, Oklahoma

A. The City of Moore shall own and maintain a park or open space complying with all development restrictions set forth in this Section. The legal description of said park or open space is a follows:

Tract 1: The North 350.00 feet of the West Half of the Southeast Quarter (W/2 SE/4), Section 24, Township 10 North, Range 3 West, of the I.M., Moore, Cleveland County, Oklahoma, being more particularly described as follows: Beginning at the Northwest Corner of said West Half of the Southeast Quarter (W/2 SE/4); thence S. 89° 29' 48" E. on the North line of said West Half of the Southeast Quarter (W/2 SE/4) for a distance of 1,308.12 feet to the Northeast Corner of the West Half of the Southeast Quarter (W/2 SE/4), said line also being on the South line of Block 15, J. D. Estates, an addition to Moore, Oklahoma; thence S. 00° 17' 34" W. on the East line of said West Half of the Southeast Quarter (W/2 SE/4) for a distance of 350.00 feet; thence N. 89° 29' 48" W. and parallel with the North line of said West Half of the Southeast Quarter (W/2 SE/4) for a distance of 1,307.53 feet to a point on the West line of said West Half of the Southeast Quarter (W/2 SE/4), said point also being on the East line of Lot A, Block 3, Suntree Park, an Addition to Moore, Oklahoma; thence N. 00° 11' 45" E. and on the West line of said West half of the Southeast Quarter (W/2 SE/4) and on the East line of said Suntree Park Addition for a distance of 350.00 feet, the point of place and beginning, and containing 10.51 acres, more or less; and

Tract 2: Lot Two (2) in Block Twenty-Nine (29), of Eastmoor Addition, Blocks 19 thru 29, inclusive, an Addition to Moore, Cleveland County, Oklahoma, according to the recorded plat thereof; and Tract 3: Lot One (1), Block Twenty-nine (29), in Eastmoor Addition to the City of Moore, Cleveland County, Oklahoma, according to the recorded plat thereof; and Tract 4: Lots One (1) through Four (4), Block Fifteen (15), in J-D Estates, an Addition to the City of Moore, Cleveland County, Oklahoma, according to the recorded plat thereof.

B. The park or open space as described in subsection A of this Section shall be used only as an open greenspace or park area. All other uses of the property, including but not limited to those listed below, are prohibited:

1. Water Wells;
2. Swimming Pools;
3. Storm Shelters; and
4. Splash Pads.

C. No soil excavation shall occur at the park or open space as described in the subsection A of this Section that extends beyond five (5) feet below ground surface.

HISTORY

Adopted by Ord. 1012.22 on 7/18/2022

[CHAPTER 11-2 LIBRARY Sec 11-201 Library Board Created](#)

[Sec 11-202 Powers And Duties](#)

[Sec 11-203 Rules And Regulations](#)

State Law reference—Municipal libraries, 11 O.S. Â§ 31-101 et seq.

[Sec 11-201 Library Board Created](#)

There is hereby created a library board which shall be composed of five members, to be appointed by the council to serve without compensation for staggered terms of three years. The city manager shall be an ex-officio member of the board, shall advise and consult with the board, but shall have no vote on matters coming before the board.

(Prior Code, Â§ 13-16; Code 1999, Â§ 11-201) [Sec 11-202 Powers And Duties](#)

The powers and duties of the library board shall be those set out and contained in 11 O.S. Â§Â§ 31-101, 31-102, 31-104—31-108, and as may be further established from time to time.

(Prior Code, Â§ 13-17; Code 1999, Â§ 11-202) [Sec 11-203 Rules And Regulations](#)

The library board shall elect a chairman, vice-chairman and secretary from among their members to serve for terms of one year, and shall make rules for the regulation of business of the board. A

copy of such rules shall be filed with the city clerk and shall govern, among other thing, the time, place and frequency of meetings and any matter not inconsistent with any provision of this chapter.

(Prior Code, Â§ 13-18; Code 1999, Â§ 11-203) **CHAPTER 11-3 CEMETERY** **Sec 11-301 Ceme-teries Established**

Sec 11-302 Cemetery Care Fund

Sec 11-303 Expenditure And Control

Sec 11-304 Prices Of Lots

Sec 11-305 Deeds To Lots

Sec 11-306 Fees For Setting Monuments And Grave Staking

Sec 11-307 No Action To Be Taken Until Fee Is Paid

Sec 11-308 Erection Of Monuments And Improvements

Sec 11-309 Defacing Property

Sec 11-310 Removal Of Flowers And Decorative Items

Sec 11-311 Motorized Vehicles

Sec 11-312 Council May Adopt Rules

State Law reference— Municipal cemeteries, 11 O.S. Â§ 26-101 et seq.

Sec 11-301 Cemeteries Established

All cemeteries under the ownership and control of the city are established as city cemeteries. The city manager shall appoint all officers and employees necessary for the proper control and management of the cemetery.

(Prior Code, Â§ 7-35, in part; Code 1991, Â§ 11-301) **HISTORY**

Amended by Ord. 787(15) on 6/15/2015

Sec 11-302 Cemetery Care Fund

There is hereby established a cemetery perpetual care fund for maintenance and improvement of the city cemeteries, to be operated in accordance with state law. Financing and investment of the fund shall be as permitted by the city and state law.

(Prior Code, Â§Â§ 7-31—7-35; Code 1991, Â§ 11-302; Ord. No. 606(07), 12-3-2007) **HIS-TORY**

Amended by Ord. 787(15) on 6/15/2015

Sec 11-303 Expenditure And Control

No obligation incurring the expenditure of any money on account of a city cemetery shall be valid or binding upon the city unless the same shall first have been appropriated by the council and approved by the city manager.

(Prior Code, Â§ 7-35; Code 1991, Â§ 11-303) **HISTORY**

Amended by Ord. 787(15) on 6/15/2015

Sec 11-304 Prices Of Lots

The city council by motion or resolution shall fix the price for which lots shall be sold. Any payment installment plan approved by the city council for purchase of a lot shall provide for full payment, or one-fifth down payment and one payment annually, within a maximum of four years.

(Prior Code, Â§ 7-35; Code 1991, Â§ 11-304; Ord. No. 607(07), 12-3-2007) **HISTORY**

Amended by Ord. 787(15) on 6/15/2015

Sec 11-305 Deeds To Lots

All cemetery deeds shall be signed by the mayor and the city clerk upon final payment. The clerk or his designee shall keep a complete record of all sales and burials.

(Prior Code, Â§ 7-37; Code 1991, Â§ 11-305) **HISTORY**

Amended by Ord. 787(15) on 6/15/2015

Sec 11-306 Fees For Setting Monuments And Grave Staking

Monument set and/or grave staking paperwork will need to be filled out and paid in full prior to the city marking for either. The fee therefor shall be established by motion or resolution of the city council.

(Prior Code, Â§ 7-39; Code 1991, Â§ 11-307) HISTORY

Amended by Ord. 787(15) on 6/15/2015

Sec 11-307 No Action To Be Taken Until Fee Is Paid

No deed for any lot shall be issued, no grave marked, and no monument or marker shall be set, located or placed until the fee or charge has been paid in full, except as may be otherwise allowed by the city herein.

(Prior Code, Â§ 7-40; Code 1991, Â§ 11-308) HISTORY

Amended by Ord. 787(15) on 6/15/2015

Sec 11-308 Erection Of Monuments And Improvements

The erection of monuments, filling of graves or needed improvements, or the marking thereof, by private parties in a cemetery of the city shall be done under the supervision of the city and not otherwise. Only one monument per lot shall be allowed at the head of the grave, with the exception of a veteran's marker at the foot of the grave.

(Prior Code, Â§ 7-41; Code 1991, Â§ 11-312) HISTORY

Amended by Ord. 787(15) on 6/15/2015

Sec 11-309 Defacing Property

Every person who shall willfully or with malicious intent destroy, mutilate, deface, injure or remove any tomb, monument, or other structure placed in any city cemetery, or any fence, railing, or other work for the protection of any such cemetery or place of burial of any human being, or tomb, monument, memorial or other structure, or any lot within a cemetery, or who shall willfully or with malicious intent destroy, cut, break or injure any tree, shrub or plant within the limits of a cemetery, shall be deemed guilty of violating this section. Any person violating this section shall be punished as provided in section 1-108.

(Prior Code, Â§ 7-36; Code 1991, Â§ 11-313) HISTORY

Amended by Ord. 787(15) on 6/15/2015

Sec 11-310 Removal Of Flowers And Decorative Items

1. It is unlawful for any person to remove flowers from a vase or a saddle attached to the monument other than by the persons placing such flowers or by a designated city employee.
2. Items such as glass jars, cans, or other containers used on the premises for the holding of floral bouquets, candles or mementos are prohibited.
3. During the first full week (Sunday through Saturday) of every month, the City will remove all items on the ground or around the monument base that may cause maintenance problems. Prohibited items, such as rocks, metal rods, wire stakes, fencing, ornaments, glass containers or any other similar items will be removed at this time. In addition to this monthly removal of items, twice per year, in February and in August, while performing the monthly clean-up, the City will also remove all flowers from vases and saddles.

(Prior Code, Â§ 7-42; Code 1991, Â§ 11-314) HISTORY

Amended by Ord. 787(15) on 6/15/2015

Amended by Ord. 1005.22 on 8/15/2022

Amended by Ord. 1033.23 on 8/21/2023

Sec 11-311 Motorized Vehicles

No motorized vehicle shall be permitted in any cemetery except:

1. Vehicles operated by the city or under contract to the city;
2. Vehicles entering, exiting, or being parked where part or a portion of the cemetery is designated and maintained for entrance, exit or parking.

(Prior Code, Â§ 7-44; Code 1991, Â§ 11-315) HISTORY

Amended by Ord. 787(15) on 6/15/2015

Sec 11-312 Council May Adopt Rules

The council by motion or resolution may adopt rules and regulations relating to the city cemeteries.

(Prior Code, Â§ 7-45; Code 1991, Â§ 11-316) HISTORY

Amended by Ord. 787(15) on 6/15/2015

PART 12 PLANNING, ZONING AND DEVELOPMENT CHAPTER 12-1 LAND DEVELOPMENT CODE

State Law reference— Building, zoning and planning, 11 O.S. Â§ 41-101 et seq.

CHAPTER 12-1 LAND DEVELOPMENT CODE Sec 12-101 Land Development Code Adopted Sec 12-101 Land Development Code Adopted

The City of Moore Land Development Code, as published by Municipal Code Corporation, and as amended from time to time, containing, among other things, regulations governing zoning, subdivisions, signs, mobile homes, flood plain and oil and gas, is hereby adopted and incorporated herein by reference. Any violation of the city's land development code is punishable as provided in section 1-108. Each day that a violation continues to exist shall be deemed a separate offense.

(Code 1999, Â§ 12-100) **PART 13 PUBLIC SAFETY CHAPTER 13-1 FIRE PREVENTION CODE**

CHAPTER 13-2 FIRE SERVICES

CHAPTER 13-3 POLICE SERVICES

CHAPTER 13-4 EMERGENCY MANAGEMENT

CHAPTER 13-5 EMERGENCY TELEPHONE AND ALARM SYSTEMS

CHAPTER 13-6 HAZARDOUS MATERIAL INCIDENT COST RECOVERY ORDINANCE

CHAPTER 13-1 FIRE PREVENTION CODE ARTICLE 13-1A GENERAL PROVISIONS

ARTICLE 13-1B FIRE HYDRANTS AND FIRE LANES

ARTICLE 13-1A GENERAL PROVISIONS Sec 13-101 Adoption Of The 2015 International Fire Code, As Amended And Modified By The State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23

Sec 13-102 Fire Prevention

Sec 13-103 Adoption Of Specified Appendices

Sec 13-104 Establishment Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is To Be Prohibited

Sec 13-105 Establishment Of Limits Of Districts In Which Storage Of Flammable Liquids In Outside Aboveground Tanks Is To Be Prohibited

Sec 13-106 Establishment Of Limits In Which Bulk Storage Of Liquefied Petroleum Gases Is To Be Restricted

Sec 13-107 Provisions Declared To Be Minimum Requirements

Sec 13-108 Modifications Of The Fire Prevention Code Authorized

Sec 13-109 New Materials, Processes Or Occupancies Which May Require Permits

Sec 13-110 Appeals

Sec 13-111 Life Safety Code Adopted

Sec 13-112 Certificate Of Fitness

Sec 13-101 Adoption Of The 2015 International Fire Code, As Amended And Modified By The

State Uniform Building Code Commission Pursuant To 59 OS Section 1000.23

1. There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the 2015 International Fire Code, as amended and modified by the state uniform building code commission pursuant to 59 O.S. Â§ 1000.23, the whole thereof, save and except such portions as are hereinafter deleted, modified or amended; of which code not less than one copy has been and is filed in the office of the city clerk. The International Fire Code, as amended, is hereby adopted and incorporated as if set out at length herein, and shall be incorporated and considered as a part of this Code.
2. The following additions, amendments, or deletions are made to the fire code adopted herein:
Section 101.1. Insert: The City of Moore, Oklahoma
Section 109.4. Insert: Misdemeanor, \$500.00; delete: or by imprisonment not exceeding 10 days, or both such fine and imprisonment
Section 111.4. Delete: less than [amount] dollars and insert: more than five hundred (\$500.00) dollars
Section 308.1.4. Delete Exception 2: Where buildings, balconies and decks are protected by an automatic sprinkler system; delete Exception 3.: LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 1/2 pounds [nominal 1 pound (0.45 kg) LP-gas capacity]

(Code 1999, Â§ 13-101; Ord. No. 514(90), 9-17-1990; Ord. No. 631(08), 9-15-2008)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. HISTORY

Amended by Ord. 858(17) on 6/19/2017

Sec 13-102 Fire Prevention

The fire prevention code shall be enforced by the division of fire prevention in the fire department, which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(Prior Code, Â§ 9-53; Code 1999, Â§ 13-102) **Sec 13-103 Adoption Of Specified Appendices**

The following appendices to the 2015 International Fire Code are adopted and incorporated by reference and made a part hereof as if fully set forth herein: Appendix B, Appendix C, and Appendix D.

(Code 1999, Â§ 13-103; Ord. No. 514 (90), 9-17-1990) HISTORY

Amended by Ord. 858(17) on 6/19/2017

Sec 13-104 Establishment Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is To Be Prohibited

The limits referred to in the fire prevention code, in which storage of explosives and blasting agents is prohibited, are established as follows: All R zoning and C or I zoning only by permission of the fire chief in accordance with the codes adopted by this chapter.

(Code 1999, Â§ 13-104) **Sec 13-105 Establishment Of Limits Of Districts In Which Storage Of Flammable Liquids In Outside Aboveground Tanks Is To Be Prohibited**

1. Storage of flammable liquids in outside aboveground tanks is prohibited except in those areas zoned as R through C under the zoning ordinances of the city, except as permitted by the fire chief in accordance with codes adopted by the city.
2. Bulk plants for flammable or combustible liquids are prohibited in R zoning and in the areas as approved by the fire chief.

(Prior Code, Â§ 9-54; Code 1999, Â§ 13-105) **Sec 13-106 Establishment Of Limits In Which Bulk Storage Of Liquefied Petroleum Gases Is To Be Restricted**

1. Bulk storage shall be defined as any container exceeding 30 gallons of water capacity or any combination of containers exceeding 60 gallons of water capacity.
2. In all residential zoning classifications, bulk storage of L.P.G. is permissible upon approval of the fire chief or his designee if the area where the L.P.G. is stored is at least 100 feet from any occupied structure and at least 100 feet from any property line.
3. In any commercial zoning classification, bulk storage of L.P.G. is permissible upon approval of the fire chief or his designee, for sale or small exchange tanks for off-premises use and for installations essential to the business as fueling stations for equipment used in the business.
4. All permitted locations shall submit a yearly application for approval and, upon approval, and the payment of a fee as determined by the city council by motion or resolution, the fire chief or his designee shall issue a permit. All permits shall be valid until the end of the fiscal year in which they were granted and shall be renewed annually.

(Prior Code, Â§ 9-58; Code 1999, Â§ 13-106; Ord. No. 207(97), 10-6-1997) [Sec 13-107 Provisions Declared To Be Minimum Requirements](#)

The provisions of the fire prevention code, latest edition, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. Wherever any of the provisions or requirements of this code are inconsistent with the provisions of this Code or state statutes presently existing or enacted in the future, the provisions or requirements containing the most restrictive regulation shall apply and govern.

(Code 1999, Â§ 13-107) [Sec 13-108 Modifications Of The Fire Prevention Code Authorized](#)

The fire chief shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the building owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted shall be entered upon the records of the department, and a signed copy shall be furnished to the applicant.

(Prior Code, Â§ 9-55; Code 1999, Â§ 13-108) [Sec 13-109 New Materials, Processes Or Occupancies Which May Require Permits](#)

The building officer, the chief of the fire department and the city manager shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the code. The fire chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

(Prior Code, Â§ 9-57; Code 1999, Â§ 13-109) [Sec 13-110 Appeals](#)

Whenever the fire chief or his designee shall disapprove an application or refuse to grant a permit or license applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal to the board of adjustment of the city within 30 days from the date of the decision appealed from.

(Code 1999, Â§ 13-110; Ord. No. 427(87), 2-17-1987) [Sec 13-111 Life Safety Code Adopted](#)

There is hereby adopted for the purposes of establishing rules and regulations for the protection of the public safety from the hazards of fire, smoke, fumes, etc., that certain code known as the 2015 National Fire Protection Association Life Safety Code—NFPA 101, adopted by the state, and the whole thereof, save and except such portions thereof as are hereinafter deleted, modified, or amended. Not less than one copy has been and now is filed in the office of the city clerk. The code is hereby adopted and incorporated as fully as if set out at length herein.

(Code 1999, Â§ 13-111; Ord. No. 515(90), 9-17-1990)

State Law reference— Adoption by reference, 11 O.S. Â§ 14-107. HISTORY

Amended by Ord. 858(17) on 6/19/2017

Sec 13-112 Certificate Of Fitness

1. A certificate of fitness is required by the responsible person conducting any of the following activities when such activities are conducted on a for hire basis:
 1. The servicing or recharging of any portable fire extinguisher;
 2. The servicing or recharging of any fixed fire extinguishing system, inspection, servicing or recharging of any restaurant hood system or fixed fire extinguishing system; and
 3. The installation and servicing of any fire alarm or fire communication system.
2. All applications for a certificate of fitness shall be filed with the fire chief on forms provided by the fire chief. A fee as set by the council shall be charged to issue the certificate of fitness. The certificate of fitness shall be valid for a period of one year from the date of issuance and must be renewed annually.

(Code 1999, Â§ 13-112; Ord. No. 502(90), 1-15-1990) **ARTICLE 13-1B FIRE HYDRANTS**

AND FIRE LANES Sec 13-121 Fire Hydrants

Sec 13-122 Fire Lanes On Private Property Devoted To Public Use

Sec 13-123 Water Supply To Fire Hydrants Via Public Or Private Property

Sec 13-124 Article Cumulative

Sec 13-121 Fire Hydrants

1. Fire hydrants of a type and manufacture approved by the utility director or city engineer shall be available to serve all building sites prior to start of construction.
2. Building plans for all new construction shall show the location of fire hydrants on both public and private property as approved by the fire chief or his designee and the city engineer before any actual construction is undertaken.
3. Hydrant locations and standards shall be as follows:
 1. All hydrants are to be installed according to city standards;
 2. No portion of a building of any occupancy except single-family dwellings shall be located more than 300 feet travel distance from a hydrant; and
 3. Fire hydrants shall be located apart from buildings and fully accessible from paved driveways and fire lanes.
4. No unauthorized person shall use, operate, conceal or in any manner hinder the accessibility or reduce the effectiveness of any fire hydrant within the city.
5. Access to fire hydrants required by subsection (A) of this section shall not be required for sites whose structures total less than 2,000 square feet unless constituting or declared a high hazard occupancy by the fire chief.
6. The requirements of this section may be waived by the city council for good cause shown by the persons requesting a building permit.
7. Fire hydrants shall be placed at each street intersection, provided that in no event shall the spacing exceed 500 feet in R-1 and R-2 residential areas or 300 feet in commercial, industrial or R-3 general residential areas. The distance from the nearest fire hydrant to the most remote point in a cul-de-sac or residential street loop shall not exceed 300 feet.

(Prior Code, Â§ 9-111; Code 1999, Â§ 13-121) **Sec 13-122 Fire Lanes On Private Property Devoted To Public Use**

1. The marking of fire lanes on private property devoted to public use shall be approved by the fire chief or his designee.
2. Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.
3. Fire lanes and driveways shall be located so that all buildings served by them are accessible to fire equipment.
4. All fire lanes on public or private property devoted to public use shall be marked as such with signage and curb marking. Fire lane access shall be marked with stripping and stenciling as specified in subsection (D)(2) of this section.
 1. *Signage.* Signs denoting fire lanes shall be 12 inches wide by 18 inches tall and shall read "FIRE LANE. NO PARKING AT ANY TIME. CITY ORDINANCE # 13-122." Colors and height of mounting shall conform to the Manual on Uniform Traffic Control Devices, current edition. Fire lanes longer than 150 feet and less than 300 feet shall have a sign at each end with an intermediate sign as close as practicable to the center of the fire lane. Fire lane signs shall at no time be separated by more than 150 feet.
 2. *Curb marking.* Curb markings shall be red with the words "FIRE LANE, NO PARKING" stenciled in white letters four inches in height, spaced at intervals of every 30 feet. Where curbs do not exist, there shall be a red stripe four inches in width.
5. Where required by the code, the contractor or person in charge of any construction site, for all commercial occupancies, including, but not limited to, business, industrial, mercantile, educational, institutional, assembly, hotel, motel, multifamily dwellings and mobile home parks, shall provide and maintain an approved hard-surfaced all weather access fire lane, not less than 20 feet in width, as shown on approved site plans. Such access lane shall be complete at such time that construction has progressed to completion of the foundation.
6. No fire lane shall begin closer than ten feet to a building, nor further than 50 feet from a building. The height and construction of the building shall determine this distance.

(Prior Code, Â§ 9-112; Code 1999, Â§ 13-122; Ord. No. 255(99), 4-19-1999) [Sec 13-123 Water Supply To Fire Hydrants Via Public Or Private Property](#)

1. Proper size for water mains located on public or private property which supply fire hydrants for occupancies listed in section 13-122(e) shall be approved by the city engineer and the fire chief or his designee.
2. The city engineer, fire chief or his designee shall approve no water main supplying fire hydrants for occupancies listed in section 13-122(e) less than six inches in diameter.

(Prior Code, Â§ 9-113; Code 1999, Â§ 13-123; Ord. No. 256(99)-A, 4-19-1999) [Sec 13-124 Article Cumulative](#)

The provisions of this article shall be cumulative to and shall not operate to repeal any other ordinances or provisions of this chapter.

(Prior Code, Â§ 9-114; Code 1999, Â§ 13-124) [CHAPTER 13-2 FIRE SERVICES ARTICLE 13-2A FIRE DEPARTMENT](#)

[ARTICLE 13-2B CALLS OUTSIDE LIMITS](#)

[ARTICLE 13-2A FIRE DEPARTMENT Sec 13-201 Created; Duties](#)

[Sec 13-202 Use Of Fire Equipment](#)

[Sec 13-203 Authority Of Firefighters At Fires](#)

[Sec 13-204 Right Of Entry](#)

State Law reference— Fire department authorized, 11 O.S. Â§ 29-105.

[Sec 13-201 Created; Duties](#)

1. There is a fire department of the city, the head of which is the chief of the fire department.
2. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures on elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention and safety of persons from fire in public and private buildings.

(Prior Code, Â§ 9-16, 9-18; Code 1999, Â§ 13-201) [Sec 13-202 Use Of Fire Equipment](#)

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.

(Code 1999, Â§ 13-202) [Sec 13-203 Authority Of Firefighters At Fires](#)

The fire chief, assistant fire chiefs or other fire department officers in charge shall have complete charge and control at all fires. Fire orders shall be obeyed. The chief or his officers may prescribe limits in the vicinity of a fire which no persons except those residing or owning property therein shall be permitted to enter except on the order of the officer in command. Police officers may aid in carrying into effect the provisions of this section.

(Code 1999, Â§ 13-203) [Sec 13-204 Right Of Entry](#)

The chief of the fire department and his designee may at all reasonable hours enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter and other provisions of this Code, he may deem necessary to make.

(Prior Code, Â§ 9-204; Code 1999, Â§ 13-204) [ARTICLE 13-2B CALLS OUTSIDE LIMITS Sec 13-211 Power To Contract](#)

[Sec 13-212 Contracts For Service](#)

[Sec 13-213 Authority To Answer Calls](#)

[Sec 13-214 Charges For Calls Made Outside City](#)

[Sec 13-215 Firefighters Serving In Regular Line Of Duty](#)

[Sec 13-211 Power To Contract](#)

The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or military installations or commands, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

(Code 1999, Â§ 13-221) [Sec 13-212 Contracts For Service](#)

Any contract entered into by the city, with an individual owner, a firm, private corporation, association or political subdivision, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, association or political subdivision for such service, equipment or personnel in an amount reached through negotiation by the parties.

(Code 1999, Â§ 13-222) [Sec 13-213 Authority To Answer Calls](#)

The fire department is authorized to answer all calls outside the city within a reasonable distance of the city limits if first approved by the fire chief on duty. The fire chief shall determine that the equipment and personnel to be dispatched for such calls are not needed for other purposes within the city.

(Code 1999, Â§ 13-223) [Sec 13-214 Charges For Calls Made Outside City](#)

The city may enter into a contract with persons, organizations or associations to provide fire protection service outside the city limits. Such contracts shall be conditioned upon the determination of the fire chief that the property in question is within a reasonable distance from the city and that prior to any fire protection equipment being dispatched for any fire call for such property, the fire chief on duty shall first approve such call and determine that the equipment and personnel to be dispatched are not needed for other purposes within the city. The charges for such calls shall be as specified in the fee schedule.

(Code 1999, Â§ 13-224) [Sec 13-215 Firefighters Serving In Regular Line Of Duty](#)

All firefighters attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the city.

(Code 1999, Â§ 13-225) [CHAPTER 13-3 POLICE SERVICES ARTICLE 13-3A POLICE DEPARTMENT](#)
[ARTICLE 13-3B POLICE BOARD OF REVIEW](#)

State Law reference— Municipal police, 11 O.S. Â§ 34-101 et seq.

[ARTICLE 13-3A POLICE DEPARTMENT Sec 13-301 Created](#)

[Sec 13-302 Duties](#)

[Sec 13-303 Police Officers; Carrying Weapons Off Duty; Restrictions](#)

[Sec 13-301 Created](#)

There shall be a police department, the head of which is the chief of police, or the police chief.

(Prior Code, Â§ 18-16; Code 1999, Â§ 13-301) [Sec 13-302 Duties](#)

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice violators of the ordinances of the city; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating state laws as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers.

(Prior Code, Â§Â§ 18-16, 18-17; Code 1999, Â§ 13-302) [Sec 13-303 Police Officers; Carrying Weapons Off Duty; Restrictions](#)

1. Police officers shall perform such duties as shall be required of them by the chief, the city ordinances and state regulations and any other actions required in the maintenance of good order and public peace.
2. A full-time duly appointed peace officer of the city who is certified by the state council on law enforcement education and training, (C.L.E.E.T.) pursuant to state law, is hereby authorized to carry a weapon, certified and approved by the chief of police of the city, or his duly authorized agent, during periods when he is not on active duty. When an off-duty officer carries a certified weapon, the officer shall be in law enforcement uniform prescribed by the employing agency, or when not wearing the prescribed law enforcement uniform shall be required to have his official peace officer's badge, commission card, and C.L.E.E.T. certification card on his person at all times when carrying a weapon certified and approved by the employing agency, and to keep the authorized weapon concealed from view at all times except when the weapon is used within the guidelines, rules, and regulations established by the employing agency.
3. Nothing in this section shall be interpreted to authorize a peace officer in actual physical possession of a weapon to consume beer or alcoholic beverages, except in the authorized line of

duty as an undercover officer. Any officer in violation of this section shall be deemed guilty of a violation of this section as though he were a private person.

(Code 1999, Â§ 13-303; Ord. No. 464, 10-3-1988, in part; Ord. No. 4(91), 1991) [ARTICLE 13-3B POLICE BOARD OF REVIEW Sec 13-311 Board Established](#)

[Sec 13-312 Members](#)

[Sec 13-313 Appointments](#)

[Sec 13-314 Term](#)

[Sec 13-315 Hearings](#)

[Sec 13-316 Records Of Proceedings](#)

[Sec 13-317 Legal Counsel](#)

[Sec 13-311 Board Established](#)

Pursuant to 11 O.S. Â§ 50-123, there is hereby established a police board of review to hear appeals concerning the discharge of police officers.

(Code 1999, Â§ 13-311) [Sec 13-312 Members](#)

The board of review shall consist of:

1. The mayor, ex officio, who shall be a voting member of the board;
2. Two active duty or retired police officers of the city;
3. One attorney residing in the city; and
4. One licensed physician residing in the city.

(Code 1999, Â§ 13-312) [Sec 13-313 Appointments](#)

1. Members of the board of review, with the exception of the mayor, shall be appointed by the council, except that when persons meet the qualifications of section 13-312(c) and (d), the mayor shall in lieu thereof make the appointments from the governing body of the city.
2. Neither the chief of police nor any person having direct appointive authority for police personnel shall be eligible for appointment to the board of review.

(Code 1999, Â§ 13-313) [Sec 13-314 Term](#)

Appointive members of the police board of review shall serve at the pleasure of the appointing authority.

(Code 1999, Â§ 13-314) [Sec 13-315 Hearings](#)

Any eligible officer who is discharged may appeal to the police board of review. The board of review shall, within a reasonable length of time, schedule a hearing of such appeal, hear the evidence presented supporting the discharge and the evidence presented opposing the discharge, and render its decision, in writing, either affirming or reversing the discharge.

(Code 1999, Â§ 13-315) [Sec 13-316 Records Of Proceedings](#)

Proceedings before the police board of review shall be recorded by the secretary to the board and the minutes of the meeting shall be safely retained during such time as the aggrieved party to such proceedings may appeal the decision of the board of review.

(Code 1999, Â§ 13-316) [Sec 13-317 Legal Counsel](#)

1. Proceedings before the police board of review shall be informal in nature and strict rules of evidence shall not apply.
2. Any party shall have the right to be represented by counsel, provided that such counsel shall be an attorney licensed to practice law within the state. Such attorney shall have the right to examine and cross examine persons testifying before the board as shall the party, if not

represented by counsel.

(Code 1999, Â§ 13-317) **CHAPTER 13-4 EMERGENCY MANAGEMENT** Sec 13-401 Intent And Purpose; Authority

Sec 13-402 Definitions

Sec 13-403 Organization And Appointments

Sec 13-404 Emergency Powers And Duties Of City Manager

Sec 13-405 Duties And Emergency Powers Of The Emergency Management Director

Sec 13-406 Emergency Operations Plan

Sec 13-407 Assistance Of Persons Outside City Government

Sec 13-408 No Municipal Or Private Liability

Sec 13-409 Violation Of Regulations

Sec 13-410 Penalty

Sec 13-411 Violation Of Emergency Price Stabilization Act

State Law reference— Oklahoma Emergency Management Act of 2003, 63 O.S. Â§ 683.1 et seq.; local emergency management program, 63 O.S. Â§ 683.11.

Sec 13-401 Intent And Purpose; Authority

1. *Intent and purpose.* The purpose of this chapter is to create an emergency management organization for the city to:
 1. 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
 2. Protect the lives and health of the citizens of the city, their property and property rights, whether public or private, in any emergency or disaster event endangering the lives and property of the people of the city.
2. *Authority.* Nothing in this chapter shall be construed as power or authority to abridge or lessen the legislative and administrative powers of the mayor and city council, unless such is specifically granted herein. **HISTORY**

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-402 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized persons means all state, county and municipal police and fire personnel; hospital and ambulance crews; National Guard, and emergency management personnel ordered into a disaster area by proper authority; federal civil and military personnel on official business; persons who enter a disaster area to maintain or restore facilities for the provision of water, electricity, communications or transportation to the public; and such other officials as have valid reason to enter a disaster area.

Civil emergency means a riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together. All powers, duties and regulations relating to a disaster shall also apply to a civil emergency.

Curfew means a prohibition against any persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property, or vacant premises within the corporate limits of the city, except persons officially designated to duty with reference to the civil emergency.

Disaster means any event within the city limits threatening or resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken

to protect the public health, safety and welfare.

Disaster area means the scene or location of any disaster or civil emergency.

Emergency management means the functions charged to the emergency management department and other city departments to create a framework to provide coordinated community actions to reduce the city's vulnerability to hazards, and increase the city's resiliency and ability to respond to and recover from disasters. This includes functions and actions to mitigate, prepare for, respond to and otherwise aid the citizens of the city in the recovery from injury and damages caused by the effects of disasters. These might include, without limitation:

1. Fire, flood, tornado, drought, earthquake, and other natural events;
2. Transportation accidents, chemical releases, industrial accidents, and other technological events;
3. Infectious disease outbreaks and other public health events;
4. Civil disorder, domestic and international terrorism, acts of war, and other manmade events; and
5. Any other event which develops to such an extent as to cause an extreme emergency situation which jeopardizes the health, safety or welfare of the citizens of the city.

Emergency management director ("director") means the individual appointed by the city manager to carry out the functions set out in this chapter.

Emergency management forces means 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.

Emergency management volunteer means any person duly registered, trained, identified and appointed by the director and assigned to participate in an emergency management and/or disaster activity.

Enemy attack means a direct or indirect assault against the city, its government, its environs, or of the nation, by the forces of a hostile nation, the agents thereof, and/or non-state sponsored militant or extremist groups, including assault by bombing, radiological, chemical or biological warfare, sabotage or terrorism.

Federal Emergency Management Agency (FEMA) means the Federal Emergency Management Agency, as created by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 100-707.

Oklahoma Department of Emergency Management (OEM) means the State of Oklahoma's Department of Emergency Management, as created in 63 O.S. Â§ 683.4.

Regulations includes plans, programs, and other emergency procedures deemed essential to emergency management.

Resilience means the ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events.

Volunteer means the contribution of a service, equipment or facilities to the emergency management system and assigned for use in a disaster/exercise activity, given without expectation of compensation. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

[Sec 13-403 Organization And Appointments](#)

The city manager is authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within the city. The city manager, as executive head of the municipal government, shall be the supervisor of the emergency management forces of

the city and shall be responsible for their organization, administration and operations. The organization shall consist of the following:

1. The city manager shall create and maintain a department of emergency management 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 or civil emergency as defined herein, and to protect the lives and health of the citizens of the city, their property and property rights, whether public or private, in any emergency or disaster event endangering the lives and property of the people of the city.
2. The city manager shall appoint a director to be head of the emergency management department, and such assistants and other employees as are deemed necessary for the proper functioning of the organization. The director 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 chapter. The director shall meet the qualifications promulgated by the Oklahoma Department of Emergency Management (OEM).
3. The employees, equipment and facilities of all city departments, boards, institutions and commissions will participate in emergency management activity as needed. Duties assigned to a city department shall be the same or similar to the normal duties of the department.
4. Volunteer persons and agencies offering services to and accepted by the city. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-404 Emergency Powers And Duties Of City Manager

1. *Emergency authority of city manager.* The city manager may exercise the emergency power and authority necessary to fulfill the general powers and duties of the position as defined in article III of the city Charter.
2. *Emergency declaration.* When in the judgment of the city manager it is necessary to invoke the emergency powers provided herein, concurrence of the mayor should be immediately sought, who shall make the decision whether or not to declare an emergency.
 1. If the mayor is not available, the decision shall be made by the vice-mayor; if that individual is not available, the decision shall be made by the senior councilmember available.
 2. In the event the mayor and city council are not available to act, then the city manager shall be the sole authority necessary to invoke the powers provided herein.
 3. In the absence of the city manager as the final judge of an emergency declaration, the emergency management director shall make the determination.
 4. Whether the mayor, the vice-mayor, a councilmember, the city manager or the 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. Thereafter the mayor and city council may convene to perform their legislative and administrative powers, and shall receive reports relative to emergency management activities.
3. *Emergency regulations.* During any period when disaster threatens or when the city has been affected by disaster or major emergency, within the definition of this chapter, the city manager may promulgate such regulations as deemed necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles to facilitate the work of emergency management forces or the mass movement of persons from critical areas within or without the city.
 2. Regulations pertaining to the movement of persons to and/or from areas deemed to be hazardous or vulnerable to disaster.
 3. Regulations restricting the movement of persons upon the streets at particular times of days and in particular areas.
 4. Such other regulations necessary to preserve public peace, health and safety.
 5. Regulations promulgated in accordance with the authority above will be given wide-spread circulation by proclamations published and disseminated by newspaper, television, radio and other available means of communications with the public. 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.
4. *Emergency management forces.* Whenever the city manager finds that any condition in the city has attained, or threatens to attain, the proportions of a disaster or emergency, he may assemble and utilize emergency management forces and may prescribe the manner and conditions of their use.
 5. *Mutual aid—Requesting.* When disaster or emergencies affect the city to the extent that conditions are beyond the control of local emergency management forces, the city manager may request aid from other communities and the state.
 6. *Same—Rendering.* When requested, the city manager may send emergency management forces to the aid of other communities affected by disaster or emergency.
 7. *Emergency procurement.* The city manager may make emergency procurements in accordance with the purchasing policies when an emergency condition arises and the need cannot be met through normal procurement methods, as referenced in section 7-206.
 8. *Curfew.* After proclamation of an emergency, the city manager may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he deems advisable, and the curfew shall be applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. After the mayor and city council convene, such order is subject to their approval.
 9. *Emergency prohibitions.* After the proclamation of an emergency and in the interest of public safety and welfare, the city manager may also make any or all emergency orders deemed necessary. These may include, without limitation, orders prohibiting the following:
 1. Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the city manager to be a period of curfew;
 2. The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;
 3. The transporting, possessing or using of gasoline, kerosene or combustible, flammable or explosive liquids or materials in a glass or uncapped container of any kind, except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;
 4. The sale, purchase or dispensing of alcoholic beverages;
 5. The sale, purchase or dispensing of other commodities or goods, as the city manager reasonably believes should be prohibited to help preserve and maintain life, health,

property or the public peace;

6. The use of certain streets, highways or public ways by the public;
 7. The sale, ownership, possession, transportation, carrying, transfer and storage of firearms, ammunition and ammunition accessories during a declared state of emergency unless such is otherwise legal under state law;
 8. Impersonation of a city official or emergency management volunteer;
 9. Unauthorized use of any insignia of the city;
 10. Unauthorized entry into any disaster area;
 11. Following an emergency or disaster vehicle, or purposely driving to any location on or near a roadway where a disaster or emergency area exists;
 12. Proceeding to or remaining at a disaster area for the purpose of being a bystander, spectator, sightseer, or souvenir hunter, or disturbing any material objects, equipment, or thing directly or indirectly relating to or pertaining to the disaster;
 13. Obstructing, hindering, or delaying any public official, shelter manager, or other authorized individual in the enforcement of any rules, regulations or executive orders issued pursuant to the authority contained in this chapter;
 14. Failing to obey rules, regulations or official orders within a shelter;
 15. Failing to obey any executive order issued under this chapter;
 16. Unauthorized use of, or tampering with, a siren or other device so as to simulate any alert or take-cover signal or the termination of an alert or take-cover signal; and
 17. Such other activities as the city manager reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace. After the mayor and city council convene, all orders are subject to their approval.
10. *Emergency services and volunteers.* The city manager may require emergency services of any city officer or employees. If regular city forces are determined inadequate, the city manager may request the services of such other available personnel as can be obtained, 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.
 11. *Acceptance of emergency management funds.* The city manager shall be empowered to accept any gifts, grants and loans from the federal government, from the state, or from any person, entity, organization, firm or corporation, as set out in various federal and state emergency management and disaster relief laws.
 12. *Succession.* In the event the city manager is unable to assume emergency duties for any reason, the normal succession as designated in the emergency operations 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. HISTORY
Adopted by Ord. 836(16) on 10/17/2016

Sec 13-405 Duties And Emergency Powers Of The Emergency Management Director

The emergency management director 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 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 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 emergency management program. His duties shall include, but not be limited to, the following:

1. Monitoring and maintaining an awareness of all threats to and vulnerabilities of the city, including those that are natural, manmade, or technological in nature; promoting actions to mitigate, where possible, the threats and vulnerabilities identified; coordinating and disseminating information concerning those threats and vulnerabilities to the emergency management forces of the city, the civilian population, and other interested parties; and providing alerting and/or warning concerning impending threats to the population of the city;
2. Developing and coordinating 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;
3. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for disaster purposes;
4. Negotiating and concluding 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;
5. Providing and promoting informational, educational, outreach, and training programs to emergency management forces of the city, the civilian population, and other interested parties as to the mitigation of, preparation for, response to, and recovery from disasters, civil emergencies and enemy attack, as defined herein;
6. Conducting practice exercises to ensure the efficient operation of emergency and disaster forces and to familiarize disaster workers and residents with disaster regulations, procedures and operations;
7. Maintaining and managing an emergency operations center and other support facilities and locations during disaster operations, so as to facilitate coordination of emergency management forces during disasters, civil emergencies and enemy attack;
8. Coordinating the activity of all other public and private agencies engaged in any disaster activity, real or implied;
9. Assuming such authority and conducting such activity as the city manager may direct to promote and execute the emergency operations plan;
10. Supporting long-term recovery efforts within the city after disasters, civil emergencies and enemy attack; and promoting efforts to increase the city's resiliency prior to, during, and after emergency events; and
11. Documenting all activities conducted in support of emergency management program objectives; and providing required information and reports to the city manager, the Oklahoma Department of Emergency Management (OEM), the Federal Emergency Management Agency ("FEMA"), and other governmental agencies and organizations as required and appropriate.

HISTORY

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-406 Emergency Operations Plan

1. A comprehensive emergency operations plan shall be adopted and maintained by the city council upon the recommendations of the city manager and emergency management director. 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 emergency operations 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 management director shall prescribe in the 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 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 chief or department head shall formulate the standard operating procedures and guidelines necessary to carry out the assigned duties and functions.
4. Amendments to the emergency operations plan shall be submitted to the city manager. If approved, the city manager will submit the amendments to the city council with his recommendation for their approval. Following city council approval, such amendments shall take effect 30 days from the date of approval, unless an emergency exists and is declared, at which time the approved amendments shall become effective immediately.
5. Other plans relating to emergency and disaster mitigation, preparedness, response and recovery may also be adopted and maintained as deemed necessary. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-407 Assistance Of 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 and contractor. Volunteers obtained to fill said needs shall be enrolled as emergency management volunteers in cooperation with the heads of city departments affected. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-408 No Municipal Or Private Liability

1. This chapter is an exercise by the city through its governmental functions for the protection of the public peace, health and safety. Neither the city, nor its agents and representatives 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 chapter, 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 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. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-409 Violation Of Regulations

It shall be unlawful for any person to violate any of the provisions of this chapter 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. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-410 Penalty

Any person, firm or corporation violating any provisions of this chapter or any rule or regulation promulgated thereunder, upon conviction thereof, will be assessed a fine as established by section 1-108. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

Sec 13-411 Violation Of Emergency Price Stabilization Act

The city manager, upon the concurrence of a majority of the city council, shall bring an action against any person, firm or individual that violates the Emergency Price Stabilization Act, as outlined in 15 O.S. Â§ 777.1 et seq. HISTORY

Adopted by Ord. 836(16) on 10/17/2016

CHAPTER 13-5 EMERGENCY TELEPHONE AND ALARM SYSTEMS Sec 13-501 Purposes

Sec 13-502 Definitions

Sec 13-503 False Alarms

Sec 13-504 Notice Of False Alarms

Sec 13-505 Emergency Call Records

Sec 13-506 Operational Defects To Be Remedied

Sec 13-507 Notification Of Tests

Sec 13-508 Fire Inspection Of Alarm Systems

Sec 13-509 Penalty

Sec 13-501 Purposes

While recognizing the value of effective alarm systems in deterring crime and preventing fire losses and while encouraging the use of such alarm systems, it is the purpose of this chapter to enhance and protect the emergency services, to require minimum standards for alarm systems and services therefor, and to license users thereof, to improve system effectiveness and to reduce, insofar as possible, the misuse of emergency public services. HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-502 Definitions

1. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

911 system means an emergency phone system which is designed to receive emergency phone calls by dialing the three-digit number "911." The system places person requesting emergency service in touch with fire, police, and ambulance services by dialing the three-digit number "911."

Alarm business means any person or firm engaged in the business of installing, assisting in the installation, servicing, maintaining, repairing, replacing, moving, or removing alarm systems in the city and duly licensed by the state.

Alarm system means any mechanism, equipment or device which is designed to detect the presence of a fire, or an unauthorized entry or activity in any building or on any property, or to direct attention to a fire, robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm, directly or indirectly to the police or fire department. The following devices shall not constitute

alarm systems within the meaning of this chapter:

1. Devices which do not activate alarms that are audible, visible, or perceptible outside the protected premises;
2. Devices which are not installed, operated or used for the purpose of reporting an emergency, either directly or by third party to the police or fire department;
3. Alarm devices affixed to motor vehicles;
4. Alarm devices installed on a temporary basis by the police or fire department; and
5. Alarm devices installed in or on premises owned or leased by the city. *Answering service* means a telephone answering service providing, among its services, the receiving, on a continuous basis through trained employees, of emergency signals from alarm systems and the subsequent relaying of messages to the police or fire department on a person-to-person basis.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direction connection or otherwise, any type of communication or message indicating the existence of an emergency situation that the alarm system is designed to detect.

Central station means an office to which alarm systems are connected, where operators supervise the circuits, and where guards or servicemen are maintained continuously to investigate signals. For purposes of fire alarms, information relay systems shall be in compliance with the National Fire Prevention Association (hereinafter "NFPA") standards as set forth in NFPA 71, Central Station Signaling Systems, NFPA 72A, Local Protective Signaling Systems, NFPA 72B, Auxiliary Protective Signaling Systems, or NFPA 72C, Remote Station Protective Signaling Systems.

Direct line means a telephone line leading directly from a central station to the police or fire department, where such line is used only to report emergency signals on a person-to-person basis.

Emergency means the existence of a fire, or the commission or attempted commission of a robbery, burglary or other criminal action.

Employee means any person who is employed by an alarm business and who installs, services, maintains, repairs or replaces alarm systems in the city.

Interconnect means to connect a burglar alarm system or other alarm system, including an automatic dialing device, to a telephone line, either directly or indirectly, or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

Modified central station means an office to which alarm systems are connected, where operators supervise the circuits but where guards are not maintained to investigate alarm signals.

Telephone dialing device means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency indicating a need for police, fire or medical responses.

Trunk line means a telephone line leading into the police or fire department and having the primary purpose of handling emergency signals or messages on a person-to-person basis origination through a central station, modified central station, or answering service.

HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-503 False Alarms

The term "false alarm" means the activation of an alarm system through mechanical failure, malfunction, the negligence of the alarm business operator or his employees or agents, or the negligence of the owner, user or lessee of an alarm system or his employees or agents, or which

otherwise elicits a response by a law enforcement agency or the fire department when a situation requiring such response does not in fact exist. The term "false alarm" shall also mean the activation of an alarm, the purpose of which is to communicate or indicate a specific emergency situation when in fact that specific emergency situation does not exist. The term "false alarm" does not include, for example, alarms activated by utility line mishaps, tornados, earthquakes, or other violent conditions of nature, or other conditions clearly beyond the control of the alarm manufacturer, installer, owner or user.

1. False alarms include those caused by:
 1. *Error or mistakes.* Any action by any person, firm or corporation, or other entity or agent thereof, owning or operating any dwelling, building or place, which results in the activation of any alarm system when no emergency exists;
 2. *Malfunction.* Any activation of any alarm system caused by a flaw in the normal operation, design, installation, or maintenance of the system, by faulty equipment or by a change in the environment or premises upon or within which the alarm system is operating;
 3. *Intentional misuse.* Any intentional activation of an alarm system when no burglary, robbery, vandalism, fire or other emergency is in progress.
2. An alarm will not be considered a false alarm if it is determined that the alarm was caused by:
 1. Natural or manmade catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes or other similarly violent conditions;
 2. Vandalism, causing physical damage to the premises;
 3. Telephone line outage;
 4. Attempted entry of a location causing visible, physical or other evidence of damage to the location;
 5. Severe weather causing physical damage to the premises; or
 6. The testing of a local/audible alarm system by a licensed alarm business agent or employee who is present at the premises servicing, repairing or installing the alarm when such testing does not result in the alarm being activated for an uninterrupted period exceeding 60 seconds.

HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-504 Notice Of False Alarms

1. If an excessive number of false alarms occur at any alarm location, the police or fire departments shall give written notice to the property owner and to the alarm business responsible for maintaining and servicing the system to take corrective action within seven days to prevent future false alarms. If future false alarms persist, the owner/occupant may be issued a citation for each occurrence pursuant to section 13-509 and 1-108.
2. An excessive number of false alarms shall be deemed to be:
 1. For businesses with less than 25 employees in any single location: more than three false alarms within any three-month period;
 2. For businesses with 25 or more employees in any single location: more than six false alarms within any three-month period; or
 3. For residences: more than three false alarms within any three-month period.
3. The provisions of this chapter shall be administered and enforced by the chief of police and the fire chief. The fire chief or his designee is authorized to make inspections of fire and

other emergency alarm systems and of the premises wherein the device or system is located, or as otherwise provided herein.

4. Any inspection of an alarm location or premises shall be the same as provided in the Code. HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-505 Emergency Call Records

Alarm businesses who request police or fire department response to alarm signals shall maintain a record of all such emergency calls stating the time, date, location of the alarm and the department called. The records shall indicate the cause of the alarm and if the alarm is not caused by fire, burglary, robbery, or other emergency, the records shall state corrective action taken to prevent the recurrence of the alarm. This record shall be current and shall be made available for inspection by the chief of police and fire chief, or their designated representatives, at any time during normal business hours. HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-506 Operational Defects To Be Remedied

The sensory mechanisms used in connection with any emergency alarm system shall be adjusted to suppress false alarms due to changes in water pipes, short flashes of light, wind noises, such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, or other forces unrelated to genuine alarms. HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-507 Notification Of Tests

Alarm businesses shall notify the police dispatcher at police communications and shall notify the fire marshal or the fire department dispatcher prior to any service, test, repair, maintenance, adjustment, alteration or installation of any alarm system which would directly or indirectly result in an emergency services response. Any alarm received after such notification while the system is out of service shall not constitute a false alarm. Alarm businesses shall notify the police and fire departments when the system is back in service. HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-508 Fire Inspection Of Alarm Systems

Once a police or fire response has been made to a false alarm at a location, the fire chief or his designee, may inspect or have inspected the alarm system, including any monitoring service relating thereto, to determine if the system is being operated in accordance with state and city regulations and guidelines. HISTORY

Adopted by Ord. 928(19) on 12/2/2019

Sec 13-509 Penalty

Unless otherwise provided herein, any person found guilty of violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-108. Every day that a violation exists shall constitute a separate violation and shall be subject to the full penalty contained herein. HISTORY

Adopted by Ord. 928(19) on 12/2/2019

CHAPTER 13-6 HAZARDOUS MATERIAL INCIDENT COST RECOVERY ORDINANCE

Sec 13-601 Title

Sec 13-602 Definitions

Sec 13-603 Hazardous Materials Incidents; Liability For Costs

Sec 13-604 Methods Of Enforcement

Sec 13-601 Title

This chapter shall be known as the "Hazardous Material Incident Cost Recovery Ordinance."

(Code 1999, Â§ 13-601; Ord. No. 330(01), 7-2-2001) [Sec 13-602 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Costs means and includes, but is not limited to, the following:

1. All costs incurred for response, containment and/or removal and disposal of hazardous materials or remedial actions, to include costs associated with transportation and temporary storage of hazardous materials.
2. All costs incurred for ensuring the safety of the public, to include costs incurred for actions taken on and off the site of the hazardous material incident.
3. Damages for injury to, destruction of, or loss of natural resources, as determined by the appropriate local, state or federal agency, including the reasonable costs of assessing such injury, destruction, or loss resulting from a hazardous material incident.
4. Health care costs for persons or animals injured from a hazardous material incident or costs of any health assessment or health effects study carried out as a necessity resulting from a hazardous material incident.
5. Labor, including benefits, overtime and administrative overhead for government employees.
6. The costs of operating, maintaining, leasing, repairing and replacing equipment.
7. Contract labor and equipment.
8. Labor and equipment obtained by the city.
9. Materials, including, but not limited to, absorbents, foams, dispersants, neutralization agents, overpack drums or containers.
10. Supervision of cleanup and abatement.

Hazardous material incident means actual or threatened release of hazardous substances or material, including hazardous waste, which pose an imminent threat to the environment, and to health, safety or welfare of the population.

Hazardous substance includes any solution, mixture, or formulation containing hazardous material, or any material which, due to its chemical or physical characteristics, is determined by the county to pose a substantial threat to the life, health, or safety of persons or property or to the environment. The term "hazardous substance" includes, but is not limited to, explosives, radioactive materials, petroleum products, gases, poisons, biologic agents, flammables and corrosives.

Natural resources means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the city.

Person means an individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governmental entity, or any other legal entity.

Recovery means restoration to pre-event conditions.

Release means the accidental or intentional, sudden or gradual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environmental (including the abandonment or discarding of barrels, containers and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant).

Response means the provision of emergency and non-emergency assistance during and following an incident and to reduce the likelihood of secondary damage.

Responsible party means the person whose act or omission caused a release; or the person who owned or had custody or control of the hazardous substance or waste at the time of such release without regard to fault or proximate cause; or the person who owned or had custody or control of the container which held the hazardous substance at the time or immediately prior to such release without regard to fault or proximate cause.

(Code 1999, Â§ 13-602; Ord. No. 330(01), 7-2-2001) [Sec 13-603 Hazardous Materials Incidents; Liability For Costs](#)

1. Any responsible party who causes a hazardous material incident shall be liable for the payment of all reasonable and necessary costs, pursuant to the fee schedule of the city, as if fully set out herein, incurred by the city for response to and remediation of such an incident.
2. The city will seek all available remedies at law, including, but not necessarily limited to, this chapter and state and federal statutes, against any parties responsible for any hazardous materials event.

(Code 1999, Â§ 13-603; Ord. No. 330(01), 7-2-2001) [Sec 13-604 Methods Of Enforcement](#)

1. *Civil action.* The city may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative collection costs, attorney's fees, or for any other relief that may be appropriate. A certified copy of a judgment in favor of the city may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by such persons and such lien shall be coequal with the lien of all state, district and municipal taxes superior in dignity to all other liens, titles, and claims until paid or extinguished.
2. *Other remedies.* This chapter shall not prohibit the city from pursuing any other remedy, whether civil or criminal, or from instituting any appropriate action or proceedings, including injunction in a court of competent jurisdiction; nor shall the recovery of expenses under this chapter in any way release the various parties, or limit them, from legal liability incurred as a result of hazardous material cleanup or abatement as defined under any local, state or federal rule or regulation.

(Code 1999, Â§ 13-604; Ord. No. 330(01), 7-2-2001) [PART 14 STREETS AND SIDEWALKS](#)
[CHAPTER 14-1 GENERAL PROVISIONS](#)
[CHAPTER 14-2 CURB AND STREET CUTS](#)
[CHAPTER 14-3 CITY RIGHTS-OF-WAY](#)

State Law reference— Municipal roads and streets, 11 O.S. Â§ 36-101 et seq.

[CHAPTER 14-1 GENERAL PROVISIONS](#) [Sec 14-101 Obstructions Generally](#)

[Sec 14-102 Interfering With Street, Free Flow Of Traffic](#)

[Sec 14-103 Removal Of Trees And Shrubs Obstructing View Of Traffic](#)

[Sec 14-104 Display Of Sale Of Goods, Wares And Merchandise](#)

[Sec 14-105 No Structures On Or Over Streets And Sidewalks](#)

[Sec 14-106 Playing Prohibited](#)

[Sec 14-107 Unlawful To Injure Trees, Shrubbery](#)

[Sec 14-108 Street Numbering System](#)

[Sec 14-109 Duties Of Owners And Occupants Of Adjacent Property Relative To Sidewalk Obstructions, Hazards](#)

[Sec 14-110 Sidewalk Repairs](#)

[Sec 14-111 Sidewalk Construction Specifications, Width](#)

[Sec 14-112 Penalty](#)

[Sec 14-101 Obstructions Generally](#)

It is unlawful for any person to obstruct in any manner any street, alley, sidewalk or other public way by leaving or permitting to remain thereon or therein any vehicle, object, material, structure,

fence or other obstruction of any kind.

(Code 1999, Â§ 14-101) [Sec 14-102 Interfering With Street, Free Flow Of Traffic](#)

1. It is unlawful to:
 1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
 2. Commit in or upon any public street, public highway, public 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 with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.
2. When any person causes or commits any of the conditions enumerated in subsection (A) of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disburse, or to remove any obstructions. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

(Prior Code, 20-5; Code 1999, Â§ 14-102) [Sec 14-103 Removal Of Trees And Shrubs Obstructing View Of Traffic](#)

1. The owner of every lot or parcel of land in the city upon which any trees, shrubs or plants are growing, or upon which any obstruction has been placed, shall remove such trees, shrubs, plants or obstruction, or parts thereof, if they are so situated as to constitute a traffic hazard by obstructing the view of any driver of any vehicle on the streets of the city to the extent that the driver is unable to observe the approach of other vehicles on streets and alleys and at intersections.
2. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage, sight and travel along the streets, sidewalks and alleys. If premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinbefore required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet above the roadway of a street or alley, nor lower than eight feet above the sidewalk.
3. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in this section, after receiving five days' notice from the city manager or his designee to do so, is guilty of an offense against the city. In addition to any fine or punishment as an offense, the city may act to abate the nuisance. Every day that the owner or occupant fails, refuses or neglects to trim such trees or shrubbery after the expiration of the five days' notice shall be a separate offense.

(Prior Code, Â§ 20-3; Code 1999, Â§ 14-103) [Sec 14-104 Display Of Sale Of Goods, Wares And Merchandise](#)

1. Except as otherwise provided in this Code, it is unlawful for any person to display any goods, wares or merchandise for sale, or to sell the same, on any street, alley or sidewalk, or from any vehicle parked thereon, in the corporate limits of the city. Each separate sale or offer to sell in violation hereof shall constitute a separate offense.

2. Any vehicle parked on the streets, alleys or sidewalks for the purpose of making merchandise available for sale by the methods prohibited by this section shall be promptly moved by the driver upon order of the police of the city, and if not promptly moved, the same shall be towed from such location upon order of the police department, and the driver or custodian of the vehicle shall also be deemed guilty of an offense.
3. In each instance where an individual is guilty of an offense under the provisions of this section, the person for whom such individual is acting in the capacity of an agent or employee shall be guilty of a separate offense.

(Code 1999, Â§ 14-104) **Sec 14-105 No Structures On Or Over Streets And Sidewalks**

1. It is unlawful for any person to erect or construct, or cause to be erected or constructed, any cellar or basement way, stairway, door, awning post, canopy or any other kind of structure projecting into, upon or over, and adjoining any street or sidewalk within the city, except that the city engineer may, in his discretion, authorize the same to be done, where the public health, safety and necessity demand, by granting a permit therefor.
2. Upon the granting of a permit under this section, conditions as to the erection of the structure through, upon or over any street or sidewalk may be fixed by the city engineer, and a contract shall be entered into as to the maintenance of the structure and as indemnifying agreement secured, indemnifying and saving the city harmless from any loss, costs or damage by reason of the structure projecting into, upon or over, and adjoining any street or sidewalk within the fire limits of the city.

(Prior Code, Â§ 20-2; Code 1999, Â§ 14-105) **Sec 14-106 Playing Prohibited**

It is unlawful for any person to engage in any sport, game, amusement or to play in, on or across the main-travelled portion of any sidewalk, street, avenue or alley of the city except as may be authorized by ordinance.

(Prior Code, Â§ 20-4; Code 1999, Â§ 14-106) **Sec 14-107 Unlawful To Injure Trees, Shrubbery**

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the city. This section shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

(Code 1999, Â§ 14-107) **Sec 14-108 Street Numbering System**

1. All streets in the city shall be named and known as provided in this section. The principal streets of the city shall be: Main Street, being the street bearing that name at this time and running east and west through the city, and Broadway, the street now bearing that name and running north and south through the city.
2. The city shall be divided into four quarters as created by Main Street and Broadway, and all streets and avenues in the northeast quarter as thus divided shall be addressed with "Northeast" prefixed to the name; all streets and avenues in the southeast quarter shall be addressed with "Southeast" prefixed to the name; all streets and avenues in the southwest quarter shall be addressed with "Southwest" prefixed to the name; and all streets and avenues in the northwest quarter shall be addressed with "Northwest" prefixed to the name.

(Prior Code, Â§Â§ 20-91, 20-92; Code 1999, Â§ 14-108) **Sec 14-109 Duties Of Owners And Occupants Of Adjacent Property Relative To Sidewalk Obstructions, Hazards**

1. It is unlawful for any person to allow any obstruction of any kind to accumulate in the sidewalk in front of his premises. All owners and occupants of property are required to keep their premises and the sidewalks, gutters, streets and alleys adjacent thereto free from weeds, trash and all obstructions and to remove such weeds, trash and obstructions from such places.
2. It is unlawful to deposit, throw or sweep into or upon a street, alley, parking or sidewalk of the city any trash, weeds, tree trimmings, dirt or any other refuse of any kind.

(Code 1999, Â§ 14-109; Ord. No. 110(95), 1-17-1995) [Sec 14-110 Sidewalk Repairs](#)

Repairs in all sidewalks shall be of the same material as the original walk or as may be required otherwise by the city. Sidewalk repairs shall be approved by the city.

(Prior Code, Â§ 20-58; Code 1999, Â§ 14-110) [Sec 14-111 Sidewalk Construction Specifications, Width](#)

1. This section governs the construction of concrete sidewalks. In excavating for concrete sidewalks, the ground shall be brought to a subgrade of not less than four inches below the finished grade of the walks. The subgrade shall be thoroughly tamped if necessary to furnish a solid foundation.
2. The provisions of the "Standard Specifications for Highway Construction, Oklahoma Department of Transportation, 1988 Edition" (hereinafter referred to as Standard Specifications) as referenced in this section are hereby adopted and incorporated herein by reference.
3. Materials for the construction of concrete sidewalks shall meet the requirements specified in the following subsection of section 700—Materials of the Standard Specifications: Portland Cement Concrete, Class A, Subsection 701.01.
4. All forming, placing and finishing shall be in accordance with subsection 414.04 of the Standard Specifications. A sawed joint shall be made to connect the old and new pavements.
 1. Contraction joints shall be of the dimensions specified. The sidewalk shall be divided into sections by dummy joints formed by a jointing tool or other acceptable means as approved by the city engineer. These dummy joints shall extend into the concrete for at least one-third of the depth and shall be approximately one-eighth inch wide;
 2. Expansion joints shall be formed around all appurtenances such as manholes, utility poles, etc., extending into and through the sidewalk, driveway or dividing strip. Pre-moulded expansion joint filler one-half inch thick shall be installed in these joints. Expansion joint filler of the thickness indicated shall be installed between the concrete and any fixed structure such as a building or bridge. This expansion joint material shall extend for the full depth of the concrete;
 3. Concrete shall be cured for at least 72 hours. Curing shall be by means of moist burlap or mats or by other approved methods. During the curing period all traffic, both pedestrian and vehicular, shall be excluded. Vehicular traffic shall be excluded for such additional time as the city engineer shall direct;
 4. The general practice of crowning the walks in the residence districts is hereby prohibited. All walks shall be constructed with a flat surface pitching toward the curblin at the rate of one-fourth inch per foot;
 5. All sidewalks shall be four feet in width in residential areas or sections and eight feet in width in commercial/industrial areas. The outside line of four-foot walks shall be six feet from the front property line and the outside line of eight-foot walks shall be eight feet from the front property line;
 6. The sides of sidewalks and driveways shall be backfilled as soon as the forms have been removed and the required pointing up of honeycombed areas completed. The backfill shall be of approved earth, thoroughly compacted in layers not exceeding six inches in depth as shown on the plans or in a manner approved by the city engineer. Care shall be taken not to damage the concrete or bituminous material in placing or compacting the backfill. Where the general elevation of the adjacent ground surface is lower than the top of the sidewalk or driveway, the minimum width of the backfill shall be two feet;

7. Sidewalks shall be protected from traffic using substantial barricades for a period of seven days for concrete unless otherwise permitted or ordered by the city engineer.

5. No brick sidewalks shall be built within the city without prior approval of the city.

(Prior Code, Â§Â§ 20-56, 20-57, 20-59, 20-60; Code 1999, Â§ 14-111) [Sec 14-112 Penalty](#)

Any person who violates any provision of this chapter is guilty of an offense, and, upon conviction thereof, shall be punished as provided in section 1-108. Each day upon which a violation continues shall constitute a separate offense.

(Code 1999, Â§ 14-112) [CHAPTER 14-2 CURB AND STREET CUTS ARTICLE 14-2A STREETS](#)

[ARTICLE 14-2B CURB CUTS](#)

[ARTICLE 14-2A STREETS Sec 14-201 Unlawful To Cut Without Permit](#)

[Sec 14-202 Permit](#)

[Sec 14-203 Fee, Bond](#)

[Sec 14-204 Notification Of Completion Of Work](#)

[Sec 14-205 No Delays](#)

[Sec 14-201 Unlawful To Cut Without Permit](#)

It is unlawful for any person to cut the pavement or curb in or on any of the streets, sidewalks, avenues or alleys in the city for the purpose of laying pipe or other connections for utilities, or to cut or otherwise injure the pavement or curb on any of the streets, avenues or alleys for any purpose whatsoever without a permit therefor as provided by this chapter.

(Prior Code, Â§ 20-31; Code 1999, Â§ 14-201) [Sec 14-202 Permit](#)

Every person who desires to lay pipes or lines for the purpose of making and preparing any connections to utilities which will require the cutting of the pavement to make such connections shall first procure from the city engineer a written permit to cut such pavement or curb and make such installations for the proposed purpose or otherwise. No person shall have any right or authority to construct or install any pipes or lines or otherwise cut the pavement or curbs without first having secured such permit.

(Prior Code, Â§ 20-31; Code 1999, Â§ 14-202) [Sec 14-203 Fee, Bond](#)

Any person desiring to cut the pavement or other hard surface on any street or sidewalk in the city shall pay a fee for the permit and deposit a bond in such sum as is set by the city. The fee shall be in such amount as set by the city council by motion or resolution.

(Prior Code, Â§ 20-31; Code 1999, Â§ 14-203) [Sec 14-204 Notification Of Completion Of Work](#)

All permittees shall, when they have completed the work for which such cut has been made, notify the city of the completion of such work in order that the same may be repaired.

(Code 1999, Â§ 14-204) [Sec 14-205 No Delays](#)

Any permittee cutting pavement by virtue of a permit as authorized herein shall perform the excavation or other work without delay or interruption.

(Code 1999, Â§ 14-205) [ARTICLE 14-2B CURB CUTS Sec 14-211 Permits](#)

[Sec 14-212 Fee](#)

[Sec 14-213 Inspection](#)

[Sec 14-214 Penalty](#)

[Sec 14-211 Permits](#)

1. It is unlawful for any person to cut, break, tear out or remove the curbing or any part thereof along the street in the city for any purpose except upon the following conditions: Any person who desires to cut any curbing in the city shall first obtain a permit from the city before doing

so. Application for such permit shall be in writing addressed to the city engineer and shall state the time and place that the applicant desires to break the curbing. The application shall contain such other information as is required by the city engineer.

2. The city engineer may, in his discretion, refuse to approve any permit to cut any curbing along the streets of the city when in his opinion the cutting of the curbing shall constitute a traffic hazard, or interfere in any way with the safety of the public in the use of the street or adjacent sidewalk, or in any way deteriorate or damage the street or interfere with the use thereof by the public. Only such portions of any curbing may be cut or removed as in the opinion of the city engineer may be consistent with and not detrimental to the general public welfare.

(Code 1999, Â§ 14-211) [Sec 14-212 Fee](#)

A fee as set by the city council by motion or resolution shall be paid to the city prior to obtaining the permit required in this article.

(Code 1999, Â§ 14-212) [Sec 14-213 Inspection](#)

The removing of such curbing, the construction of the driveway and all other parts of the work in connection therewith shall be subject to the inspection and approval of the city engineer.

(Code 1999, Â§ 14-213) [Sec 14-214 Penalty](#)

Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-108.

(Code 1999, Â§ 14-214) [CHAPTER 14-3 CITY RIGHTS-OF-WAY ARTICLE 14-3A CONSTRUCTION WITHIN CITY-OWNED RIGHTS-OF-WAY](#)

[ARTICLE 14-3B DESIGN AND CONSTRUCTION OF WIRELESS FACILITIES](#)

[ARTICLE 14-3A CONSTRUCTION WITHIN CITY-OWNED RIGHTS-OF-WAY Sec 14-301](#)

[Definitions](#)

[Sec 14-302 Registration Required](#)

[Sec 14-303 Registration; Fine](#)

[Sec 14-304 Powers](#)

[Sec 14-305 Obtaining A Rights-Of-Way Contractor/Subcontractor Registration; Refusal Of Registration](#)

[Sec 14-306 Criminal History Records Search Or Background Check](#)

[Sec 14-307 Contractor/Subcontractor Registration Certificate, Business Limitations](#)

[Sec 14-308 Registration Fee](#)

[Sec 14-309 Applicability Of Contractor/Subcontractor Registration](#)

[Sec 14-310 Issuance Or Denial Of Registration](#)

[Sec 14-311 Change In Contractor's Name, Address, Legal Service Agent, Or Cease Of Business; Notification](#)

[Sec 14-312 Certificate Of Renewal](#)

[Sec 14-313 Permits Required](#)

[Sec 14-314 Applications For Work In Right-Of-Way](#)

[Sec 14-315 Emergency Conditions](#)

[Sec 14-316 Errors Within City Plans](#)

[Sec 14-317 Validity Of Permit](#)

[Sec 14-318 Expiration Of Permits](#)

[Sec 14-319 Inspection](#)

[Sec 14-320 Reimbursement; Cost Of Completion](#)

[Sec 14-321 Reimbursement; Cost Of Repair](#)

[Sec 14-322 Exemption](#)

[Sec 14-323 Revocation](#)

Sec 14-324 Violation And Penalty

Sec 14-301 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City utilities means any and all facilities conveying water, sanitary sewage, storm waters, or vehicular and pedestrian traffic or any other utilities that are owned by the city, or any other federal agency.

Facilities means sidewalks, roadways, sod, streetscapes, lines, conduits, ducts, poles, wires, cables, receivers, pipes, culverts, mains, cross arms, and other devices used, operated, or maintained for movement of liquids, gasses, people, or information.

Private utilities means any and all electric, heating gas, telephone and television signal, internet, or wireless carrier facilities or any other utilities not owned by the city, or any other federal agency.

HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Amended by Ord. 881(18) on 6/4/2018

Sec 14-302 Registration Required

Any contractor or subcontractor whose activities are within or upon any city-owned rights-of-way or easement is hereby required to register with the city before engaging in such activities. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-303 Registration; Fine

1. A person may not engage in the business nor act in the capacity of a contractor or subcontractor within the city nor may that person bring or maintain any claim, action, suit, or proceeding in any court of the state related to the person's business or capacity as a contractor or subcontractor without a valid registration as provided in this chapter.
2. A person who fails to obtain a valid registration prior to acting as a contractor or subcontractor as defined in this chapter, a person who acts as a contractor or subcontractor while his registration is suspended or revoked, or a person who violates any provision of this section shall be guilty of a violation, upon conviction, punishable by a fine not to exceed \$500.00. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-304 Powers

The city is authorized to employ personnel and procure such supplies and equipment as may be necessary to carry out and implement the provisions of this chapter, subject to budgetary limitations and funding. The city may promulgate forms to implement the provisions of this chapter. The city may administer any provision of this chapter through use of the Internet or other technology as deemed necessary or appropriate. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-305 Obtaining A Rights-Of-Way Contractor/Subcontractor Registration; Refusal Of Registration

1. To obtain a contractor registration under this chapter, an applicant who is 18 years of age or older shall submit, on forms the city prescribes, an application for registration. A copy of the contractor's certificate of liability insurance shall be filed with the application and shall be not less than \$500,000.00. Any insurance company issuing a liability policy to a contractor pursuant to the provisions of this chapter shall be required to notify the city in the event such liability policy is cancelled for any reason or lapses for nonpayment of premiums. In addition, the contractor shall submit proof that the contractor has secured workers' compensation coverage satisfactory under the Workers' Compensation Act, or an affidavit of exemption or self-

insurance as authorized pursuant to the Workers' Compensation Act. If the city deems it appropriate or necessary, the city may also require other information to be included on the application form to assist the city in registering the person as a contractor. The application shall contain statements that the applicant desires the issuance of a contractor registration certificate; that the applicant will comply with the provisions of this chapter; that the applicant will comply with state laws and local ordinances relating to standards and permits; that the applicant has or has not been registered or licensed as a contractor in another state and whether any disciplinary action was taken against such registration or license or whether it is still in good standing; and that the nonresident applicant appoints the secretary of state as legal service agent for all lawful process to be served upon the applicant for work performed in the state or as otherwise provided in this chapter.

2. The city shall refuse to register any person if the city determines:
 1. The application contains false, misleading, or incomplete information;
 2. The applicant fails or refuses to provide any information requested by the city;
 3. The applicant fails or refuses to pay the required fees;
 4. The applicant is ineligible for registration due to a suspended or revoked registration in the state;
 5. The nonresident applicant has a revoked or suspended registration or license required by law for contractors in another state; or
 6. The applicant has failed or refuses to submit any taxes due in the state.
3. The city shall notify the applicant in writing if the city denies a registration or renewal certificate, and shall provide the applicant an opportunity to respond to or cure any defect in the written application or renewal for a period of ten days from the date of the written notification. An applicant aggrieved by a decision of the city denying a registration or renewal may appeal the decision to the city manager as provided in the Administrative Procedures Act, or the applicant may reapply after a 90-day waiting period, if otherwise eligible in the provisions of this chapter. The application and renewal fees shall not be refundable.
4. The city shall classify as not in good standing the registration of any contractor who fails to:
 1. Maintain liability insurance coverage;
 2. Maintain workers' compensation coverage satisfactory under the Workers' Compensation Act, or provide an affidavit of exemption or self-insurance as authorized pursuant to the Workers' Compensation Act;
 3. File, renew, or properly amend any fictitious name certificate;
 4. Maintain an active status of a corporation or registration as a foreign corporation, a limited liability company or registration as a foreign limited liability company, a limited liability partnership registration or foreign limited liability partnership registration, or a limited partnership certificate or limited partnership or foreign limited partnership certificate of authority, with the office of the secretary of state;
 5. File or renew a trade name registration;
 6. Maintain or renew a contractor registration as provided in this chapter;
 7. Notify the city of a change in name, address, legal business entity, or legal service agent;
 8. Maintain a registration as required by law in another state while registered in the state as a nonresident contractor; or

9. File and pay all taxes when due in the state.
5. The city shall send a written notice to the person when his registration is not in good standing. Any contractor who has been notified by the city that his registration is not in good standing shall cease soliciting or entering new services and projects as of the date of such notification; however, the contractor shall be allowed to complete projects where actual physical work has begun prior to the date of issuance of the notice that his registration is not in good standing. If the contractor fails to correct the deficiency specified in the notice by evidence satisfactory to the registrar within 30 days of the date of the notice, or if the contractor solicits or enters into new services contracts or projects while the contractor's registration is not in good standing, or while such registration is suspended or revoked, the contractor shall be in violation of the provisions of this chapter. Any registration that remains not in good standing for a 60-day period shall be suspended on the 60th day from the date of issuance of the notice to the contractor that his registration is not in good standing. Any registration that remains not in good standing, and is suspended for such cause, shall be revoked on the 90th day from the date of issuance of the notice to the contractor that his registration is not in good standing. The city shall notify the contractor upon suspension or revocation of his registration for failure to comply in bringing such registration into good standing as required by law. The contractor may reinstate his registration to good standing by paying the required fees provided in section 14-308 and complying with all other requirements for issuance of a registration in good standing. Any person aggrieved by the decision of the city to suspend or revoke a registration pursuant to this section may appeal such decision to the city manager's office. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-306 Criminal History Records Search Or Background Check

1. When deemed appropriate, the city may conduct a criminal history records search or background check on any applicant or registered contractor and may investigate the information submitted on a contractor application or renewal form, provided no adverse action may be taken against the person until the person has been notified and given an opportunity to respond in writing.
2. The city, its agents, employees and assigns shall not be liable and are granted immunity for the acts or omissions of any registered contractor or its employees, or for any person's failure or omission to properly disclose any information on an application or renewal form, including, but not limited to, pending criminal charges, arrests or prior criminal history records, disclosure of his contractor registration status, or his qualifications to perform or act as a contractor. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-307 Contractor/Subcontractor Registration Certificate, Business Limitations

The holder of a contractor registration certificate governed by this chapter is entitled to engage in the business within the city's rights-of-way or easements pursuant to the provisions of this chapter, and subject to the following limitations:

1. A contractor's registration certificate number shall be valid and in good standing at the time of soliciting a project and during subsequent job performance;
2. A contractor's registration certificate number shall be submitted when applying for any permit issued by the state, or any of its political subdivisions, for projects within the rights-of-way or easement services or projects, if a permit is required by such authority, and shall be written upon each permit issued;
3. A contractor's registration certificate cannot be shared or used by any other individual or business entity; provided, however, a business firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit may be granted a

single registration certificate number for use by designated contractors acting as agents for the business entity when the application for registration contained sufficient information on each member, partner, officer and agent;

4. Upon any change to the name, address, business entity, or legal service agent of a contractor, the city shall be notified in writing;
5. A contractor shall comply with state laws and local ordinances relating to standards and permits for right-of-way or easement services and projects; and
6. A contractor must pay taxes due in the state. HISTORY
Adopted by Ord. 845(17) on 1/17/2017
[Sec 14-308 Registration Fee](#)

1. At the time of making application for a contractor registration certificate pursuant to this chapter, the applicant shall pay to the city a fee to be set by the city in the city schedule of fees.
2. All monies collected by the city for a contractor registration application, renewal and other fee assessment shall be deposited by the city into the general fund.
3. The fee to be submitted with an application for a contractor registration may be prorated as set by the city. Unless prorated at the time of initial registration, fees shall be paid in the amount stated in subsection (A) of this section and such registration certificates shall expire June 30 each year.
4. A renewal fee for a contractor registration shall be set by the city in the city schedule of fees. HISTORY
Adopted by Ord. 845(17) on 1/17/2017
[Sec 14-309 Applicability Of Contractor/Subcontractor Registration](#)

This does not apply to any work performed for the city under municipal contract. HISTORY
Adopted by Ord. 845(17) on 1/17/2017
[Sec 14-310 Issuance Or Denial Of Registration](#)

Within 25 calendar days from the date of application, the city shall either issue or deny the contractor registration. No registration shall be issued to an applicant until the city receives all documentation and fees necessary to obtain a registration certificate in good standing. The registration certificate issued on an original application entitles the person to act as a contractor within the city's rights-of-way or easements subject to the limitations of this chapter, until the expiration of the then current fiscal year ending June 30, except that an initial registration issued in May or June is valid until June 30 of the subsequent year. On the effective date of the ordinance from which this chapter is derived, a prorated registration certificate issued between January 1, 2011, and April 30, 2011, shall be valid until June 30, 2011. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

[Sec 14-311 Change In Contractor's Name, Address, Legal Service Agent, Or Cease Of Business; Notification](#)

No later than ten days after the date of a change in a contractor's name, address, or legal service agent, or upon a registered contractor ceasing business as a contractor, the person shall notify the city of the change on a form provided by the city. A name, address, or legal service agent change shall be accompanied by a fee to be set by resolution. A person may not change his name under an active registration certificate if the change is associated with a change in the legal status of the business entity other than a change in marital status. Doing business under a new business name or change in legal status of a business requires issuance of a new registration certificate. When a registered contractor ceases to be active as a contractor, the city shall suspend the registration certificate of such contractor. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-312 Certificate Of Renewal

1. Any contractor registration certificate issued under this chapter may be renewed for each successive fiscal year by obtaining from the city a certificate of renewal. To obtain a certificate of renewal, the person shall file with the city a renewal application by June 30 and pay the renewal fee. The application for renewal shall require statements under oath that the applicant has properly submitted income and employment taxes due in the state and whether or not the applicant has been convicted of any felony offense, and the nature of such offense, since issuance of the prior registration. The applicant shall include with the renewal application a copy of certificate of liability insurance, unless the registrar has a current valid certificate of liability insurance on file, and proof of workers' compensation coverage, unless exempt under the Administrative Workers' Compensation Act (85A O.S. Â§ 1 et seq.). The renewal application need not be notarized.
2. The city shall refuse to renew a contractor's registration certificate for any reason stated in section 14-305. The city shall notify the applicant in writing if the city denies the renewal as provided in section 14-310.
3. If any contractor fails to file a renewal application by the June 30 deadline, that contractor's registration shall be not in good standing. A contractor has a 30-day grace period after June 30 to renew the registration certificate without a late fee. The late fee shall be set by the city in the city schedule of fees. A contractor registration certificate not renewed by August 30 shall be suspended for failure to renew, and on January 1, if a contractor's registration certificate still has not been renewed, it shall be revoked for failure to renew.
- 4.
1. A contractor desiring to renew a registration certificate that has been suspended for any cause provided in this chapter shall be assessed a fee equal to twice the amount of the fee established as a renewal amount.
2. The city shall assess a reinstatement fee to be set by the city in the city schedule of fees plus the fee established by section 14-308 for any registration that has been revoked for any cause provided in this chapter.
3. A contractor submitting an application for registration after suspension or revocation of that contractor's registration certificate must be otherwise eligible for registration under this chapter.
5. The city shall include a registration status notation in a contractor's record if the status of registration changes from an active and valid registration to not in good standing, denied, suspended or revoked. **HISTORY**

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-313 Permits Required

A permit is required for the construction, alteration, modification, or repair of any or all private utilities where city facilities may be disturbed on or under the city's rights-of-way. The work shall not be made in any place other than the location specified on the permit, and no work shall begin until the application has been approved and a permit has been issued.

Cross reference— Building permits, Â§ 5-111; Plumbing, electrical, mechanical and other permits, Â§ 5-113; Unlawful to cut without permit, Â§ 14-201; Wireless facility permitting, Â§ 14-403. **HISTORY**

Adopted by Ord. 845(17) on 1/17/2017

Amended by Ord. 881(18) on 6/4/2018

Sec 14-314 Applications For Work In Right-Of-Way

Where work is to be done in a right-of-way, and there is no applicable permit type available elsewhere in this code, or upon the requirement of the community development director or their designee, a right-of-way permit application shall be made. There shall be three tiers of right-of-way permit applications, tier 1, tier 2, and tier 3. The applicant shall submit to the city a complete right-of-way permit application for the appropriate tier in the form provided by the city. Each tier shall have its own requirements as follows:

1. A tier 1 right-of-way permit shall be required for all utility projects where the proposed utility is intended to serve one commercial or residential building or structure for private service. The community development director, or their designee, shall have final authority of the classification of the project. The requirements for application for tier 1 right-of-way permits shall be as follows:
 1. Applications for such permits shall be filed with the city a minimum of five days prior to date anticipated commencement of construction. Applications shall include all of the following:
 1. Complete tier 1 right-of-way permit application form.
 2. A description of the private utility services that the applicant will or does offer.
 3. A description of private utilities and/or facilities the applicant will or proposes to place in, on or over the rights-of-way.
 4. A description of public utilities and facilities that the applicant proposes to remove and replace, cross-over, tie into, or encounter in any matter in the rights-of-way.
 5. Two sets of plans, on 11 inch by 17 inch paper, specifications, and a network map of the facilities to be located within the city rights-of-way, if applicable.
 6. The schedule and date of beginning shall be approved by the director of community development or their designee.
 7. Additional extensions, repairs, or modifications to permitted facilities during the life of the rights-of-way permit shall be subject to separate review, approval, and collection of fees prior to amending the permit for such addition work.
 8. If the location of the proposed private utility lies within state or federal right-of-way, the provider must provide evidence of a permit from the state or federal government.
 2. A tier 2 right-of-way permit shall be required for all emergency and non-emergency utility repair projects where the proposed utility repair covers less than 100 linear feet of utility pipe or cable. Utility repair projects covering more than 100 linear feet or pipe or cable must obtain a tier 3 right-of-way permit unless otherwise specified by the community development director or their designee, who shall have final authority of the classification of the project. The requirements for application for tier 2 right-of-way permits shall be as follows:
 1. Applications for such permits shall be filed with the city a minimum of five days prior to date of anticipated commencement of construction for non-emergency repairs and shall be made on the next succeeding business day for emergency repairs whether or not the emergency work has been completed for emergency repairs. Applications shall include all of the following:
 1. Complete tier 2 right-of-way permit application form.
 2. A description of the private utility services that the applicant will or does offer.
 3. A description of private utilities and/or facilities the applicant will or proposes to place in, on or over the rights-of-way.

4. A description of public utilities and facilities that the applicant proposes to remove and replace, cross-over, tie into, or encounter in any matter in the rights-of-way.
 5. Two sets of plans, on 11 inch by 17 inch paper, specifications, and a network map of the facilities to be located within the city rights-of-way, if applicable.
 6. The schedule and date of beginning shall be approved by the director of community development or their designee.
 7. Additional extensions, repairs, or modifications to permitted facilities during the life of the rights-of-way permit shall be subject to separate review, approval, and collection of fees prior to amending the permit for such addition work.
 8. The linear length of the proposed utility repair pipe or cable.
 9. When disturbing lanes of traffic and as required by the city based on the proposed scope of work, provider shall submit a traffic control plan, storm water pollution prevention plan, and/or trench safety plan;
3. A tier 3 right-of-way permit shall be required for all utility projects where the proposed utility is intended to serve more than one commercial or residential building or structure for private or public service, including wireless facilities regulated by article B of this chapter. The community development director, or their designee, shall have final authority of the classification of the project. The requirements for application for tier 3 right-of-way permits shall be as follows:
1. The applicant and/or utility company shall coordinate with the city the location and design of the proposed utility to ensure that the proposed utility does not interfere with existing utilities and with any city infrastructure and shall meet required separation distances to city infrastructure as required by this code and applicable state law. The city shall make available information regarding the known location of all city utilities upon request.
 2. Applications for such permits shall be filed with the city prior to date anticipated for the commencement of construction and shall include all of the following:
 1. Complete tier 3 right-of-way permit application form.
 2. A description of the private utility services that the applicant will or does offer.
 3. A description of private utilities and/or facilities the applicant will or proposes to place in, on or over the rights-of-way.
 4. A description of public utilities and facilities that the applicant proposes to remove and replace, cross-over, tie into, or encounter in any matter in the rights-of-way.
 5. Three sets of plans, on 11 inch x 17 inch paper, specifications, and a network map of the facilities to be located within the city rights-of-way and for the entire project. These plans shall include a site plan indicating the location of the proposed utility as well as all city infrastructure.
 6. The schedule and date of beginning shall be approved by the director of community development or their designee.
 7. Additional extensions, repairs, or modifications to permitted facilities during the life of the rights-of-way permit shall be subject to separate review, approval, and collection of fees prior to amending the permit for such addition work.
 8. Provider shall submit a traffic control plan, storm water pollution prevention plan, and/or trench safety plan, if applicable, and as required by the city.

9. The names and telephone numbers of at least two persons serving as emergency contacts for the applicant who can be reached by telephone 24 hours a day, seven days a week, in the event of an emergency;
10. If the location of the proposed wireless facility lies within state or federal right-of-way, the provider must provide evidence of a permit from the state or federal government.
3. If the city deems necessary, the provider shall provide a hold harmless agreement with the city for the proposed utility.

HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Amended by Ord. 881(18) on 6/4/2018

Sec 14-315 Emergency Conditions

In the event of an emergency occurring during non-office hours, and starting of a project is necessary for the protection of public or private property, said person must contact the police and fire department; an application for a permit as provided in this chapter shall be made on the next succeeding business day whether or not the emergency work has been completed. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-316 Errors Within City Plans

Neither the city nor any employee or agent thereof shall be held responsible for the accuracy or any error appearing in any map. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-317 Validity Of Permit

The issuance of a permit based upon approved plans, specifications, and other data shall not prevent the director of community development or his designee from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing construction being carried on thereunder when in violation of this chapter or any other ordinance or standard of the city. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-318 Expiration Of Permits

1. Every permit issued by the director of community development or his designee, under the provisions of this chapter shall expire by limitation and become null and void if the construction authorized by such a permit is not commenced within 180 days from the date of such permit, or if the construction authorized by such permit is suspended at any time after the work is commenced for a period of 180 days. Before such construction can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permit fee shall be a new full permit fee.
2. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The director of community development or his designee may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-319 Inspection

Upon the date of completion, or when notified by the applicant of the project's completion if earlier than the stated date of completion, the director of community development, or their designee, shall make an inspection to determine if city facilities or properties have been restored without damage. If the community development director or their designee determines that the project has not been satisfactorily completed, then the applicant will be given written instructions describing the work which needs completion. Additionally, depending on the nature and scope of the work performed under the permit, the director or their designee may require that a set of engineer certified "as-built" plans be submitted when work is accepted by the city. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-320 Reimbursement; Cost Of Completion

If the applicant has still not completed the work identified pursuant to this chapter, by the agreed upon date, or within such other period that may be prescribed by the director of community development or his designee, the city will give notice to the applicant to complete the project within 30 days. If the applicant fails to meet such deadline, the city, at its sole option, may elect to complete or contract to complete the project to city standards and/or restore city utilities and facilities, and bill the applicant for time and material costs, plus 20 percent for overhead. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Amended by Ord. 876(17) on 12/18/2017

Amended by Ord. 881(18) on 6/4/2018

Sec 14-321 Reimbursement; Cost Of Repair

At any time that a city-owned facility is damaged and the city is called upon to make repairs, the applicant will be billed for time and material costs, plus 20 percent for overhead. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-322 Exemption

This chapter does not apply to any work performed for the city under municipal contract. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-323 Revocation

They city shall have the right to revoke the permit of any applicant for violations of this chapter. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

Sec 14-324 Violation And Penalty

Any person who shall engage in any business, trade, or vocation for which a license, permit, certificate, or registration is required by this chapter, without having a valid license, permit, certificate, or certificate of registration, as required, or who shall fail to do anything required by this chapter or by any code adopted by this chapter, or 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 subject to punishment as provided in section 1-108. HISTORY

Adopted by Ord. 845(17) on 1/17/2017

ARTICLE 14-3B DESIGN AND CONSTRUCTION OF WIRELESS FACILITIES Sec 14-401

Definitions

Sec 14-402 Applicability

Sec 14-403 Permitting

Sec 14-404 Network Node And Node Support Pole Requirements

Sec 14-405 Inventory Of Network Node And Node Support Poles

Sec 14-406 Installations On Traffic Signals, Street Signage, Other Traffic Control Structures And Lighting Structures

Sec 14-407 Reservation Of Rights

Sec 14-408 Interference With Operations And Liability
Sec 14-409 Signal Interference With City's Communications Infrastructure Prohibited
Sec 14-410 Abandonment Of Wireless Facilities
Sec 14-411 Relocation And Removal At Provider's Expense
Sec 14-412 Removal Or Relocation By Provider
Sec 14-413 Restoration Of Wireless Facilities
Sec 14-414 Provider Responsibility
Sec 14-415 Violation And Penalty
Sec 14-401 Definitions

For purposes of this chapter, the following terms shall have the following meanings.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Decorative pole means a streetlight or traffic signal pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational, directional signage, temporary holiday or special event attachments, may be placed.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters of:

1. Ten feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
2. Fifty-five feet above ground level; or
3. Supports or is capable of supporting antennas.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term includes:

1. Equipment associated with wireless communications;
2. A radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
3. Electrical, coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation and is not to exceed 50 feet; and

The term does not include:

1. An electric generator;
2. A pole; or
3. A macro tower.

Network provider or *provider* means:

1. A wireless service provider; or
2. A person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 1. Network nodes; or

2. Node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Service pole means a pole, other than a municipally owned utility pole, owned or operated by the City and located in a public right-of-way, including:

1. A pole that supports traffic control functions;
2. A structure for signage;
3. A pole that supports lighting, other than a decorative pole; and
4. A pole or similar structure owned or operated by the City and supporting only network nodes.

Small cell shall be included as a type of "network node."

Utility pole means a pole that provides:

1. Electric distribution with a voltage rating of not more than 34.5 kilovolts; or
2. Services a telecommunications provider.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities means "micro network nodes," "network nodes," and "node support poles," as those terms are defined in this section, and related ground equipment. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-402 Applicability

1. Providers shall adhere to the requirements found in this chapter for the installation, operation, maintenance, repair, modification, and replacement of wireless facilities within the city's public right-of-way or on city owned property.
2. Wireless facility installations or collocations, installed other than in city owned rights-of-way, shall be installed in accordance with all of the provisions of this code, including the City of Moore Land Development Code, Part 12, Chapter 2, 3, and 4, Article H.
3. This chapter governs location and criteria for the installation of wireless facilities, including: micro network nodes, network nodes, node support poles, and related ground equipment, being installed. This chapter shall apply to all locations, installations, and collocations in, on, over or under the public rights-of-way or city owned property of such wireless facilities, installed pursuant to an agreement with the city in its discretion. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-403 Permitting

1. *Attachments to existing poles or structures.* A provider shall not install, modify or relocate a network node on an existing pole or structure within the public right-of-way without first obtaining an approved wireless facility ROW permit from the city. Prior to installation, modification or relocation of a network node on an existing pole or structure, provider shall complete and submit to the city a complete wireless facility ROW permit application and a commercial electrical permit application, by a qualified electrical contractor in the form provided by the city, along with standard required documents. Up to five separate network nodes may be submitted under one permit application. Each permit application shall include the following items:

1. Payment of the permit application fee as established in the current fee schedule and all other fees required by the city, including but not limited to annual fees set forth in a franchise agreement or other similar approved agreements for use of the city-owned right-of-way, as such fees may be adjusted from time to time pursuant to the agreement.
2. An aerial map showing the location of the existing pole or structure to which the network node is proposed to be attached, and a street view image of the same;
3. Stamped construction and engineering drawings prepared by a professional engineer licensed in the State of Oklahoma, and for wireless facilities proposed to be attached to a service pole or other city-owned or -controlled structure, a certification from the engineer that the existing pole or structure and its foundations have sufficient structural stability to support the proposed network node and can bear the wind load without pole modification. Such construction and engineering drawings must also address the design of the connection of any item to the pole;
4. Geographic information system (GIS) data for the location of each proposed wireless facility in the form required by the city;
5. Detailed drawings, with calculations, showing strict conformity to the size limitations as set forth in this chapter;
6. Documentation identifying the frequency on which the proposed network node will operate and a certification that the proposed network node shall not cause any interference with the city's traffic signal system, public safety radio system, private police cell system, or other city communications infrastructure;
7. The names and telephone numbers of at least two persons serving as emergency contacts for the provider who can be reached by telephone 24 hours a day, seven days a week, in the event of an emergency;
8. Stamped engineering drawings for the electrical service providing power to the proposed network node, which must include the conduit size, circuit size, calculations for amp, proposed voltage, and distances running. The city is entitled to disconnect power to the network node or other wireless facilities in emergency situations;
9. Scaled dimensional drawings or pictures of the proposed attachments of the network node to the existing poles or structures as well as any other proposed wireless facility, indicating the horizontal and vertical spacing from existing curbs, driveways, sidewalks, and other existing poles. This shall include a before-and-after image of the pole and all proposed attachments thereto and associated standalone equipment;
10. Scaled dimensional construction and engineering drawings indicating the current public right-of-way line and showing any proposed underground conduit and equipment. Such drawings shall also show a sectional profile of the public right-of-way and identify all existing utilities and existing utility conflicts;
11. Where required by the city based on the proposed scope of work, provider shall submit a traffic control plan, storm water pollution prevention plan, and/or trench safety plan;
12. If the location of the proposed wireless facility lies within state or federal right-of-way, the provider must provide evidence of a permit from the state or federal government; and
13. Certification that the new network node is spaced apart from existing, approved or proposed new network nodes a distance of at least 1,000 feet; and

14. The information required to be submitted for construction in rights-of-way by article A of this chapter.
2. *Electrical supply.*
 1. Provider shall be responsible for obtaining any required electrical power service to the provider's wireless facilities. Provider's electrical supply shall be separately metered from the city and must match city infrastructure voltage. The city shall not be liable to the provider for any stoppages or shortages of electrical power furnished to the wireless facilities, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the wireless facility structure or the act or omission of any other tenant or provider of the wireless facility structure, or for any other cause beyond the control of the city;
 2. All electrical power service is to be designed and installed according to part 5, chapter 4 of this Code, including the currently adopted version of the NEC;
 3. A commercial electrical permit is required for all electrical power service work.

HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Amended by Ord. 987(21) on 9/20/2021

[Sec 14-404 Network Node And Node Support Pole Requirements](#)

1. *Installation.* Provider shall, at its own cost and expense, install all wireless facilities in a quality and workmanlike manner and in accordance with the requirements of this section, other provisions of this chapter, and all other applicable laws and ordinances. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of wireless facilities shall be in compliance with all applicable laws. The following requirements apply to the installation, operation, maintenance, repair, modification, and/or replacement of wireless facilities:
 1. Wireless facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet or other enclosure that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible;
 2. No wireless facility shall be located or placed in a manner that encroaches on existing or proposed city corner sight triangles or sight line triangles, as defined by section 12-553 of this Code;
 3. Electrical meters shall not be mounted on a service pole or other city-owned or controlled structure without prior approval from the community development director or their designee. Standalone electrical meters shall be located on or within a pad-mounted pedestal that shall be powder coated a neutral color that harmonizes with the surrounding area in which it is located. All electrical meters serving network nodes must display the provider's name and contact information;
 4. All power to a network node located on or attached to a service pole or other city owned or controlled structure must be able to be disconnected to provide a safe working environment;
 5. Use of city conduits for a provider's wireless facilities is prohibited;
 6. Network node attachments to a pole shall be installed at least eight feet above the ground;
 7. No protrusion from the outer circumference of the existing structure or pole to which a network node is attached shall be more than five feet;

8. The color of network nodes shall match the color of the poles or structures to which they are attached such that the network nodes blend with the color of the poles or structures and surrounding area structures;
 9. Before beginning excavation in any public right-of-way, provider shall be responsible for complying with all laws relating to verifying the location of existing utility lines and facilities and avoiding encroachment thereon, including the requirements of this chapter;
2. *Inspections.*
 1. The city may perform visual inspections of any wireless facilities located in the public right-of-way as the city deems appropriate without notice.
 2. In the event of an emergency situation, the city may, but is not required to, notify provider of an inspection. The city may take all actions necessary to remediate the emergency situation and the city shall notify provider as soon as practicable after remediation is complete.
 3. The city shall perform electrical inspections to the electrical supply systems as required by part 5, chapter 4 of this Code.
 3. *Placement.*
 1. *Design conditions.* As a condition for approval of wireless facilities, the city can require reasonable design or concealment measures for the wireless facilities. Therefore, any installation that requires design or concealment measures must have these measures submitted with the permit application. The city requests that a provider explore the feasibility of using camouflage measures to improve the aesthetics of the wireless facilities, or any portion thereof, to minimize the impact to the aesthetics in these installations.
 2. *Decorative poles.* Provider shall neither allow the installation of, nor install wireless facilities on a decorative pole.
 3. *Public right-of-way.* Wireless facilities shall not obstruct, impede, or hinder pedestrian or vehicular traffic in the public right-of-way or obstruct or interfere with the legal use of a public right-of-way by other utility providers. Provider shall promptly remove wireless facilities that are installed in a location that is not in accordance with the plans approved by the city, that do not comply with the provisions of this chapter, or that otherwise render the public right-of-way non-compliant with applicable laws, including but not limited to the Americans with Disabilities Act.
 1. All node support poles and other ground equipment shall be installed with a minimum spacing of five feet from any City of Moore owned or operated water, sewer or drainage infrastructure.
 4. *Notice to remove unauthorized wireless facilities and penalty.* If a provider fails to remove any unauthorized wireless facility or any wireless facility that is located in an improper location within 30 days after receiving written notice or the date required by the city, the provider shall be subject to a penalty of up to \$500.00 per day until the wireless facility is removed or relocated to the correct area within the permitted location, regardless of whether the provider's contractor, subcontractor, or vendor installed the wireless facility in strict conformity with this chapter.
 4. *Generators.* Provider shall not allow or install generators or back-up generators in the public right-of-way.
 5. *Equipment dimensions.*
 1. Each antenna that does not have exposed elements and is attached to an existing structure or pole must:

1. Be located inside an enclosure of not more than six cubic feet in volume;
 2. Not exceed a height of three feet above the existing structure or pole; and
 3. Not protrude from the outer circumference of the existing structure or pole by more than five feet.
2. If an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements must:
 1. Fit within an imaginary enclosure of not more than six cubic feet;
 2. Not exceed a height of three feet above the existing structure or pole; and
 3. Not protrude from the outer circumference of the existing structure or pole by more than five feet.
 3. The cumulative size of other wireless equipment associated with the network node attached to the existing structure or pole may not:
 1. Be more than 28 cubic feet in volume; or
 2. Protrude from the outer circumference of the existing structure or pole by more than five feet.
 4. Ground based enclosures, separate from the pole, housing any equipment related to the network node, may not be higher than three-feet six-inches from grade, wider than three-feet six-inches, or deeper than three-feet six-inches.
 5. Equipment attached to a utility pole must be installed in accordance to the provisions of this chapter, the National Electric Safety Code, the National Electric Code, and the utility pole owner's construction standards.
6. *Signage.*
 1. Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the node support poles and network nodes that is visible to the public. Signage required under this section shall not exceed four-by-six inches, unless otherwise required by law or the city.
 2. Provider shall not post any other signage or advertising on the node support poles and network nodes, or utility pole.
 7. *Ground equipment.*
 1. *Ground equipment near street corners and intersections.* Ground equipment shall be minimal and the least intrusive. Ground equipment must remain out of the sight triangle as described by section 12-533 of this Code.
 2. *Ground equipment density.* To enhance the safety requirements of line of sight of pedestrians, particularly small children, the city may deny a request for a proposed location.
 8. *Maintenance.*
 1. *Repair.* Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of wireless facilities, or any portion thereof, is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the city to be damaged or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any laws, provider, at its sole cost and expense, shall promptly repair and return such property to its original condition. If provider does not repair such property or perform such work as described in this section, then the city shall have the option to perform or cause to be performed such reasonable and necessary work on behalf of the provider and to charge the provider for the

reasonable and actual costs incurred by the city. Provider shall promptly reimburse the city for the costs.

2. *Graffiti abatement.* Provider shall remove all graffiti on any of its wireless facilities located in the public right-of-way as soon as practical, but not later than ten days from the date provider receives notice thereof.
3. *Tree maintenance.* Provider and/or its contractors or agents shall obtain written permission from the city before trimming trees hanging over the provider's wireless facilities to prevent branches of such trees from contacting the provider's wireless facilities. When directed by the city, provider shall trim such trees under the supervision and direction of the city. The provider shall make all reasonable efforts to promote the health and well-being of any such trees, and shall not at any time trim trees in a manner that causes unsightly conditions to arise. The city shall not be liable for any damages, injuries, or claims arising from provider's actions under this section.

HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Amended by Ord. 987(21) on 9/20/2021

Sec 14-405 Inventory Of Network Node And Node Support Poles

1. Provider shall maintain a list of its wireless facilities located in the city and the utility as-builts for associated underground appurtenances and shall provide the city an inventory of the location and/or as-built of each such wireless facility and appurtenances upon request from the city. Upon the city's written request, provider shall provide the information within 30 days of city's request. The inventory of wireless facilities shall include GIS coordinates, date of installation, city pole ID number (if applicable), type of pole used for installation, pole owner, and description/type of installation for each wireless facility. With respect to wireless facilities that become inactive, the inventory shall include the same information as active installations in addition to the date the wireless facility was deactivated and the date the wireless facility was removed from the public right-of-way. The city may compare the inventory to its records to identify any discrepancies.
2. In the event provider's contact information changes and differs from the information provided on a permit application, provider shall promptly provide updated contact information to the city for emergency purposes.
3. Provider shall remit to the city annually beginning January 1, 2021, a fee per small wireless facility as established in the current fee schedule and authorized by the State of Oklahoma for the occupancy and use of the public right-of-way. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Amended by Ord. 943(20) on 5/4/2020

Sec 14-406 Installations On Traffic Signals, Street Signage, Other Traffic Control Structures And Lighting Structures

1. Installations of wireless facilities on a traffic signal structure or lighting structure must not interfere with the integrity of the structure in any way that may compromise the safety of the public and must be in strict conformance with an agreement applicable to each such installation and the provisions of this chapter.
2. Installation of wireless facilities on any traffic signal structure shall:
 1. Be encased in a separate conduit than the traffic signal or lighting electronics;
 2. Have a separate electric power connection than the traffic signal or lighting structure; and

3. Have a separate access point than the traffic signal or lighting structure;
3. The city shall have the ability to temporarily cut-off electricity to the wireless facilities for the safety of maintenance personnel. In the event of failure of components of the traffic signal system for whatever reason, including damage resulting from vehicular collisions, weather-related events, or malicious attacks, city will respond to restore traffic signal operations as a matter of public safety. Should the events that result in damage or failure of the traffic signal system also affect provider's wireless facilities, provider shall have the sole responsibility to repair or replace its wireless facilities and shall coordinate its own emergency efforts with the city. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-407 Reservation Of Rights

1. The city reserves the right to install, and permit others to install, utility facilities in the public right-of-way. In permitting such work to be done by others, the city shall not be liable to provider for any damage caused by those persons or entities.
2. The city reserves the right to locate, operate, maintain, and remove city traffic signal poles in the manner that best enables the operation of its traffic signal system and protects public safety.
3. The city reserves the right to locate, operate, maintain, and remove any city pole or structure located within the public right-of-way in the manner that best enables the city's operations and protects public safety. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-408 Interference With Operations And Liability

1. The city shall not be liable to a provider for any damage caused by other providers with facilities sharing the same pole or for failure of provider's wireless facilities for whatever reason, including damage resulting from vehicular collisions, weather-related events, or malicious attacks.
2. The city shall not be liable to a provider by reason of inconvenience, annoyance, or injury to the provider's wireless facilities or activities conducted by provider related thereto, arising from the necessity of repairing any portion of the public right-of-way, or from the making of any necessary alterations or improvements in, or to, any portion of the public right-of-way or in, or to, city's fixtures, appurtenances, or equipment. The city will use reasonable efforts not to cause material interference to provider's operation of its wireless facilities. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-409 Signal Interference With City's Communications Infrastructure Prohibited

1. *No interference.* In the event that provider's wireless facilities interfere with the city's traffic signal system, public safety radio system, private police cell system, or other city communications infrastructure, the provider shall promptly cease operation of the wireless facility causing such interference upon receiving notice from the city and refrain from operating such wireless facility in the future. Provider shall respond to the city's notice to address the source of the interference as soon as practicable, but in no event later than 24 hours of receiving notice.
2. Protocol for responding to event of interference shall be in strict conformance with the agreement applicable to each such installation and the provisions of this chapter.
 1. Additionally, the provider shall include any additional information relevant to the execution of the remediation plan.
 2. In the event that interference with city facilities, services, or operations cannot be eliminated, provider shall shut down the interfering wireless facility and remove or relocate

the wireless facility that is the source of the interference as soon as possible to a suitable alternative location approved by city.

3. Following installation or modification of a network node, the city may require provider to test the network node's radio frequency and other functions to confirm it does not interfere with the city's facilities, services, or operations. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-410 Abandonment Of Wireless Facilities

Provider shall remove wireless facilities when such facilities are abandoned regardless of whether provider receives notice from the city. The removal of wireless facilities shall be completed in accordance with the provisions of an agreement with the city and all of the provisions of this chapter. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-411 Relocation And Removal At Provider's Expense

1. Provider shall remove and relocate a wireless facility at its own expense to an alternative location in accordance to an agreement with the city, but in no case later than 120 days after receiving written notice that removal, relocation, and/or alteration of the wireless facility is necessary.
2. Provider's duty to remove and relocate its wireless facility at its expense is not contingent on the availability of an alternative location acceptable for relocation. City may make reasonable efforts to provide an alternative location within the public right-of-way for relocation, but regardless of the availability of an alternative site acceptable to provider, provider shall comply with the notice to remove its wireless facility as instructed.
3. The city may remove the wireless facility if provider does not remove the wireless facility within 120 days. In such event, provider shall reimburse city for the city's actual cost of removal of provider's wireless facility within 30 days of receiving an invoice from the city.

HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-412 Removal Or Relocation By Provider

1. If the provider removes or relocates a wireless facility at its own discretion, it shall notify the city in writing not less than ten days prior to removal or relocation. Provider shall obtain all permits required for relocation or removal of its wireless facilities prior to relocation or removal.
2. The city shall not issue any refunds for any amounts paid by provider for wireless facilities that have been removed. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-413 Restoration Of Wireless Facilities

Provider shall repair any damage to the public right-of-way and the property of any third party resulting from provider's removal or relocation activities or any other of provider's activities within ten days following the date of such removal, relocation, or activity, at provider's sole cost and expense, including restoration of the public right-of-way and such other property to substantially the same condition as it was immediately before the date provider was granted a permit for the applicable location, including restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration and replacement shall be subject to the sole approval of the city and according to the provisions of this chapter. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-414 Provider Responsibility

Provider shall be responsible and liable for the acts and omissions of provider's employees, temporary employees, officers, directors, consultants, agents, affiliates, subsidiaries, and subcontractors

in connection with the performance of activities within the city's public right-of-way, as if such acts or omissions were provider's acts or omissions. HISTORY

Adopted by Ord. 876(17) on 12/18/2017

Sec 14-415 Violation And Penalty

Any person found in violation of the provisions of this chapter, or fail to do anything required by this part or by any part of any code adopted by this part, or who shall violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be subject to punishment as provided by section 1-108 of this Code.

HISTORY

Adopted by Ord. 876(17) on 12/18/2017

PART 15 TRAFFIC AND VEHICLES CHAPTER 15-1 GENERAL PROVISIONS

CHAPTER 15-2 TRAFFIC-CONTROL DEVICES

CHAPTER 15-3 EQUIPMENT

CHAPTER 15-4 CERTAIN VEHICLES PROHIBITED

CHAPTER 15-5 DRIVING, OVERTAKING AND PASSING

CHAPTER 15-6 STOPPING, STANDING AND PARKING

CHAPTER 15-7 SPEED REGULATIONS

CHAPTER 15-8 RIGHT-OF-WAY

CHAPTER 15-9 TURNING MOVEMENTS

CHAPTER 15-10 ONE-WAY STREETS AND ALLEYS

CHAPTER 15-11 TRUCK ROUTES AND PARKING

CHAPTER 15-12 LOADING ZONES

CHAPTER 15-13 PUBLIC CARRIER STOPS

CHAPTER 15-14 ACCIDENTS

CHAPTER 15-15 MOTORCYCLES

CHAPTER 15-16 BICYCLES

CHAPTER 15-17 PEDESTRIANS

CHAPTER 15-18 ENFORCEMENT

CHAPTER 15-19 IMPOUNDMENT OF VEHICLES

CHAPTER 15-20 PENALTIES AND ARREST PROCEDURE

CHAPTER 15-1 GENERAL PROVISIONS Sec 15-101 Definitions

Sec 15-102 Security Verification Form

Sec 15-103 Vehicle Owner Not To Permit Or Authorize Violation Of Law Or This Chapter

Sec 15-104 Parent Or Guardian Not To Authorize Or Permit Child Or Ward To Violate Chapter

Sec 15-105 Adoption Of State Vehicle Laws

Sec 15-101 Definitions

The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means any narrow public passageway or street ordinarily located in the interior portion of platted blocks, having no legal or official name other than alley, as herein defined, and ordinarily open to traffic and used for service or delivery purposes to the rear of stores, dwellings or buildings.

Arterial street means any U.S. or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

State Law reference— Similar provisions, 47 O.S. Â§ 1-102.

Authorized emergency vehicle means:

1. Vehicles of fire departments;

2. Ambulances or vehicles specified pursuant to 63 O.S. Â§ 1-2512(B) of licensed ambulance service providers;
3. State vehicles of law enforcement agencies;
4. County vehicles of sheriffs and full-time commissioned deputies and vehicles designated by the sheriff for support of the sheriff's office, including privately-owned vehicles driven by the sheriff and full-time, part-time and reserve commissioned deputies, provided the audible sirens and flashing red lights equipped on such privately-owned vehicles are used only in a law enforcement capacity and in the course of duty;
5. Municipal vehicles of police departments;
6. Vehicles owned and operated by the United States Marshals Service or the Federal Bureau of Investigation;
7. Vehicles of the Oklahoma National Guard units designated by the Adjutant General for support to civil authorities; or
8. Vehicles owned and operated by any local organization for emergency management as defined by 63 O.S. Â§ 683.3.

State Law reference— Similar provisions, 47 O.S. Â§ 1-103.

Bicycle means every device upon which any person may ride, propelled solely by human power through a belt, chain, or gears, and having two or more wheels; excluding mopeds.

State Law reference— Similar provisions, 47 O.S. Â§ 1-104.

Boulevard or *through street* means any street or highway on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided by law or ordinance.

State Law reference— Similar provisions, 47 O.S. Â§ 1-175.

Bus means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

State Law reference— Similar provisions, 47 O.S. Â§ 1-105.

Business district means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations or public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

State Law reference— Similar provisions, 47 O.S. Â§ 1-106.

Bus loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Commercial chauffeur and *chauffeur* mean every person who operates, drives or is in actual physical control of a Class A, B or C commercial motor vehicle, as defined in 47 O.S. Â§Â§ 1-107.1—1-107.3.

Commercial vehicles.

1. *Class A.* Any combination of vehicles, except a Class D motor vehicle, with a gross combined weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds.

2. *Class B.* Any single vehicle, except a Class D motor vehicle, with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating. This class shall apply to a bus with a gross vehicle weight rating of 26,001 or more pounds and designed to transport 16 or more persons, including the driver.
3. *Class C.* Any single vehicle or combination of vehicles, other than a Class A or Class B vehicle as defined above, which is:
 1. Required to be placarded for hazardous materials under 49 CFR 172, subpart F; or
 2. Designed by the manufacturer to transport 16 or more persons, including the driver.
4. *Class D.*
 1. A Class D motor vehicle is any motor vehicle or combination of vehicles which:
 1. Regardless of weight:
 1. Is marked and used as an authorized emergency vehicle, as defined in section 15-101; or
 2. Is designed and used solely as a recreational vehicle;
 2. Is a single or combination vehicle with a gross combined weight rating of less than 26,001 pounds;
 3. Is a single or combination farm vehicle with a gross combined weight rating of more than 26,001 pounds if:
 1. It is entitled to be registered with a farm tag and has a farm tag attached thereto;
 2. It is controlled and operated by a farmer, his family or employees;
 3. It is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm;
 4. It is not used in the operations of a common or contract motor carrier; and
 5. It is used within 150 air miles of the person's farm or as otherwise provided by federal law; or
 4. Is operated by a licensed driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:
 1. The properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle; or
 2. The employing governmental entity determines that a snow or ice emergency requires additional assistance.
 2. A Class D motor vehicle shall not include any vehicle which is:
 1. Designed to carry 16 or more passengers, including the driver; or
 2. Required to be placarded for hazardous materials under 49 CFR 172, subpart F, provided a farm vehicle, as defined in subsection (D)(1)c of this definition, which is required to be placarded for hazardous materials under 49 CFR 172, subpart F, shall be considered to be a Class D motor vehicle.

State Law reference— Similar provisions, 47 O.S. Â§Â§ 1-107.1—1-107.4.

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway; any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

State Law reference— Similar provisions, 47 O.S. Â§ 1-111.

Curb loading zones means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, freight or materials.

Curb means the edge of a roadway marked or understood as such.

Daytime means one-half hour before sunrise until one-half hour after sunset. The term "night-time" means any other time.

Double park means the standing or stopping of a vehicle, whether occupied or not, on the roadway.

Driver means every person who drives or is in actual physical control of a vehicle.

State Law reference— Similar provisions, 47 O.S. Â§ 1-114.

Emergency means a condition suddenly created, requiring immediate action for the preservation of public peace, health or safety, and among other things particularly means any fire, unusual storm, death, riot or unusual traffic condition.

Explosives means as defined in 49 CFR 173.

Flammable liquid means liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-up test device and having a vapor pressure not exceeding 40 psi at 100 degrees Fahrenheit.

Intersection means:

1. The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
2. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

State Law reference— Similar provisions, 47 O.S. Â§ 1-126.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

License to operate a motor vehicle means:

1. Any valid driver's license or permit to operate a motor vehicle issued under the laws of the state, including any temporary license or instruction permit, the lawful possession of which by a resident of the state shall be evidence that the resident has been granted the privilege to operate a motor vehicle.
2. Any nonresident's operating privilege as defined in section 47 O.S. Â§ 1-138, which is evidenced by the lawful possession of a valid driver's license or permit to operate a motor vehicle issued under the laws of another state.

State Law reference— Similar provisions, 47 O.S. Â§ 1-128.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor; and a combustion engine with a piston or rotor displacement of 150 cubic centimeters or greater.

State Law reference— Similar provisions, 47 O.S. Â§ 1-135.

Motor-driven cycle means any motor vehicle having a power source that if the power source is a combustion engine, has a piston or rotor displacement of greater than 35 cubic centimeters but less than 150 cubic centimeters regardless of the number of chambers in the power source, if the power source is electric, has a power output of greater than 1,000 watts; and a seat or saddle for the use of each rider; and not more than three wheels in contact with the ground.

State Law reference— Similar provisions, 47 O.S. Â§ 1-136.

Metal tire means every tire, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

State Law reference— Similar provisions, 47 O.S. Â§ 1-133.

Motor vehicle means every vehicle which is self-propelled and every vehicle not operated upon rails.

State Law reference— Similar provisions, 47 O.S. Â§ 1-134.

Motor vehicle accident is defined and classified as in the "Manual on Classification of Motor Vehicle Traffic Accidents" prepared by the Committee on Uniform Traffic Accident Statistics, Traffic Conference, and distributed by the National Safety Council.

Muffler means a device designed for the use on a particular internal-combustion engine and properly affixed thereto for the purpose of reducing the exhaust noise of such engine to an unobjectionable level.

Official traffic-control devices means all signs, barricades, signals, markings and devices not inconsistent with this part placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic which conforms to the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways," published by the U.S. Department of Transportation, a copy of which is on file.

Operator means every person, other than a commercial chauffeur or chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

State Law reference— Similar provisions, 47 O.S. Â§ 1-149.

Owner means a person who holds the legal title of a vehicle; or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

State Law reference— Similar provisions, 47 O.S. Â§ 1-141.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers; a public parking lot is any parking lot on right-of-way dedicated to public use or owned by the state or a political subdivision thereof.

State Law reference— Similar provisions, 47 O.S. Â§ 1-142.

Passenger means a rider in any vehicle other than the driver.

Pedestrian means any person afoot.

State Law reference— Similar provisions, 47 O.S. Â§ 1-143.

Police officer means every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

State Law reference— Similar provisions, 47 O.S. Â§ 1-147.

Private road or *driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

State Law reference— Similar provisions, 47 O.S. Â§ 1-148.

Railroad means a carrier of persons or property operated upon stationary rails.

State Law reference— Similar provisions, 47 O.S. Â§ 1-149.

Railroad sign or *signal* means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

State Law reference— Similar provisions, 47 O.S. Â§ 1-150.

Railroad train means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rail.

State Law reference— Similar provisions, 47 O.S. Â§ 1-151.

Registration means the registration certificates and registration plates issued under the laws of the state pertaining to the registration of vehicles.

Residence district means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

State Law reference— Similar provisions, 47 O.S. Â§ 1-154.

Revocation of driver's license or *revocation of driving privilege* means the termination by formal action of the department of a person's driver's license or privilege to operate a motor vehicle on the public highways, such action shall include the requirement of the surrender to the department of public safety said person's driver's license.

State Law reference— Similar provisions, 47 O.S. Â§ 1-155.

Right-of-way means the privilege of the immediate use of the roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 1-156.

Road tractor means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular traffic, exclusive of the shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein refers to any such roadway separately but not to all such roadways collectively.

State Law reference— Similar provisions, 47 O.S. Â§ 1-158.

Safety zone or *island* means an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be

plainly visible at all times while set apart as a safety zone.

School bus means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately-owned and -operated for compensation for the transportation of children to or from school. The term "school bus" shall not include buses normally used in city transit which may be used part-time for transportation of school children within the city during some portion of the day.

State Law reference— Similar provisions, 47 O.S. Â§ 1-160.

Semi-trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests or is carried by another vehicle.

State Law reference— Similar provisions, 47 O.S. Â§ 1-162.

Shoulder means the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

State Law reference— Similar provisions, 47 O.S. Â§ 1-158.

Sidewalk means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

State Law reference— Similar provisions, 47 O.S. Â§ 1-163.

Solid tire means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

State Law reference— Similar provisions, 47 O.S. Â§ 1-164.

Stand or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

State Law reference— Similar provisions, 47 O.S. Â§ 1-167.

Stop, when required, means complete cessation from movement.

State Law reference— Similar provisions, 47 O.S. Â§ 1-169.

Stop or *stopping*, when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance of the directions of a police officer, a traffic-control sign or signal.

State Law reference— Similar provisions, 47 O.S. Â§ 1-170.

Street or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

State Law reference— Similar provisions, 47 O.S. Â§ 1-122.

Suspension of driver's license or *suspension of driver's privilege* means the temporary withdrawal by formal action of the department of a person's driver's license or privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to the department of public safety said person's driver's license.

State Law reference— Similar provisions, 47 O.S. Â§ 1-173.

Taxicab means and includes any motor vehicle for hire, designed to carry eight persons or less, operated upon any street or highway, or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported. This classification shall not include:

1. Motor vehicles of eight-passenger capacity or less operated by the owner where the cost of operation is shared by fellow workmen between their homes and the place of regular daily

employment, when not operated for more than two trips per day;

2. Motor vehicles operated by the owner where the cost of operation is shared by the passengers on a "share the expense plan"; or
3. Motor vehicles transporting students from the public school system when said motor vehicle is so transporting under contract with a public, private, or parochial school board or governing body.

State Law reference— Similar provisions, 47 O.S. Â§ 1-174.

Through street or highway means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided by law or ordinance.

State Law reference— Similar provisions, 47 O.S. Â§ 1-175.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances, either single or together, while using any highway for purposes of travel.

State Law reference— Similar provisions, 47 O.S. Â§ 1-177.

Traffic-control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop, proceed or proceed with caution.

State Law reference— Similar provisions, 47 O.S. Â§ 1-178.

Traffic lane means the portion of the traveled way for the movement of a single line of vehicles.

State Law reference— Similar provisions, 47 O.S. Â§ 1-179.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle; provided, however, this definition shall not include implements of husbandry as defined in 47 O.S. Â§ 1-125.

State Law reference— Similar provisions, 47 O.S. Â§ 1-180.

Truck means every motor vehicle designed, used or maintained primarily for the transportation of property.

State Law reference— Similar provisions, 47 O.S. Â§ 1-182.

Urban district means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

State Law reference— Similar provisions, 47 O.S. Â§ 1-185.

U-turn means turning a vehicle around so as to proceed in the opposite direction.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks; this shall not include implements of husbandry, electric personal assistive mobility devices, and motorized wheelchairs.

State Law reference— Similar provisions, 47 O.S. Â§ 1-186.

Yield means the yielding of the right-of-way to all vehicles or pedestrians approaching from the right or left intersecting street which are so close as to constitute an immediate hazard. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-102 Security Verification Form](#)

1. Unless otherwise provided by law, no motor vehicle shall be operated within the city unless there is in effect with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle within the city which is not owned by such person, shall maintain in force security for the bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless such security has been provided by the owner in accordance with this section which does not exclude the person from coverage. Proof of such security shall be carried in the vehicle at all times and shall be produced for inspection upon request by any law enforcement officer or representative of the department of public safety and, in case of collision, such proof shall be shown upon request of any person affected by the collision.
2. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department of public safety during operation of the vehicle:
 1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
 2. Any vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior, and which is in compliance with provisions of 47 O.S. Â§Â§ 7-600—7-607, according to the records of the state department of public safety which reflect a deposit, bond, self-insurance, or fleet policy;
 3. Any vehicle authorized for operation pursuant to a permit number issued by the interstate commerce commission or the corporation commission;
 4. Any licensed taxicab; and
 5. Any vehicle owned by a licensed motor vehicle dealer.
3. 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:

Compulsory Insurance Law means the law requiring liability insurance in conjunction with the operation of a motor vehicle in the state as found in 47 O.S. Â§ 7-606.

Online verification system for motor vehicle insurance is an online verification system for motor vehicle liability policies as required by the Compulsory Insurance Law which is provided and maintained by the department of public safety. Any law enforcement officer, to establish compliance with the Compulsory Insurance Law during a traffic stop or accident investigation, shall access information from the online verification system to verify the current validity of the policy described on a security verification form produced by the operator of each motor vehicle during the traffic stop or accident investigation. If compliance is not confirmed for the policy described on the security verification form produced by the operator and a subsequent investigation conducted by the officer verifies that the operator is not in compliance or if no security verification form is produced, the officer shall issue a citation to the operator for failure to comply with the Compulsory Insurance Law. Establishing compliance with the Compulsory Insurance Law through the online verification system shall not be the primary cause for law enforcement to stop a motor vehicle.

Operator's policy means an operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

Owner's policy means an owner's policy of liability insurance which:

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 subsection (3) of this definition, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
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 47 O.S. Â§ 7-204.*Security* means:
 1. A policy or bond meeting the requirements of 47 O.S. Â§ 7-204;
 2. A deposit of cash or securities having the equivalency of limits required under 47 O.S. Â§ 7-330 as acceptable limits for a policy or bond; or
 3. Self-insurance, pursuant to the provisions of 47 O.S. Â§ 7-503, having the equivalency of limits required under 47 O.S. Â§ 7-204 as acceptable limits for a policy or bond. *Security verification form* means a form, approved by the state insurance commissioner, verifying the existence of security required by the Compulsory Insurance Law of the state.
4. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in section 1-108 and court costs.
5. The nonresident owner of a motor vehicle not registered in the state may give proof of financial responsibility by providing proof of compliance with the financial responsibility laws of the state in which the vehicle is registered or by filing with the department of public safety a certificate of an insurance company authorized to transact insurance in the state in which the vehicle is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this section, and the department of public safety shall accept the same upon condition that the insurance company complies with the following provisions with respect to the policy so certified:
 1. The insurance company shall execute a power of attorney authorizing the department to accept service on its behalf or notice of process in any action arising out of a motor vehicle accident in the state; and
 2. The insurance company shall agree in writing that such policies shall be deemed to conform with the laws of the state relating to the terms of motor vehicle liability policies issued in the state. The provisions of this section shall apply to nonresident owners and operators of vehicles that are not registered in the state only if the state in which the vehicle is registered requires compulsory liability insurance. In such cases, compliance with the requirements of the law of the state of registration shall be deemed in compliance with the laws of the state.
6. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.
7. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such

person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. 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 liability coverage for the person was in force at the time of the alleged offense shall be entitled to dismissal of the charge. If proof of security verification is presented to the court by no later than the business day preceding the first scheduled court appearance date, the dismissal shall be without payment of court costs. The court may access information from the online verification system to confirm liability coverage. The court shall not dismiss the fine unless proof that liability coverage for the person was in force at the time of the alleged offense is presented to the court.

8. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the state department of public safety within five days reflecting the action taken by the court.

State Law reference— Similar provisions, 47 O.S. Â§ 7-601 et seq. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-103 Vehicle Owner Not To Permit Or Authorize Violation Of Law Or This Chapter

It is unlawful for any person to authorize or knowingly permit a motor vehicle owned by him, or under his control, to be driven upon any street in the city by any person who is not authorized to drive a motor vehicle under the laws of the state, or to be driven or to stand or to be parked in violation of any provision of this chapter. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-104 Parent Or Guardian Not To Authorize Or Permit Child Or Ward To Violate Chapter

It is unlawful for a parent of a child or the guardian of a ward to authorize or knowingly permit any such child or ward to violate any provision of this chapter. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-105 Adoption Of State Vehicle Laws

There is hereby adopted and incorporated herein by reference the state motor vehicle code, 47 O.S. Â§ 1-101 et seq., and the state "Rules of the Road," 47 O.S. Â§ 11-101 et seq., and all other misdemeanor traffic and motor vehicle violations in 47 O.S., as now exist and as may be from time to time amended. Such state laws as adopted herein by reference shall be fully enforceable by the city within the city limits as fully as if set out at length herein. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-2 TRAFFIC-CONTROL DEVICES Sec 15-201 Authority To Install Traffic-Control Devices

Sec 15-202 Design And Construction Of Traffic-Control Devices; Manual Of Specifications

Sec 15-203 Traffic Signs Required For Enforcement

Sec 15-204 Obedience To Official Traffic-Control Devices

Sec 15-205 Obedience To Signal Indicating Approach Of Train

Sec 15-206 Traffic-Control Signal Legend

Sec 15-207 Pedestrian-Control Signals

Sec 15-208 Flashing Signals

Sec 15-209 Pedestrian-Activated School Crossing Signal

Sec 15-210 Display Of Unauthorized Signs Or Signals, Political Signs

Sec 15-211 Defacing Or Removing Traffic-Control Devices

Sec 15-212 Designation Of Crosswalks And Safety Zones

Sec 15-201 Authority To Install Traffic-Control Devices

The city manager, subject to direction of the council, shall have placed and maintained traffic-control signs, signals and devices when and as required under the traffic ordinances of the city to make effective the provisions of such ordinances, and may have placed and maintained such additional

traffic-control signs, signals and devices as it may deem necessary to regulate traffic under the traffic ordinances of the city or under state law or to guide or warn traffic. The city manager may have traffic-control devices tested under actual conditions of traffic. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-202 Design And Construction Of Traffic-Control Devices; Manual Of Specifications

All traffic-control signs, signals and devices shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways," as published by the state department of transportation. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

State Law reference— Uniform manual adopted by state, state approval required on state highways, 47 O.S. Â§ 15-104 et seq. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-203 Traffic Signs Required For Enforcement

No provision 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 was 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.

State Law reference— Similar provisions, 47 O.S. Â§ 11-201. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-204 Obedience To Official Traffic-Control Devices

The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a police officer, subject to the exceptions granted in this chapter to the driver of an authorized emergency vehicle.

State Law reference— Similar provisions, 47 O.S. Â§ 11-201. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-205 Obedience To Signal Indicating Approach Of Train

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 2. A crossing gate is lowered or when a human flag person gives or continues to give a signal of the approach or passage of a railroad train;
 3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing; and
 5. The tracks at the crossing are not clear
2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

3. The operator of any Class A, B, or C commercial vehicle not required to stop at all railroad crossings, as prescribed in 47 O.S. Â§ 11-702, shall slow down and check that the tracks are clear of an approaching train.

State Law reference— Similar provisions, 47 O.S. Â§ 11-701. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-206 Traffic-Control Signal Legend

Whenever traffic is controlled by traffic-control signals exhibiting the word "Go," "Caution" or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used, and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. *Green alone or "Go."*
 1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign or barricade at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;
 2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
 3. Unless otherwise directed by a pedestrian-control signal, pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;
2. *Steady yellow alone.*
 1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited; and
 2. Pedestrians facing such signal, unless otherwise directed by a pedestrian control signal, are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles;
3. *Steady red alone or "Stop."*
 1. Vehicular traffic facing the signal shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection, and shall remain standing until indication to proceed is shown. However, vehicles in the right traffic lane after making a stop as above required may enter the intersection cautiously and make a right turn unless "No Turn on Red" signs are posted to prohibit right turns; but such vehicle shall yield the right-of-way to any pedestrian or other traffic in the intersection, and such turn shall not be made so as to interfere with traffic proceeding on a green signal indication on the cross street;
 2. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone or until authorized so to do by a pedestrian "Walk" signal; and
4. *Steady red with green arrow.*
 1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians

- lawfully within a crosswalk and to other traffic lawfully using the intersection;
2. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone or until authorized so to do by pedestrian "Walk" signal; and
 3. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made. In the absence of any such sign or marking, the stop shall be made at the signal.

State Law reference— Similar provisions, 47 O.S. Â§ 11-202. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-207 Pedestrian-Control Signals

Whenever special pedestrian-control signals exhibiting the term "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

1. "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; and
2. "Wait," "Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island while the "Wait" signal is showing.

State Law reference— Similar provisions, 47 O.S. Â§ 11-203. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-208 Flashing Signals

1. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
 1. *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, than before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and
 2. *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
2. This section shall not apply at railroad grade crossings.

State Law reference— Similar provisions, 47 O.S. Â§ 11-204. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-209 Pedestrian-Activated School Crossing Signal

Whenever a pedestrian-activated school crossing signal is provided, it requires obedience by vehicular traffic and pedestrians as follows:

1. *Flashing yellow.*
 1. When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection or past such signal only with caution; and
 2. Pedestrians shall not proceed in conflict with traffic, but may actuate the signal-control switch, and shall wait until steady red alone is shown before entering the roadway or intersection controlled by the signal;
2. *Steady yellow alone.*

1. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection or past the signal when the red or "Stop" signal is exhibited; and
2. No pedestrian shall enter the roadway or intersection on which the signal controls vehicular traffic until steady red alone is shown;
3. *Steady red.*
 1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or, if none, then before passing the signal or entering the intersection, and shall remain standing until flashing yellow is shown alone; and
 2. Pedestrians may proceed across the road controlled by the signal, and shall be given the right-of-way by the drivers of all vehicles; and
4. *Steady red and steady yellow combined.*
 1. Vehicular traffic facing the signal is thereby warned that the flashing yellow signal will be exhibited immediately thereafter, and that such vehicular traffic shall remain standing until the flashing yellow is shown alone; and
 2. Pedestrians are thereby warned that the flashing yellow signal is about to be shown, and shall not enter the signal-controlled roadway or intersection, or in a direction which conflicts with the movement of vehicular traffic; but any pedestrian who has partially completed his crossing shall proceed to the nearest sidewalk or safety island and shall be given the right-of-way by the drivers of all vehicles.

State Law reference— Similar provisions, 47 O.S. Â§ 11-205. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-210 Display Of Unauthorized Signs Or Signals, Political Signs

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 or 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 prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
4. The city is empowered to remove every such prohibited sign, signal, marking or device without notice.

State Law reference— Similar provisions, 47 O.S. Â§ 11-206. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-211 Defacing Or Removing Traffic-Control Devices

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, change the position of or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-212 Designation Of Crosswalks And Safety Zones

The city manager, subject to direction by the council, is authorized to:

1. Designate and have maintained by appropriate devices, marks or lines upon the surface of the roadway crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary; and
2. Establish safety zones or islands of such kind and character and at such places as he may deem necessary for the protection of pedestrians. HISTORY
Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-3 EQUIPMENT Sec 15-301 Equipment Required; Use Of Equipment

Sec 15-302 Muffler Required, Cutouts

Sec 15-303 Width, Height, Length, Weight And Load

Sec 15-304 Windshields To Be Unobstructed; Wipers Required

Sec 15-305 Inspection Of Vehicles

Sec 15-306 Vehicles To Be Registered, Display Of Tags

Sec 15-301 Equipment Required; Use Of Equipment

1. Every vehicle operated upon the streets of the city shall be equipped as required by 47 O.S. No person shall operate a vehicle upon a street of the city which is not equipped as required by state law.
2. No person shall fail to use such equipment in the manner required by state law, or use it in a manner prohibited by state law.

State Law reference— Equipment required on vehicles, 47 O.S. Â§ 12-101 et seq. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-302 Muffler Required, Cutouts

1. Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, and no person shall use a muffler cut-out, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in any manner which will amplify or increase the noise or sound emitted louder than that emitted by the muffler originally installed on the vehicle.
2. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke, or both.

State Law reference— Similar provisions, 47 O.S. Â§ 12-402. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-303 Width, Height, Length, Weight And Load

No person shall drive or convey through any street any vehicle the width, height, length, weight or load of which exceeds that authorized by state law, except in accordance with a permit issued by state authority or by the chief of police.

State Law reference— Vehicle size, weight and load, 11 O.S. Â§ 14-101 et seq. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-304 Windshields To Be Unobstructed; Wipers Required

1. 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:
Critical area means the area cleaned by the normal sweep of the windshield wiper blade on the driver's side. The area covered by the wiper blade cannot be reduced from manufacturer's original specifications.
Noncritical areas means all other areas.
Outright breakage means glass which is severely cracked or shattered to the extent that air

passes through it or, if by running a fingertip over the cracked area, the glass moves or sharp edges can be felt.

Star break or *shot damage* means a vented break with cracks radiating from the point of impact.

Stress or *hairline crack* means a crack which has no visible point of impact.

2. No person shall operate any motor vehicle which:
 1. Is not equipped with a windshield;
 2. Has any outright breakage in the windshield or in the window on either side of the driver;
 3. Has any star break or shot damage, three inches or more in diameter, located in the critical area; or
 4. Has two or more stress or hairline cracks, 12 inches or more in combined length, located in the critical area.
3. No person shall drive any motor vehicle with any sign, poster, other nontransparent material, or debris, including, but not limited to, snow, ice, or frost, upon the front windshield or the side wings, or side or rear windows or suspend any sign, poster, object, or other material from the interior of the vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway ahead or to either side or of any intersecting highway.
4. The windshield on every motor vehicle shall be equipped with an electric windshield wiper mechanism for cleaning rain, snow, or other moisture from the windshield.
5. Every windshield wiper blade and windshield wiper mechanism upon a motor vehicle shall be maintained in good working order. When replacing the wiper blade, the length of the blade shall not be reduced from the manufacturer's specification.

State Law reference— Similar provisions, 47 O.S. Â§ 12-404. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-305 Inspection Of Vehicles

Police officers may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair or the operator is not properly licensed, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

State Law reference— State officers may inspect vehicles, 47 O.S. Â§Â§ 13-102, 13-103. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-306 Vehicles To Be Registered, Display Of Tags

1. No person shall operate a vehicle of any kind upon a street of the city without a state vehicle license or tag as may be required by law.
 1. No citation may be issued by a law enforcement officer during the thirty (30) day period immediately succeeding the last day of the month during which a vehicle registration should have been renewed and a current license plate decal obtained and displayed on the license plate of the vehicle.
2. No person shall fail to display the state vehicle license or tag as required by law or attach any trailer hitch or other device in a manner as to cover or partially cover the vehicle license.
3. At all times while a vehicle is being used or operated on the roads of this municipality, the operator of the vehicle shall have in his or her possession or carry in the vehicle and exhibit upon demand to any peace officer either a:

1. Registration certificate or an official copy thereof;
2. True copy of rental or lease documentation issued for a motor vehicle;
3. Registration certificate or an official copy thereof issued for a replacement vehicle in the same registration period;
4. Temporary receipt printed upon self-initiated electronic renewal of a registration via the internet; or
5. Cab card issued for a vehicle registered under the International Registration Plan.

4. The provisions of subsection (C) of this section shall not apply to the first 30 days after purchase of a replacement vehicle. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Amended by Ord. 913(19) on 6/3/2019

Amended by Ord. 1010.22 on 7/18/2022

CHAPTER 15-4 CERTAIN VEHICLES PROHIBITED Sec 15-401 Vehicles Injurious To Streets; Metal Tires Prohibited

Sec 15-402 Obstructive And Dangerous Vehicles; Covering Of Loads

Sec 15-403 Permit For Vehicles With Protruding Parts On Wheels

Sec 15-404 Deposit Of Glass, Nails Or Other Injurious Matter In Streets; Responsibility To Remove After Accident

Sec 15-401 Vehicles Injurious To Streets; Metal Tires Prohibited

1. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
2. A person shall not operate or move on any hard-surfaced highway any vehicle having any metal tire in contact with the roadway, except when authorized by special permit.
- 3.
1. Any tire on a vehicle moved on a highway shall not have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible:
 1. To use farm tractors or implements of husbandry with tires having protuberances which will not injure the highway;
 2. To use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid; or
 3. For pneumatic tires equipped with or having on their periphery studs of metal, porcelain or other material to be sold or used in the state, if constructed to provide resiliency upon contact with the road surface, so that not more than three percent in the aggregate of the traction surface of such tire is composed of such studs and so that such studs do not project more than three thirty-seconds of an inch beyond the tread of the traction surface of such tire and have a rate of wear which will so limit such projection.
2. The exceptions permitted in subsection (C)(1) of this section shall be subject to the following restrictions:
 1. The use of such tires or tire chains shall be limited to vehicles with rated capacities up to and including two tons;
 2. Any tire so equipped shall not be used on a public highway earlier than November 1 of each year or later than April 1 of the following year; and
 3. Copies of this subsection (C) shall be posted in all places at which tires or tire chains are sold, and a printed or written warning on the time limitation for the use of such tires or

tire chains shall be furnished to each buyer, purchaser, or user by the seller of such studded tires or tire chains.

4. Operator selectable "on demand" studded tires having traction-enhancing studs located outside the normal tread area which allows their operation as conventional tires on dry roads or as studded tires on ice-coated roads by the expedient of reducing or increasing the air pressure within the tires, shall be exempt from the prohibitions of subsection (C) of this section with the following exceptions:
 1. The use of such tires shall be limited to vehicles with rated capacities up to and including two tons;
 2. Any such tire shall not be deflated so that the studs lower and make contact with the road surface earlier than November 1 of each year or later than April 1 of the following year.
5. A person shall not operate any vehicle when one or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than two-thirty-seconds inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire, provided such measurements shall not be made at the location of any tread wear indicator, tie bar, hump, or fillet. As used in this subsection, an unsafe tire includes, but is not limited to, any tire:
 1. On which the ply or cord is exposed in the tread area;
 2. Which has been regrooved or recut below the original groove depth, except tires that have been designed with under-rubber sufficient for regrooving and are so marked;
 3. Marked "Farm Implement Only," "Not for Highway Use," or any other marking that would indicate that the tire is not for normal highway use, provided no such marking shall be altered or removed;
 4. On which any bulges, bumps, or knots show in the tread or sidewall area; or
 5. On the front steering axle of a truck-tractor which has tread depth measuring less than four-thirty-seconds inch.
6. Every wheel on a vehicle shall not be cracked and shall be securely fastened to the hub of the vehicle with all lug nuts properly affixed.
7. No vehicle or combination of vehicles, weighing eight tons or more, loaded or unloaded, shall be driven or moved on Eastern Avenue, between SW 34th Street and Indian Hills Road, within the corporate limits of the city. This subsection shall not apply to vehicles owned and operated by public utility corporations or the city while such vehicles are being used in the performance of their official duties.

(Ord. No. 152(96), 4-15-1996; Ord. No. 202(97), 8-18-1997) HISTORY

Amended by Ord. 841(16) on 12/19/2016

Sec 15-402 Obstructive And Dangerous Vehicles; Covering Of Loads

1. No person shall drive any vehicle in such condition, so constructed, or so loaded as to cause delay or be likely to cause delay in traffic, or as to constitute a hazard to persons or property, except by permit issued by the city and in accordance with the terms of such permit.
2. No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

3. No person shall operate on any street any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders or other loose materials susceptible to blowing or escaping by reason of wind shall have such load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.
4. This section shall not apply to trucks loaded with livestock, poultry or agricultural products only, except baled agricultural products; however, any such trucks shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

State Law reference— Similar provisions, 47 O.S. Â§ 14-105. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-403 Permit For Vehicles With Protruding Parts On Wheels

It is unlawful for any person to drive, pull or move, otherwise than by hauling, upon the paved streets of the city, any tractor or other vehicle with lugs, flanges or other protruding parts upon the surface of the wheels of the same, without first obtaining a written permit from the city engineer. Such permit shall not be granted unless all lugs, flanges or other protruding parts upon the surface of the wheels are first removed, or unless a base or board way is laid upon the paved street for the wheels of such vehicle to run upon so as to keep the wheels from coming in contact with the pavement and so as to entirely protect the pavement from the wheels. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-404 Deposit Of Glass, Nails Or Other Injurious Matter In Streets; Responsibility To Remove After Accident

1. It shall be unlawful for any person to place, or cause to be placed, or let fall and remain, in or upon any street, any scrap iron, nail, tack, glass or other thing which is likely to injure persons or damage property, or to render a street unsafe for traffic.
2. Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle. The owner of the vehicle, or insurer of the owner of the vehicle if the owner's insurance policy provides coverage for such expense, shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees. The cost of the removal of the vehicle and any storage fees shall be the same as established by the corporation commission for non-consensual tows.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1110. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-5 DRIVING, OVERTAKING AND PASSING Sec 15-501 Driving On Right Side Of Roadway, Exception

Sec 15-502 Passing Vehicles Proceeding In Opposite Direction

Sec 15-503 Passing Vehicle On Left

Sec 15-504 Passing Vehicle On Right

Sec 15-505 Passing Requirements, Duty Of Overtaken Vehicle

Sec 15-506 Passing Prohibited

Sec 15-507 Designation Of No-Passing Zones

Sec 15-508 School Buses; Markings; Passing Regulations

Sec 15-509 Driving On Laned Roadways, Marking Traffic Lanes

Sec 15-510 Driving On Divided Highways

Sec 15-511 Following Too Closely

Sec 15-512 Restricted-Access Roadways

Sec 15-513 Driving Through Service Drives

Sec 15-514 Reckless Driving

Sec 15-515 Careless Or Negligent Driving
 Sec 15-516 Inattention To Driving; Texting While Driving
 Sec 15-517 Driving Over Fire Hose
 Sec 15-518 Following Fire Or Emergency Apparatus
 Sec 15-519 Procedure On Approach Of Emergency Vehicles
 Sec 15-520 Driving Under The Influence While Under Age
 Sec 15-521 Driver's License Required
 Sec 15-522 Driving While License Suspended, Use Of False License
 Sec 15-523 Permitting Unlicensed Person To Drive
 Sec 15-524 Driving Through Funeral Processions
 Sec 15-525 Driving In Funeral Procession
 Sec 15-526 Identification Of Funeral Processions
 Sec 15-527 Use Of Roller Skates, Coasters, Skateboards On Roadway
 Sec 15-528 Play Streets Authorized
 Sec 15-529 Use Of Play Streets By Motor Vehicles
 Sec 15-530 Obstructing Intersection Or Crosswalk
 Sec 15-531 Driving On Sidewalk Prohibited
 Sec 15-532 Driving In Public Parks And Other Properties Restricted
 Sec 15-533 Driving On Property Without Permission
 Sec 15-534 Starting Stopped Or Parked Vehicles
 Sec 15-535 Backing Of Vehicle
 Sec 15-536 Opening And Closing Vehicle Door
 Sec 15-537 Obstructions To Driver's View, Number In Front Seat; Overloading School Bus
 Sec 15-538 Clinging To Vehicle
 Sec 15-539 Boarding Or Alighting From Moving Vehicle
 Sec 15-540 Riding Outside Vehicle Compartment
 Sec 15-541 Driving Through Safety Zone
 Sec 15-542 Child Passenger Restraint System Or Seat Belt Required; Exceptions; Penalty
 Sec 15-543 Seat Belts Required For Front Seat Passengers; Exceptions
 Sec 15-544 Certain Vehicles To Stop At All Railroad Crossings
 Sec 15-545 Approaching Stationary Emergency Vehicle Displaying Flashing Lights
 Sec 15-546 Procedures For Motor Vehicles Required To Merge In Maintenance And Construction Zones
 Sec 15-501 Driving On Right Side Of Roadway, Exception

1. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 1. When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movement;
 2. When an obstruction exists making it necessary to drive to the left of the center of the highway, provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 3. Upon a roadway divided into three marked lanes for traffic under the laws applicable thereon;
 4. Upon a roadway restricted to one-way traffic; or
 5. Upon a roadway having four or more lanes for moving traffic and providing for two-way movement of traffic.
2. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when

available for traffic, or as close as practicable to the right-hand curb or edge of the roadway and may be temporarily driven upon the right-hand shoulder for the purpose of permitting other vehicles to pass. This subsection shall not apply when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (A)(2) of this section. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-301. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-502 Passing Vehicles Proceeding In Opposite Direction

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the traveled portion of the roadway as nearly as possible.

State Law reference— Similar provisions, 47 O.S. Â§ 11-302. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-503 Passing Vehicle On Left

The following requirements shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special requirements hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle;
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle; and
3. Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

State Law reference— Similar provisions, 47 O.S. Â§ 11-303. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-504 Passing Vehicle On Right

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 1. When the vehicle overtaken is making or about to make a left turn;
 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked with lines for two or more lanes of traffic in each direction; and
 3. Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two more lines of moving vehicles.
2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by

driving off the pavement or main-traveled portion of the roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-304. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-505 Passing Requirements, Duty Of Overtaken Vehicle

1. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle must return to the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.
2. Except as provided elsewhere in this chapter, the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
3. Every driver who intends to pass another vehicle proceeding in the same direction, which requires movement of his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.
4. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

State Law reference— Similar provisions, 47 O.S. Â§ 11-305. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-506 Passing Prohibited

1. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 2. When traversing an intersection or railroad grade crossing; or
 3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.
2. It is a violation to pass on the left by going to the left of the center of the roadway across a double-marked centerline for the purpose of passing a vehicle traveling in the same direction.
3. This section shall not apply upon a one-way roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-306. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-507 Designation Of No-Passing Zones

1. The state department of transportation as regards state and federal highways, and the city manager, subject to direction of the council, as regards all other streets, are authorized to determine those portions of a highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and shall, by appropriate signs or markings on the roadway, have the beginning and end of such zones indicated. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

2. Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive to the left side of the roadway within such no-passing zone or on the left side of any pavement stripping designed to mark such no-passing zone through its length.

State Law reference— Similar provisions, 47 O.S. Â§ 11-307. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-508 School Buses; Markings; Passing Regulations

1. The driver of a vehicle upon any street or highway in the city upon meeting or overtaking from either direction any school bus on which the red loading signals are in operation and which has stopped for the purpose of receiving or discharging any school children and other occupants shall stop the vehicle before it reaches the school bus. The driver may then proceed to pass such school bus at a speed which is reasonable and prudent and with due caution for the safety of such school children and other occupants after the loading signals are deactivated.
2. Every school bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight inches in height and, in addition, shall be equipped with visual signs meeting the requirements of state law which shall be actuated by the driver of the school bus whenever, but only whenever, such vehicle is stopped on a street or highway for the purpose of receiving or discharging school children.
3. The driver of a vehicle upon a street or highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is part of or adjacent to such street or highway and where pedestrians are not permitted to cross the roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-705. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-509 Driving On Laned Roadways, Marking Traffic Lanes

1. The city manager, subject to direction of the council, is authorized to have traffic lanes marked upon the roadway or any street where a regular alignment of traffic is necessary.
2. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:
 1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety and has properly signaled his intentions to do so;
 2. Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign posted to give notice of such allocation; and
 3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.
3. Where traffic lanes have been marked, no operator of any vehicle shall fail or refuse to keep the vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making lawful turning movement or otherwise authorized by ordinance.

State Law reference— Similar provisions, 47 O.S. Â§ 11-309. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-510 Driving On Divided Highways

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or peace officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through a permanent opening in the dividing space, barrier or section or at a permanent cross-over or intersection as established unless specifically prohibited by public authority. No vehicle shall be driven over, across or within any temporary opening in a dividing space, barrier or section or at a temporary cross-over or intersection unless specifically authorized by a public authority or at the direction of a peace officer.

State Law reference— Similar provisions, 47 O.S. Â§ 11-311. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-511 Following Too Closely

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and the condition of the highway. Such driver following too closely shall be deemed negligent.

State Law reference— Similar provisions, 47 O.S. Â§ 11-310. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-512 Restricted-Access Roadways

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

State Law reference— Similar provisions, 47 O.S. Â§ 11-312. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-513 Driving Through Service Drives

No vehicle shall be driven through any service drive or parking area except for the purpose of attaining service or merchandise or for the purpose of parking thereon. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-514 Reckless Driving

1. It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property.
2. Any person convicted of violating this section shall be punished by a fine not to exceed \$500.00 and shall pay court costs.

State Law reference— Similar provisions, 47 O.S. Â§ 11-901. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Amended by Ord. 1026.23 on 6/5/2023

Sec 15-515 Careless Or Negligent Driving

1. No person shall drive, use, operate, park, cause to be parked, or stop any vehicle:
 1. In a careless manner;
 2. In a negligent manner;
 3. In such a manner as to endanger life, limb, person or property; or
 4. In such a manner or condition as to interfere with the lawful movement of traffic or use of the streets.

2. Every driver of a motor vehicle shall, upon stopping, or upon stopping and leaving the vehicle, park the same in a careful and prudent manner and place so as not to interfere with the operation of other vehicles or with pedestrians or other traffic. Failure to comply with these requirements shall be deemed careless driving in violation of this section.
3. Any driver who operates or continues to operate his vehicle when any other person riding thereon or therein engages in any activity or does any act which interferes with his operation thereof is guilty of careless driving.

4. A driver of a motor vehicle who collides with another vehicle or with any person or property because of driving error is guilty of careless driving. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-516 Inattention To Driving; Texting While Driving

1. Every driver shall remain alert and give full attention to the safe control and operation of his vehicle while it is in motion. Any driver who engages in any activity or does any act while driving that interferes with the safe operation and control of his vehicle is guilty of inattention to driving. A driver of a motor vehicle who collides with another vehicle or with any person or property because of inattention is guilty of careless driving.
2. 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.
3. Any person who violates the provisions of subsection (A) of this section shall, upon conviction, be punished by a fine of not more than \$100.00 or the maximum designated by state law.
4. The provisions of subsection (B) of this section shall not apply if the person is using a cellular or electronic device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:
 1. An emergency responder;
 2. A hospital, physician's office or health clinic;
 3. A provider of ambulance services;
 4. A provider of firefighting services; or
 5. A law enforcement agency.

5. 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:

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.

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.

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. The term "electronic communication device" 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 a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function.

Text message includes a text-based message, instant message, electronic message, photo, video, or electronic mail.

State Law reference— Similar provisions, 47 O.S. Â§ 11-901d. HISTORY

Adopted by Ord. 808(15) on 10/19/2015

Amended by Ord. 841(16) on 12/19/2016

Sec 15-517 Driving Over Fire Hose

No vehicle shall be driven over any unprotected hose of a 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.

State Law reference— Driving over fire hose, 47 O.S. Â§ 11-1109. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-518 Following Fire Or Emergency Apparatus

1. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
2. The driver of any vehicle other than one on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the highway at that location. For the purpose of this subsection the definition of emergency shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion. The purpose of this subsection is to eliminate sightseers and other persons who do not have official business at the scene of an emergency, and whose presence would tend to cause traffic congestion.

(Ord. No. 506, 2-5-1990)

State Law reference— Similar provisions, 47 O.S. Â§ 11-1108. HISTORY

Amended by Ord. 841(16) on 12/19/2016

Sec 15-519 Procedure On Approach Of Emergency Vehicles

1. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of the state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. 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.

State Law reference— Similar provisions, 47 O.S. Â§ 11-405. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-520 Driving Under The Influence While Under Age

1. It is unlawful, and punishable as provided in subsection (C) of this section, for any person under 21 years of age to drive, operate, or be in actual physical control of a motor vehicle within the state who:
 1. Has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two hours after an arrest of the person;
 2. Exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person's blood, breath, saliva, or urine in accordance with the provisions of 47 O.S. Â§Â§ 752 and 759; or

3. Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.
2. As used in this section, the term "other intoxicating substance" means any controlled dangerous substance as defined in 63 O.S. Â§ 2-101 et seq., or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.
3. Any person under 21 years of age who violates any provisions of subsection (A) of this section shall, upon conviction, be guilty of driving under the influence while under age. A violator shall be punished for a first offense by a fine of not less than \$100.00 nor more than \$200.00 or by completion of 20 hours of community service, or by requiring the person to attend and complete a treatment program, or by any combination of fine, community service, or treatment.
 1. The court may assess additional community service hours in lieu of any fine specified in this section.
 2. In addition to any penalty imposed pursuant to the provisions of this section, the person may be subject to:
 1. The cancellation or denial of driving privileges as ordered by the court pursuant to 47 O.S. Â§ 6-107.1;
 2. The seizure of the driver's license at the time of arrest or detention, and the administrative revocation of driving privileges by the department of public safety pursuant to 47 O.S. Â§ 754; and
 3. The mandatory revocation of driving privileges pursuant to 47 O.S. Â§ 6-205.1, which revocation period may be modified as provided by law.
 4. Nothing in this section shall be construed to prohibit the filing of charges pursuant to 47 O.S. Â§ 761 or 47 O.S. Â§ 11-902 when the facts warrant.
 5. When the municipal court has determined that a person under the age of 18 years has committed any offense described in subsection (A) of this section, or that a person 18, 19, or 20 years of age has committed an offense described in this section, the court shall notify the department of public safety on a form prescribed by the department as provided in 47 O.S. Â§ 6-107.2.
 6. The notice shall include the name, date of birth, physical description and, if known, the driver's license number of the person. The notice shall contain a recommendation to the department to cancel or deny driving privileges for a specified period of time, in the discretion of the court, except as otherwise provided by law, as follows:
 1. For a period not to exceed six months;
 2. For a period not to exceed one year;
 3. For a period not to exceed two years; or
 4. Until the person attains 21 years of age.

The court shall send a copy of the notice to the person first class, postage prepaid.
 7. In addition to the administrative revocation of driving privileges pursuant to 47 O.S. Â§ 754 and the mandatory revocation of driving privileges pursuant to 47 O.S. Â§ 6-205.1, this section applies to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, or consumption of beer, alcohol, or any beverage containing alcohol and to any crime, violation,

interaction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, consumption, ingestion, inhalation, injection, or absorption of any controlled dangerous substance as defined by 63 O.S. Â§ 2-101(8) or any substance which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor functions.

8. Any person whose driving privileges are canceled or denied pursuant to this section may file a petition for relief based upon error or hardship pursuant to 47 O.S. Â§ 6-107.2.

State Law reference— Similar provisions, 47 O.S. Â§ 11-906.4. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-521 Driver's License Required

No person shall drive or operate any motor vehicle on any public roadway within the city unless such person has a current, not suspended or revoked, valid driver's or chauffeur's license as required by state law.

State Law reference— Similar provisions, 47 O.S. Â§ 6-303. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-522 Driving While License Suspended, Use Of False License

1. No person shall:
 1. Display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, photo static or fraudulently altered operator's or chauffeur's license;
 2. Lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
 3. Display or represent as his own any operator's or chauffeur's license not issued to him; or
 4. Permit any unlawful use of an operator's or chauffeur's license issued to him.
2. No person shall drive a motor vehicle on any public street within the city at a time when his privilege to do so is cancelled, suspended or revoked. This includes persons who operate a motor vehicle with a suspended set-up number that has been issued by the department of public safety.

State Law reference— Similar provisions, 47 O.S. Â§Â§ 6-303, 6-305. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-523 Permitting Unlicensed Person To Drive

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street in the city by any person who is not authorized or licensed to drive a motor vehicle under the laws of the state or under the laws of the state of the driver's residence of record.

State Law reference— Similar provisions, 47 O.S. Â§ 6-305. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-524 Driving Through Funeral Processions

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 as required in this chapter.
 2. This section shall not apply at intersections where traffic is controlled by police officers.
- HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-525 Driving In Funeral Procession

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable except when otherwise directed or escorted by a police officer. Each driver shall follow the vehicle ahead as closely as is practicable and safe and at a speed as designated by the escort for the procession.

State Law reference— Similar provisions, 47 O.S. Â§ 11-315. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-526 Identification Of Funeral Processions

A funeral composed of a procession of vehicles shall be identified by headlights turned on or by the display upon the outside of each vehicle an identifying insignia or by such other method as may be determined and designated by the police department. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-527 Use Of Roller Skates, Coasters, Skateboards On Roadway

1. No person shall operate, ride upon, or propel any roller skates, coasters, skateboards, toy vehicles or similar devices on or over any of the following places:
 1. On any roadway within the city except while crossing a street in a crosswalk;
 2. On any sidewalk or street abutting a business within the city, including, but not limited to, parking areas and sidewalks used for ingress and egress to any place of business;
 3. On any public property where signs are posted prohibiting such use, such as parking lots, bicycle or jogging paths;
 4. In any concrete or asphalt drainage ways, storm sewers or culverts (whether posted or not); or
 5. On private property where a sign prohibiting such items or activity has been posted by the owner, lessee, or person in charge of the property.
2. Operators of roller skates, coasters, skateboards, toy vehicles or similar devices shall yield the right-of-way to other pedestrians using public walkways and shall not otherwise endanger or interfere with pedestrian traffic on those walkways.
3. The provisions of subsection (A) of this section shall not apply to any public street, sidewalk, alley, plaza or parking, which has been closed or set aside for the purpose of a community event, celebration or festival for which a revocable permit has been approved and the use of such items or activity has been approved.
4. The enforcement officer may issue a warning on a first offense when in the judgment of the enforcement officer a warning will be sufficient to alleviate the problem. If an offender is under the age of 18 years, a parent or guardian of the offender shall be notified and shall be mailed or handed a copy of the written warning or citation.
5. Any person found guilty of this section shall be punished as provided in section 1-108. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-528 Play Streets Authorized

The city manager, subject to direction by the council, if any, shall have authority to declare any street or part thereof a play street and have placed appropriate signs or devices in the roadway indicating and helping to protect the same. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-529 Use Of Play Streets By Motor Vehicles

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then such drivers shall exercise the greatest care in driving upon any such street or portion thereof. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-530 Obstructing Intersection Or Crosswalk

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-531 Driving On Sidewalk Prohibited

Except as provided in 47 O.S. Â§ 11-805.3, the driver of a vehicle shall not drive upon a sidewalk or within any sidewalk area except at a permanent or temporary driveway.

State Law reference— Power of city to prohibit driving on sidewalks, 11 O.S. Â§ 22-117. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-532 Driving In Public Parks And Other Properties Restricted

1. No person shall drive, operate or propel a motor vehicle or motor-driven cycle, including a motor scooter or motor-driven bicycle, in any park, public property or right-of-way or easement, within or owned by the city, except upon established roadways or roadways designed for vehicular traffic. A vehicle may be driven a reasonable distance from the roadway for the purpose of going to and from a parking place.
2. No person shall drive, operate or propel a motor vehicle or motor-driven cycle past any barrier, sign or other device indicating that vehicular traffic is prohibited in, upon or through any area upon which vehicular traffic is prohibited.
3. Emergency vehicles are exempt from the provisions of this section. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-533 Driving On Property Without Permission

1. It is unlawful for any person to operate any motor vehicle of any size driven by a motor of any size on or within any private property except where the operator of the motor vehicle has first obtained the consent of the owner of the property in writing.
2. Motor driven vehicles may be driven a reasonable distance from the street only when the operator is going to or from a parking stall or space. Emergency vehicles such as police, fire, civil defense or other emergency motor driven vehicles are exempt from the provisions of this section. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-534 Starting Stopped Or Parked Vehicles

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

State Law reference— Similar provisions, 47 O.S. Â§ 11-603. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-535 Backing Of Vehicle

The driver of a vehicle shall not back the same unless such movement can be made without interfering with other traffic. No vehicle shall be backed upon any street except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be done only after the driver of the vehicle has ascertained that such movement

can be made without endangering other traffic.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1102. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-536 Opening And Closing Vehicle Door

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so. No person shall leave a door open on the side of a motor vehicle available to moving traffic to load or unload passengers.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1105. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-537 Obstructions To Driver's View, Number In Front Seat; Overloading School Bus

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, 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.
3. No school bus shall be operated on the streets or highways in the state when loaded with passengers in excess of the number for which such bus is designed to carry. The number of passengers determined by the local school board which the bus is designed to carry shall be posted in a conspicuous place on the bus. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-538 Clinging To Vehicle

No person riding upon any bicycle, motorized scooter, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1204. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-539 Boarding Or Alighting From Moving Vehicle

No person shall board or alight from any vehicle while such vehicle is in motion. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-540 Riding Outside Vehicle Compartment

1. No operator of a motor vehicle shall allow a passenger to ride outside the passenger compartment of the vehicle on the streets of the city, provided this subsection shall not apply to persons so riding on private property or for parades or special events, while in the parade procession, nor shall this section apply to passengers riding while sitting or kneeling on the floor of the bed of a pickup truck. Any person convicted of violating the provisions of this subsection shall be punished by a fine of \$10.00 and shall pay court costs of \$15.00, provided the department of public safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this section.
2. No person shall ride, hang, or stand outside the passenger compartment of any vehicle while on the streets of the city, except this section shall not apply to persons so riding on private property or for parades or special events, while in the parade procession, nor shall this section apply to persons riding as a passenger in the bed of a pickup truck so long as the person is kneeling or sitting on the floor of the bed of the pickup truck.
3. This section shall not apply to employees engaged in the necessary discharge of duties while riding in the space of a truck intended for merchandise.

(Ord. No. 30(92), 7-20-1992)

State Law reference— Similar provisions, 47 O.S. Â§ 11-1114. HISTORY

Amended by Ord. 841(16) on 12/19/2016

Sec 15-541 Driving Through Safety Zone

No vehicle shall at any time be driven through or within a safety zone or island.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1301. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-542 Child Passenger Restraint System Or Seat Belt Required; Exceptions; Penalty

1. 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:

Child passenger restraint system means an infant or child passenger restraint system that meets the federal standards as set by 49 CFR 571.213.

2. Every driver when transporting a child under eight years of age in a motor vehicle operated on the roadways, streets, or highways of the state, shall provide for the protection of said child by properly using a child passenger restraint system as follows:
 1. A child under four years of age shall be properly secured in a child passenger restraint system. The child passenger restraint system shall be rear-facing until the child reaches two years of age or until the child reaches the weight or height limit of the rear-facing child passenger restraint system, whichever occurs first.
 2. A child at least four years of age but younger than eight years of age, if not taller than four feet nine inches in height, shall be properly secured in either a child passenger restraint system or child booster seat.
 3. If a child is eight years of age or is taller than four feet nine inches in height, a seat belt properly secured to the vehicle shall be sufficient to meet the requirement of this section.
3. This section shall not apply to:
 1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to city ordinance, state statute, or federal law;
 2. The driver of an ambulance or emergency vehicle;
 3. A driver of a vehicle if all of the seat belts in the vehicle are in use;
 4. The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason;
 5. The transportation of a child who weighs more than 40 pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat is not properly equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than 40 pounds; provided, however, for purposes of this subsection, the term "back seat" shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church; Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this subsection if, at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than 40 pounds.

4. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provision of this section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.
5. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained by motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.
6. Any person convicted of violating this section shall be punished by a fine of \$50.00, or the maximum amount allowed by state law, whichever is greater, and shall pay court costs. This fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. The fine need not be suspended if the child was being transported in a motor vehicle already equipped with a child passenger restraint system.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1112. HISTORY

Adopted by Ord. 809(15) on 10/19/2015

Amended by Ord. 841(16) on 12/19/2016

Sec 15-543 Seat Belts Required For Front Seat Passengers; Exceptions

1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger car operated in the city shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purposes of this section, the term "passenger car" shall mean a Class D motor vehicle, but shall not include trucks, truck-tractors, recreational vehicles, motorcycles, motorized bicycles or vehicles used primarily for farm use and licensed pursuant to 47 O.S. Â§ 1134.
2. This section shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in the state that he is unable to wear a safety seat belt system for medical reasons. The issuance of such verification by a physician, in good faith, shall not give rise to, nor shall such physician thereby incur, any liability whatsoever, in damages or otherwise, to any person injured by reason of such failure to wear a safety seat belt system.
3. This section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.
4. Any person convicted of violating this section shall be punished by a fine of \$20.00, or the maximum amount allowed by state law, whichever is greater.

(Ord. No. 423, 2-2-1987)

State Law reference— Similar provisions, 47 O.S. Â§ 12-417. HISTORY

Amended by Ord. 841(16) on 12/19/2016

Sec 15-544 Certain Vehicles To Stop At All Railroad Crossings

1. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicles within 50 feet but not less than 15 feet from the nearest rail of such railroad, and while so stopped, shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and

upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

2. No stop need be made at any such crossing where a police officer or traffic-control signals direct traffic to proceed.

State Law reference— Similar provisions, 47 O.S. Â§ 11-702. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-545 Approaching Stationary Emergency Vehicle Displaying Flashing Lights

The driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle that is displaying a flashing combination red or blue light or any combination of red or blue lights, shall:

1. If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, the driver shall proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle; or if the driver is not able to change lanes or if to do so would be unsafe, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and
2. If traveling on a highway other than a highway described in subsection (A) of this section, the driver shall proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

State Law reference— Similar provisions, 47 O.S. Â§ 11-314. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-546 Procedures For Motor Vehicles Required To Merge In Maintenance And Construction Zones

1. When any highway has been closed to traffic while the highway is flooded or under repair, maintenance or construction and traffic-control devices or barricades have been erected, it shall be unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance and repair of the highway or to persons entering therein for the protection of lives or property, provided that persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.
2. Whenever construction, repair and maintenance of any highway is being performed under traffic, the city or other authority shall erect, or cause to be erected, traffic-control devices to warn and guide the public. Each person using the highway shall obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area. As used in this subsection, the term "construction or maintenance area" means any area upon or around any highway that is visibly marked as an area where construction, repair, and maintenance is temporarily occurring. The construction or maintenance area also includes the lanes of highway leading up to the area upon which an activity described in this section is being performed, beginning at the point where properly posted traffic-control devices start to warn and guide the public into and through the construction or maintenance, including, but not limited to, instructions to merge from one lane into another lane, to reduce speed, or to follow directions of flagmen.
3. The "Merge Now" traffic-control device that is used to warn and guide the public using the highway to merge, shall be located no greater than one mile nor less than 1,500 feet in advance of the highway construction or maintenance area. Whenever any traffic-control device requires traffic to merge due to the closure of a section or lane of highway, the merge shall be

completed:

1. As soon as practicable after passing the traffic-control device; and
2. Without passing any other traffic proceeding in the same direction.
4. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any highway under the provisions of this section.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1302. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-6 STOPPING, STANDING AND PARKING ARTICLE 15-6A PARKING REGULATIONS

ARTICLE 15-6B MANNER OF PARKING

ARTICLE 15-6A PARKING REGULATIONS Sec 15-601 Stopping, Standing Or Parking Prohibited In Certain Places

Sec 15-602 Handicapped Parking Restrictions

Sec 15-603 Parking Not To Obstruct Traffic Or Signs

Sec 15-604 Parking For Certain Purposes Prohibited

Sec 15-605 Double Parking

Sec 15-606 Removing Enforcement Marking

Sec 15-607 Standing Or Parking On Left Side Of Roadway

Sec 15-608 Parking On Private Property; Impounding Of Vehicle

Sec 15-609 Driving Or Parking On Commercial Business Property Restricted; Signs

Sec 15-610 Parking More Than 24 Hours

Sec 15-611 Unattended Vehicles

Sec 15-612 Authority To Restrict Parking Time

Sec 15-613 Parking In Private Parking Spaces Without Permission Of Owner

Sec 15-614 Prohibiting Parking Within Fire Lanes On Certain Private Property

Sec 15-615 Limiting Parking To Authorized Emergency Vehicles

Sec 15-601 Stopping, Standing Or Parking Prohibited In Certain Places

1. Except as otherwise provided in subsection (B) of this section, no person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
 1. On a sidewalk;
 2. In front of a public or private driveway;
 3. Within 15 feet of a fire hydrant;
 4. Within an intersection;
 5. On a crosswalk;
 6. Within 20 feet of a crosswalk at an intersection;
 7. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
 8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the authority having jurisdiction indicates a different length by signs or marking;
 9. Within 50 feet of the nearest rail of a railroad crossing;
 10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly

- signposted);
11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 13. Upon any bridge or other elevated structure upon a highway or within a highway underpass;
 14. At any place where official signs prohibit stopping.
2. No person engaging in the collection and disposal of solid waste or recycling material, or both, as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act (27A O.S. Â§ 2-10-101 et seq.), shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
 1. On a sidewalk;
 2. Within an intersection;
 3. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 4. Upon any bridge or other elevated structure upon a highway or within a highway underpass; or
 5. At any place where official signs prohibit stopping.
 3. No person shall move a vehicle not lawfully under the control of the person into any prohibited area or away from a curb such distance as is unlawful.
 4. No person shall park any vehicle in front of any show, theater, or place of amusement during any performance or entertainment therein, or while patrons are in such place either before the commencement or after the close of any performance. The police or fire chief shall plainly indicate such non-parking spaces by appropriate signs or markings.
 5. No person shall park, stand, stop or store a motor vehicle on the following streets or during the time limits indicated after signs are posted accordingly:
 1. West Main Street, commencing at the intersection of West Main and Telephone Road to the intersection of West Main Street and Irving Drive;
 2. Broadway Avenue, from the intersection of Broadway Avenue and the north city limit to the intersection of Broadway Avenue and the south city limit within the city;
 3. Janeway Avenue, from the intersection of Janeway Avenue and Northwest Twenty-Seventh Street to the intersection of Janeway Avenue and Southwest Fourth Street within the city, excepting the east side of the maintained portion of Janeway Avenue from the intersection of Janeway Avenue and Northwest Fifth Street to the intersection of Janeway Avenue and Southwest Fourth Street within the corporate limits;
 4. Julie Street;
 5. Northeast Twelfth Street, on either side where such street abuts the Moore Community Park, between the hours of 12:01 a.m. and 6:00 a.m. on each day;
 6. Northeast Twenty-first Street, commencing at the place where such street connects with North Broadway Street, thence eastward to and across the drainage ditch or canal passing under the street, thence eastward to and through the curve to the left to the place and point where such curve is completed and such street commences its direction to the north;

7. Southwest First Street, south side from the intersection of Southwest First Street and Telephone Road to the intersection of Southwest First Street and Janeway Avenue in the city;
8. E. Main Street from and including the intersection of E. Main Street and Telephone Road to and including the intersection of E. Main Street and S. Ramblin Oaks Drive within the city; and
9. Messenger Lane, on either side of Messenger Lane beginning at NE 12th Street and extending south a distance of 960 feet.
10. The south half of Southwest 10th street beginning at the edge of the driveway to 804 SW 10th Street and extending to the north edge of the driveway to 1205 South Janeway Avenue.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1003. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Amended by Ord. 983(21) on 7/19/2021

Sec 15-602 Handicapped Parking Restrictions

- 1.
1. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability under the provisions of 47 O.S. Â§ 15-112, and such placard is displayed as provided in 47 O.S. Â§ 15-112 or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled license plate, a disabled veterans license plate or a Purple Heart recipient license plate pursuant to the provisions of 47 O.S. Â§ 1135.1 or 1135.2, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act (47 O.S. Â§ 1101 et seq.), or has been issued a disability sticker issued by the Department of Veterans Affairs and/or federal military bases, or a physically disabled placard or license plate issued by another state.
2. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.
- 2.
1. Violation of these provisions shall be a misdemeanor and, upon conviction, the person shall be fined up to \$200.00, provided any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to 47 O.S. Â§ 15-112(D)(4) or (D)(5) shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within 30 days of the issuance of the citation a notice from the department of public safety that the person has obtained a valid placard pursuant to the provisions of 47 O.S. Â§ 15-112(D).
2. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1007. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Amended by Ord. 1011.22 on 7/18/2022

Amended by Ord. 1034.23 on 10/2/2023

Sec 15-603 Parking Not To Obstruct Traffic Or Signs

1. No person shall park a vehicle within a street or alley in such a manner or under such conditions as to prohibit the free movement of authorized emergency vehicles or vehicular traffic.
2. No person shall stop, stand or park a vehicle within a street or alley in such a position as to block the driveway entrance to any abutting property.
3. No person shall at any time stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, in compliance with the directions of a police officer or traffic-control device or in case of emergency within any alley except for the purpose of and while actually engaged in loading or unloading merchandise, with the maximum time permitted for loading or unloading being as provided in this Code or as posted; however, such vehicle must be headed in the proper direction in the alley and it must be parked on the right half of one-way alleys.
4. Any vehicle parked upon the public streets or right-of-way shall be parked so as not to obstruct the view of any flashing beacon, stop sign or traffic-control signal by oncoming traffic.

HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-604 Parking For Certain Purposes Prohibited

No person shall park his vehicle upon any street or highway, as defined in section 15-101, any dedicated right-of-way, or any easement shown on any plat maps of the city, for the principle purpose of:

1. Displaying the vehicle for sale;
2. Displaying advertising or displaying merchandise;
3. Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency; and
4. Selling merchandise or any other thing from vehicles without appropriate permit or license from the city. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-605 Double Parking

Double parking is permitted for a period of not to exceed ten minutes and only if a competent driver licensed under state law remains in complete control of the vehicle. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-606 Removing Enforcement Marking

No person, with intent to extend the time during which a motor vehicle can be parked at a time-restricted parking space, shall remove, erase, obliterate, smudge or otherwise delete or disfigure any chalk or any other mark or symbol used by authorized employees of the city in connection with the enforcement of motor vehicle parking restrictions. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-607 Standing Or Parking On Left Side Of Roadway

1. The city manager, subject to direction of the council, may determine when standing or parking may be permitted upon the left-hand side of any one-way roadway and to have signs or marks placed giving notice thereof.
2. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand

side of such one-way roadway unless signs or marks are placed to permit such standing or parking. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-608 Parking On Private Property; Impounding Of Vehicle

1. No person shall park a vehicle on the private property of another without the consent of the owner of the property, his agent or tenant.
2. Any unoccupied vehicle parked in violation of this section may, upon complaint of the property owner, his agent or tenant, be removed and impounded by the property owner; and the vehicle owner must pay removal, storage and impounding fees. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-609 Driving Or Parking On Commercial Business Property Restricted; Signs

1. It is unlawful for any person to drive or park a motor vehicle onto the driveway, parking area or any portion of the premises of any business or commercial property if signs are posted.
2. This section shall be enforced as to all private property where a sign shall have been posted in a clearly visible location stating substantially as follows:
"PRIVATE PROPERTY. NO PARKING OR TRESPASSING." HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-610 Parking More Than 24 Hours

No person shall park a vehicle on any street for a period of time longer than 24 hours. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-611 Unattended Vehicles

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the street.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1101. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-612 Authority To Restrict Parking Time

1. The city council, by resolution, may establish parking time limits, or prohibit parking on designated streets by having appropriate signs placed thereon.
2. When such signs are in place, no person shall park a vehicle in violation thereof. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-613 Parking In Private Parking Spaces Without Permission Of Owner

1. The parking, leaving or keeping of vehicles, either with or without occupants, upon real property owned or leased for use of hotels or business establishments as private parking places, without permission of the owner or lessee, as the case may be, is hereby prohibited.
2. Any vehicle parked or left in violation of subsection (A) of this section shall, upon the complaint of the owner or lessee of the property, be removed from the premises by the property owner or his designee, at the expense of the owner of the vehicle. Such removal may be accomplished by the property owner or his designee directing any person operating a towing service to pull the vehicle to his garage or place of business, where it shall be held in the custody of the towing company until the towing charges, if any, are paid. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-614 Prohibiting Parking Within Fire Lanes On Certain Private Property

The city manager, or his authorized representative, when the public safety shall require, is authorized and directed to prohibit parking upon private property used for shopping centers, schools, hospitals, nursing homes, restaurants and places of public entertainment within zones to be clearly designated and defined by appropriate sign, when the same is necessary for the establishment of

fire lanes to avoid obstruction of free passage and access. No person shall stop, stand or park a vehicle, except an authorized emergency vehicle, within such prohibited fire lanes, except on direction and by authority of a police officer. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-615 Limiting Parking To Authorized Emergency Vehicles

The city manager, subject to any directions which the city council may give, is authorized to designate streets or portions thereof where parking is limited to authorized emergency vehicles. When signs are in place giving notice of such limitation, it shall be unlawful for any person to park any vehicle, except an authorized emergency vehicle, upon any such street or portion thereof. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

ARTICLE 15-6B MANNER OF PARKING Sec 15-621 Distance From Curb

Sec 15-622 Brakes To Be Set: Motor Not To Be Running: Securing Animals

Sec 15-623 Angle Parking

Sec 15-624 Parking Within Marked Spaces

Sec 15-625 Parking To Be Such As To Leave Ten Feet Of Roadway Available For Traffic

Sec 15-621 Distance From Curb

Except as otherwise provided in this section, every vehicle stopped or parked upon roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 18 inches of the right-hand curb. Every vehicle stopped and parked upon the left-hand side of a one-way street where there are adjacent curbs shall be parked or stopped with the left-hand wheels parallel to and within 18 inches of the left-hand curb. A person engaging in the collection and disposal of solid waste or recycling material, or both, as a business, pursuant to the provisions of the Oklahoma Solid Waste Management Act (27A O.S. Â§ 2-10-101 et seq.), shall be exempt from the provisions of this section while in the performance of such activities.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1004. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-622 Brakes To Be Set: Motor Not To Be Running: Securing Animals

Adequate brakes shall be set on all parked vehicles. No driver of a motor vehicle shall leave the vehicle with the motor running while parked. Animals left or parked on the streets shall be securely hitched. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-623 Angle Parking

1. The city manager, subject to direction of the council, may determine upon what streets and parts of streets angle parking will be permitted and authority shall continue until changed permitting angle parking on any such street or part of street and until the angle parking markings or signs are amended.
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.
3. Angle parking is not permitted on any state or federal-aid highway unless the state department of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-624 Parking Within Marked Spaces

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off and not on or over a line delineating a space. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-625 Parking To Be Such As To Leave Ten Feet Of Roadway Available For Traffic

No person shall park a vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet of the width of roadway for the free movement of vehicular traffic. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-7 SPEED REGULATIONS Sec 15-701 Speed Limit

Sec 15-702 Special Speed Regulations

Sec 15-703 Minimum Speed

Sec 15-704 Speed Limits In Construction Zones

Sec 15-701 Speed Limit

1. Notwithstanding a maximum speed limit enumerated in this Code, no person shall drive a vehicle upon any alley, highway, roadway, street or public parking area at a speed greater than or less than is reasonable or prudent under the conditions then existing, considering visibility, amount of traffic, condition of roadway surface, presence of pedestrians, obstruction of view and other similar facts.
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.
3. Except when a special hazard exists that requires lower speed for compliance with subsection (A) of this section, the limits specified in this chapter or established as authorized shall be maximum lawful speeds. No person shall drive a vehicle on a highway at a speed in excess of such maximum limits as follows:
 1. 25 miles per hour on any street, except as may be posted otherwise; and
 2. 25 miles per hour in any designated school zone under the following conditions, unless a different speed limit is otherwise designated and posted:
 1. When signed with the legend "When Flashing" and flashing lights are in operation; and
 2. When signed with the legend "When Children Are Present." A child shall be considered present when he is within 15 feet of the curb or edge of the street within a school zone or near enough so that a potential hazard exists with motorized traffic.
4. The city manager has authority to post lower speed limits than those presented in this chapter where special hazards exist.
5. The fact that the speed of a vehicle is lower than the designated limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow winding roadway, or when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle or on entering the roadway in compliance with legal requirement and the duty of all persons to use due care and precaution.
6. The driver of every vehicle shall, consistent with the requirements of subsection (A) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

(Ord. No. 504, 2-5-1990)

State Law reference— Similar provisions, 47 O.S. Â§ 11-801. HISTORY

Amended by Ord. 841(16) on 12/19/2016

Sec 15-702 Special Speed Regulations

1. Speed limits are hereby established, except in school zones, on state and federal highways in the city as follows, and no person shall drive a motor vehicle at a speed in excess of such limits:

delim(@@) tab(); lw(23.3n) lw(23.3n) lw(23.3n). T{ Street Name

T} T{ Section

T} T{ Miles Per Hour

T} T{ Janeway Street

T} T{ North city limits to SW 4th

T} T{ 30 T} T{ Santa Fe

T} T{ NW 12th to SW 4th

T} T{ 35 T} T{ Santa Fe

T} T{ SW 19th to south city limits

T} T{ 40 T} T{ Telephone Road

T} T{ SW 19th to SW 34th Street

T} T{ 45 T} T{ Telephone Road

T} T{ SW 34th to south city limits

T} T{ 40 T} T{ Broadway

T} T{ North city limits to N 18th Street

T} T{ 40 T} T{ Broadway

T} T{ S 4th to S 19th

T} T{ 40 T} T{ Broadway

T} T{ S 19th to south city limits

T} T{ 45 T} T{ Eastern

T} T{ NE 27th to SE 4th

T} T{ 40 T} T{ Bryant

T} T{ North city limits to NE 27th

T} T{ 40 T} T{ NE 27th

T} T{ Eastern to Bryant

T} T{ 35 T} T{ N 12th

T} T{ Santa Fe to Estell

T} T{ 35 T} T{ NE 12th

T} T{ Estell to Sunnylane

T} T{ 40 T} T{ NW 5th

T} T{ I-35 to Broadway

T} T{ 35 T} T{ Main

T} T{ I-35 to Broadway

T} T{ 30 T} T{ Main

T} T{ Broadway to Eastern

T} T{ 35 T} T{ SE 19th

T} T{ Bryant to Sunnylane

T} T{ 50 T} T{ SE 19th

T} T{ Broadway to Eastern

T} T{ 35 T} T{ SW 34th

T} T{ West city limits to I-35

T} T{ 25 T} T{ SW 34th

T} T{ Railroad to Eastern

T} T{ 35 T} T{ SW 34th

T} T{ Eastern to Broadway
T} T{ 40 T} T{ SE 34th
T} T{ Sunnyslane to Sooner
T} T{ 40 T} T{ SE 34th
T} T{ Sooner to east city limits
T} T{ 35 T} T{ Indian Hills
T} T{ Eastern to Bryant
T} T{ 35 T}

2. Any special speed zones inconsistent with these regulations are expressly amended.

(Ord. No. 540, 12-4-1990) HISTORY

Amended by Ord. 779(14) on 7/21/2014

Amended by Ord. 841(16) on 12/19/2016

Sec 15-703 Minimum Speed

It is unlawful for any person to drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation. Police officers are hereby authorized to enforce this provision by directions to drivers and in the event of willful disobedience to this provision or refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be unlawful and constitute a blocking of traffic and a violation of this section. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-704 Speed Limits In Construction Zones

Where any municipal street or roadway shall be under construction, maintenance or repair and a maximum safe, careful, and prudent speed shall have been determined by the city manager, during the period of the construction, maintenance, or repairs and shall have been plainly posted at each terminus thereof and at various points as necessary along the route thereof the determined maximum speed, no person shall drive any vehicle upon the portion of the municipal street or roadway at a speed in excess of the speed so determined and posted. Violation of the posted speed limit in the repair, maintenance, or construction zone shall result in the doubling of the appropriate fine. For purposes of this section, the term "repair, maintenance, or construction zone" means any location where repair, maintenance, or construction work is actually in progress and workers present.

State Law reference— Similar provisions, 47 O.S. Â§ 11-804. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-8 RIGHT-OF-WAY Sec 15-801 Right-Of-Way At Intersection

Sec 15-802 Right-Of-Way At Intersections, Vehicles Arriving At Same Time

Sec 15-803 Left Turn At Intersection

Sec 15-804 Designation Of Through Streets

Sec 15-805 Signs At Through Streets

Sec 15-806 Determination Of Stop And Yield Intersections

Sec 15-807 Vehicles Entering Stop Intersections

Sec 15-808 Vehicle Entering Yield Intersection

Sec 15-809 School Zones And Crosswalks

Sec 15-810 Emerging From Alley Or Driveway

Sec 15-811 Obstructing Intersection Or Crosswalk

Sec 15-801 Right-Of-Way At Intersection

1. The driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.

2. When two vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
3. The right-of-way rules declared in subsections (A) and (B) of this section are modified at through highways and otherwise as stated in this chapter.
4. The driver of a vehicle approaching a "T" intersection, traveling down the base of the "T" intersection approaching a dead end must yield the right-of-way to all traffic.

State Law reference— Similar provisions, 47 O.S. Â§Â§ 11-401, 11-403. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-802 Right-Of-Way At Intersections, Vehicles Arriving At Same Time

1. Where two or more vehicles face stop, slow, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way.
2. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided that the driver of a vehicle on a street which is not a state or federal highway approaching an intersection with a state or federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard.
3. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-803 Left Turn At Intersection

The driver of a vehicle within an intersection intending to turn to the left shall give a signal and yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. However, the driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn, and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law reference— Similar provisions, 47 O.S. Â§ 11-402. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-804 Designation Of Through Streets

The city manager, subject to direction of the council, may designate any street or part of street as a through street. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-805 Signs At Through Streets

Whenever the city manager designates and describes a through street, the city manager shall have placed and maintained a stop sign, or if deemed more appropriate at any intersection a yield sign, on each and every street intersection such through street, and a heavy-traffic street not so designated. Stop signs shall be erected at the approaches of either of the streets as may be determined by the manager if deemed desirable. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-806 Determination Of Stop And Yield Intersections

1. The city manager, subject to direction by the council, is authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:
 1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or
 2. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in section 15-807, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.
2. Every stop sign and every 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.
3. Every stop sign shall bear the word "Stop" in letters not less than eight inches in height. Every yield sign shall bear the word "Yield" in letters not less than seven inches in height. Every stop sign and every yield sign shall, at nighttime, be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in the face of the sign. HISTORY
Adopted by Ord. 841(16) on 12/19/2016
[Sec 15-807 Vehicles Entering Stop Intersections](#)

1. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
2. Such driver, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard. The driver having so yielded may proceed only when it is prudent and apparently safe to do so.

State Law reference— Similar provisions, 47 O.S. Â§ 11-703. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-808 Vehicle Entering Yield Intersection](#)

1. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary and yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. If such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.
2. The driver of a vehicle approaching a yield sign is required for safety to stop, and shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-703. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-809 School Zones And Crosswalks](#)

1. The city manager, subject to direction by the council, is authorized to erect signs to designate school zones and school zone crosswalks.
2. No person may drive a vehicle past a school sign or through a school zone at a speed greater than that posted on school days or when children are present, all as posted. Drivers proceeding in a school zone shall stop and yield the right-of-way to pedestrians in school zone crosswalks when so directed by a school safety patrol member or when such crosswalk is occupied by pedestrians between the hours on school days or when children are present, all as posted.
3. Any driver involved in a school zone crosswalk collision with a pedestrian after failing to slow and yield the right-of-way to such pedestrian shall be deemed prima facie in violation of this section. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-810 Emerging From Alley Or Driveway

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-704. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-811 Obstructing Intersection Or Crosswalk

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-9 TURNING MOVEMENTS Sec 15-901 Method Of Turning Generally And At Intersections

Sec 15-902 Authority To Place Turning Markers

Sec 15-903 Authority To Restrict Turning; Obedience Required

Sec 15-904 Limitations On Turning, U-Turns

Sec 15-905 Turning Or Stopping Movements; Signals Required

Sec 15-906 Signals; Method Required

Sec 15-907 Method Of Giving Hand Signals

Sec 15-901 Method Of Turning Generally And At Intersections

1. The driver of a vehicle intending to turn at an intersection shall do so as follows:
 1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
 2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection; and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection; and
 3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme

left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. After entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

2. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by this section, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until such movement can be made with reasonable safety.

State Law reference— Similar provisions, 47 O.S. Â§Â§ 11-601, 11-604. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-902 Authority To Place Turning Markers

1. The city manager, subject to direction by the council, is authorized to have placed markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. Such course to be traveled shall be indicated.
2. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-903 Authority To Restrict Turning; Obedience Required

1. The city manager, subject to direction by the council, may determine those intersections at which drivers of vehicles shall not make a right turn, left turn 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.
2. Whenever authorized signs are erected indicating that no right turn, left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-904 Limitations On Turning, U-Turns

1. Except as hereinafter provided, no person shall operate a vehicle so as to turn more than 90 degrees on any street or highway.
2. Persons excepted are those who can safely execute that turn if at an intersection, but it is unlawful for the driver of a vehicle to make such a turn at any intersection:
 1. Where traffic-control signals are installed;
 2. Where a police officer is directing traffic, except at the latter's direction; or
 3. Where an official no U-turn sign has been placed and is maintained.

HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-905 Turning Or Stopping Movements; Signals Required

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by ordinance, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
2. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

State Law reference— Similar provisions, 47 O.S. Â§ 11-604. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-906 Signals; Method Required

1. Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (B) of this section.
2. Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

State Law reference— Similar provisions, 47 O.S. Â§ 11-605. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-907 Method Of Giving Hand Signals

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner:

1. *Left turn.* Hand and arm extended horizontally;
2. *Right turn.* Hand and arm extended upward.; A person operating a bicycle may extend his or her right hand and arm downward to his or her right side.
A person operating a bicycle may extend his or her right hand and arm horizontally to his or her right; and
3. *Stop or decrease speed.* Hand and arm extended downward.

State Law reference— Similar provisions, 47 O.S. Â§ 11-606. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Amended by Ord. 988(21) on 10/4/2021

CHAPTER 15-10 ONE-WAY STREETS AND ALLEYS Sec 15-1001 Authority To Designate One-Way Streets

Sec 15-1002 One-Way Streets, Direction Of Traffic

Sec 15-1003 Rotary Traffic Islands

Sec 15-1001 Authority To Designate One-Way Streets

1. The city council, by resolution, may designate any street or alley or part thereof as a one-way street or alley. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
2. The following streets are hereby designated as one-way streets:
 1. I-35 service road, east, between Southwest Fourth Street and Northwest Eighteenth Street within the city limits, northbound;
 2. I-35 service road, west, between Southwest Fourth Street and Northwest Twelfth Street within the city limits, southbound.

HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1002 One-Way Streets, Direction Of Traffic

Upon those streets and parts of streets in those alleys and parts of alleys designated as one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating

the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

State Law reference— Similar provisions, 47 O.S. Â§ 11-308. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1003 Rotary Traffic Islands

A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

State Law reference— Similar provisions, 47 O.S. Â§ 11-308. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-11 TRUCK ROUTES AND PARKING Sec 15-1101 Truck Routes; Map Multiple Citations; Impoundment

Sec 15-1102 Permits Required For Operation On Certain Streets

Sec 15-1103 LPG Prohibitions

Sec 15-1104 Compliance With State Law

Sec 15-1105 Trucks Transporting Flammable Liquids, Hazardous Material Not To Be Left Unattended More Than 15 Minutes

Sec 15-1101 Truck Routes; Map Multiple Citations; Impoundment

1. The council, by motion or resolution, may prescribe routes through the city for the use of trucks in general or trucks of particular kinds or other vehicles which are not ordinary private passenger vehicles passing through the city. The city shall see that appropriate and adequate signs are placed along such routes so that drivers of such vehicles may follow the routes.
2. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed as provided herein, while passing through the city, shall keep on such route and shall not deviate therefrom except in case of emergency. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the city and not merely through the city.
3. The city clerk shall keep and maintain accurate maps setting out the truck routes designated by the city.
4. Any truck which has been involved in two or more driving or parking violations for which citations have been issued and not paid as required shall be subject to impoundment upon the issuance of the third citation. The enforcing officer shall make all reasonable efforts to contact the owner or operator before impoundment. The costs of impoundment shall be paid by the owner before any impounded truck is released. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1102 Permits Required For Operation On Certain Streets

1. No person, except in case of emergency, shall drive or operate a bus or truck larger than a 1½-ton truck upon any minor or collector street without a permit issued by the city.
2. The city clerk shall issue a permit as provided herein upon application and approval by the city manager or his designee. A fee shall be charged and collected for such permit which shall state the time and street upon which the vehicle is to be operated. A permit is valid only for the date and time issued. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1103 LPG Prohibitions

1. It is unlawful for any person to drive a liquefied petroleum or hazardous material truck, whether empty or loaded, in the city. Liquefied petroleum or hazardous material trucks may be driven on through streets as designated by the city, but may not be parked for any purpose on any public street in the city. No truck, trailer, storage building or any other structure containing hazardous materials in bottles, buckets, barrels or any other container may be parked

for any purpose on a public street in the city. Such hazardous materials may be removed at the expense of the owner, by the city manager or designee, to storage in a proper location until the city judge shall direct that such hazardous materials be returned to the rightful owner or otherwise disposed of as provided by law.

2. For the purpose of this section, the following streets are hereby designated as through streets: North 27th Street, North 12th Street, South 4th Street, South 19th Street, South 34th Street, Sunnyside, Bryant, Eastern, Broadway, South Telephone south of Southwest 4th Street, Santa Fe, Interstate 35, North Moore or Shields north of Northwest 27th Street, and others as may be designated. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1104 Compliance With State Law

All persons owning liquefied petroleum gas or hazardous material trucks shall comply with all state laws, the city liquefied petroleum gas regulations, and have in force adequate public liability and property damage insurance.

(Prior Code, Â§ 9-82) HISTORY

Amended by Ord. 841(16) on 12/19/2016

Sec 15-1105 Trucks Transporting Flammable Liquids, Hazardous Material Not To Be Left Unattended More Than 15 Minutes

It is unlawful for any person to park a truck or vehicle transporting explosives, gasoline or other flammable liquids, combustible liquids or hazardous materials and to leave the same unattended within the city. Such truck or vehicle may be left parked within an agricultural district or may be parked unattended on any street or alley only for an emergency and then only for a period of time not to exceed 15 minutes. Such a truck shall in no way obstruct traffic using the street or alley.

(Prior Code, Â§ 9-62) HISTORY

Amended by Ord. 841(16) on 12/19/2016

CHAPTER 15-12 LOADING ZONES Sec 15-1201 Authority To Designate Curb Loading Zones

Sec 15-1202 Parking Or Standing In Passenger Loading Zones Restricted

Sec 15-1203 Standing Or Parking In Freight Loading Zones

Sec 15-1204 Permit To Back To Curb For Loading Or Unloading

Sec 15-1201 Authority To Designate Curb Loading Zones

The city manager, subject to direction of the council, may determine the location of passenger and freight curb loading zones, and shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1202 Parking Or Standing In Passenger Loading Zones Restricted

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for period not to exceed three minutes. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1203 Standing Or Parking In Freight Loading Zones

1. 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. In no case shall the stop for loading or unloading of materials exceed 30 minutes.
2. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading

passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1204 Permit To Back To Curb For Loading Or Unloading](#)

1. The city manager is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The traffic engineer may revoke such permits at any time.
2. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued under this section. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[CHAPTER 15-13 PUBLIC CARRIER STOPS](#) [Sec 15-1301 Authority To Designate Public Carrier Stops](#)

[Sec 15-1302 Bus Stops, Restrictions](#)

[Sec 15-1303 Taxi Stands, Loading Passengers](#)

[Sec 15-1304 Restricted Use Of Bus And Taxicab Stands](#)

[Sec 15-1301 Authority To Designate Public Carrier Stops](#)

The city manager, subject to direction of the council, may establish bus stops, stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such manner as it determines to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1302 Bus Stops, Restrictions](#)

1. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand.
2. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated, except in case of an emergency.
3. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1303 Taxi Stands, Loading Passengers](#)

The operator of a taxicab shall not stand or park such vehicle upon any street or any place other than in a taxicab stand so designated. This section shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1304 Restricted Use Of Bus And Taxicab Stands](#)

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed; except that the driver of a passenger vehicle may temporarily stop therein for the purpose

of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter such zone. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-14 ACCIDENTS Sec 15-1401 Accidents Involving Death Or Personal Injury

Sec 15-1402 Accidents Involving Damage To Property

Sec 15-1403 Duty To Give Information And Render Aid

Sec 15-1404 Duty Upon Striking Unattended Vehicle

Sec 15-1405 Duty Upon Striking Fixtures Upon A Highway

Sec 15-1406 Immediate Notice Of Accident

Sec 15-1407 When Driver Unable To Report

Sec 15-1401 Accidents Involving Death Or Personal Injury

The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 15-1403. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1402 Accidents Involving Damage To Property

1. The driver of any vehicle involved in an accident resulting only in apparent damage to property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible. The driver shall remain at the scene of such accident until he has fulfilled the requirements of section 15-1403. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with the requirements under such circumstances shall be guilty of a misdemeanor.
2. If the damage resulting from such accident is to the property of the driver only, with no damage to the person or property of another, the driver need not stop at the scene of the accident but shall make report of the damage resulting. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1403 Duty To Give Information And Render Aid

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall, upon request and if available, exhibit his driver's license and his security verification form, as defined in this Code, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

State Law reference— Similar provisions, 47 O.S. Â§ 10-104. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1404 Duty Upon Striking Unattended Vehicle

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the correct name and address of the driver and owner of the vehicle striking the unattended vehicle, and provide the operator or owner with information from his security verification form, as defined in this Code, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and providing information from his security verification form, as defined by this Code, and a statement of the circumstances thereof.

State Law reference— Similar provisions, 47 O.S. Â§ 10-105. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1405 Duty Upon Striking Fixtures Upon A Highway

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his driver's license and his security verification form, as defined in this Code, and shall make report of such accident when and as required in section 15-1407.

State Law reference— Similar provisions, 47 O.S. Â§ 10-106. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1406 Immediate Notice Of Accident

The driver of a vehicle involved in any accident shall immediately, by the quickest means of communication, give notice of such accident to the police department, on forms provided by the police department, after complying with the requirements of section 15-1403. A report shall be made on forms provided by the department. Where personal injury or death occurs, the driver of the vehicle shall remain at the scene of the accident until police officers arrive, except in cases of personal injury requiring immediate attention.

State Law reference— Similar provisions, 47 O.S. Â§ 10-107. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1407 When Driver Unable To Report

1. An accident report is not required under this chapter from any person who is physically incapable of making report during the period of such incapacity.
2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in section 15-1406 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

State Law reference— Similar provisions, 47 O.S. Â§ 10-111. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-15 MOTORCYCLES Sec 15-1501 Operation Of Motorcycle

Sec 15-1502 Equipment Required

Sec 15-1503 Headgear Required

Sec 15-1504 License Required

Sec 15-1505 Minibikes, Dirt Bikes, Trail Bikes Restricted On Operations

Sec 15-1501 Operation Of Motorcycle

1. No person shall operate a motorcycle or motor-driven cycle, including a motor scooter or motor-driven bicycle, on a street in the city during a time when state law prohibits the operation of such vehicle.
2. No driver of a three-wheel motor vehicle or motor driven bicycle shall carry any other person on, upon or within such vehicle on any street in the city, except as hereinafter provided. If any two-or three-wheel motor vehicle with a wheel diameter of 12 inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such side car attachment for each person riding therein so that such person shall be seated entirely within the body of the side car, it shall be permissible for an operator who has attained the age of 16 or older to carry a passenger. A demonstration ride by a licensed dealer or his employee is excepted from the provisions hereof.

3. No motorcycle or motor scooter shall be ridden upon any sidewalk.
4. Handlebars on motorcycles and motor scooters shall not exceed 12 inches in height, measured from the crown or point of attachment.
5. No rider of a motorcycle or motor scooter shall hold to any moving vehicle for the purpose of being propelled.
6. No driver of a motorcycle, motor scooter or bicycle shall pass other vehicles between lanes of traffic traveling in the same direction, authorized emergency vehicles excepted.
7. No person shall operate any motorcycle or any motor scooter at a speed greater than the speed limit legally posted. In no event nor at any time may an operator under the age of 16 years operate a motorcycle or motor scooter at a speed greater than 35 miles per hour.
8. A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached thereto.

State Law reference— Restriction on transporting others by motorcycles, motorized scooters, etc., 47 O.S. Â§ 11-1103; speed limitation on motorcycles, motorized scooters, etc., 47 O.S. Â§ 11-805. **HISTORY**

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1502 Equipment Required

The following equipment shall be required on all motorcycles and all motor scooters except when attached on actual trail rides conducted outside of public streets, roads and highways:

1. *Rear-view mirrors.* All vehicles covered under this chapter shall be equipped with two mirrors, containing a reflection surface of not less than three inches in diameter, mounted one on each side of the vehicle and positioned so as to enable the operator to clearly view the roadway for a distance of 200 feet to the rear of his vehicle;
2. *Windshield.* All vehicles covered under this section shall be equipped with a windshield of sufficient quality, size and thickness to protect the operator from foreign objects, except that in lieu of such windshield the operator shall wear goggles or face shield of material and design to protect him from foreign objects;
3. *Brakes.* All vehicles covered under this chapter shall be equipped with brakes adequate to control the movement of same to stop and hold such vehicles, including two separate means of applying the brakes, one of which is effective to apply the brakes to the front wheel and one of which is effective to apply the brakes to the rear wheels. All such vehicles shall be equipped with a stop lamp on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight, and which shall be actuated upon application of the service brake;
4. *Speedometer.* All vehicles covered under this chapter shall be equipped with a properly operating speedometer capable of registering at least the maximum legal speed limit for the vehicle;
5. *Fender.* All vehicles covered under this chapter shall be equipped with a fender over each wheel. All fenders shall be of the type provided by the manufacturer;
6. *Lights.* All vehicles covered under this chapter shall carry at least one lighted head lamp capable of showing a white light visible at least 300 feet in the direction in which the same are proceeding, and one tail lamp mounted in the rear which, when lighted, shall omit a red light plainly visible from at least 300 feet to the rear; and such lights required by this chapter shall be burning whenever such vehicles are in motion during the period from one-half hour after sunset and one-half hour before sunrise and at any other time when, due to insufficient light

or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of at least 500 feet ahead;

7. *Red reflectors.* All vehicles covered under this chapter shall carry on the rear thereof, either as a part of the tail light or separately, at least one red reflector which shall be of such size and characteristics as to be visible at night from all distances within 350 feet to 100 feet from the vehicle when directly in front of lawful upper beams of headlights on motor vehicles;
8. *Muffler.* No person shall operate a vehicle covered under this section with an exhaust system modified so that motor noise is increased greater than that of the original muffler equipment provided by the manufacturer of the vehicle.

State Law reference— Similar provisions, 47 O.S. Â§ 12-601 et seq. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1503 Headgear Required](#)

No person under 18 years of age shall operate or ride upon any motorcycle unless such person is properly wearing a crash helmet of a type which complies with standards established by 49 CFR 571.218.

State Law reference— Similar provisions, 47 O.S. Â§ 12-609(B). HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1504 License Required](#)

All operators of motorcycle or motor-driven cycle shall have a current, valid license issued by the state and conform to any specific restriction contained thereon. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1505 Minibikes, Dirt Bikes, Trail Bikes Restricted On Operations](#)

It is unlawful for any person to operate within the city limits a minibike, trail bike or dirt bike within 300 feet of a residential dwelling. However, minibikes used by regularly organized units of any Shrine Temple shall be exempt from the provisions of this section while being used in any parade or other function of such body. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[CHAPTER 15-16 BICYCLES Sec 15-1601 Effects Of Regulations, Parent's Duty](#)

[Sec 15-1602 Applicability Of Traffic Laws](#)

[Sec 15-1603 Obedience To Traffic-Control Devices](#)

[Sec 15-1604 Manner Of Riding Bicycle](#)

[Sec 15-1605 Riding On Roads And Bicycle Paths](#)

[Sec 15-1606 Speed Restrictions](#)

[Sec 15-1607 Carrying Articles](#)

[Sec 15-1608 Parking](#)

[Sec 15-1609 Riding On Sidewalk Prohibited](#)

[Sec 15-1610 Lights And Brakes](#)

[Sec 15-1611 Rider Not To Cling To Other Vehicle](#)

[Sec 15-1612 Emerging From Alley, Driveway Or Building](#)

[Sec 15-1613 Dealers To Report](#)

[Sec 15-1614 Penalty](#)

[Sec 15-1601 Effects Of Regulations, Parent's Duty](#)

1. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.
2. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to the exceptions stated herein.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1201. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1602 Applicability Of Traffic Laws

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 the state declaring rules and or road applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1202. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1603 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, or permitted under this section.
2. A person operating a bicycle approaching a stop sign shall:
 1. Slow down,
 2. If required to avoid an immediate hazard, stop at the stop sign before entering the intersection,
 3. Cautiously enter the intersection and yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection,
 4. If the person operating a bicycle determines there is no immediate hazard, he or she may cautiously make a right or left turn, or proceed through the intersection without stopping at the stop sign.
3. A person operating a bicycle approaching a steady red traffic-control signal shall:
 1. Make a complete stop at the steady red traffic-control signal before entering the intersection, and
 2. Yield the right of way to all oncoming traffic that constitutes an immediate hazard during the time that he or she is moving across or within the intersection.
 3. If a person operating a bicycle determines there is no immediate hazard, he or she may proceed through the steady red traffic-control signal with caution.
 4. A person operating a bicycle may make a right-hand turn at a steady red traffic-control signal without stopping after slowing to a reasonable speed and yielding the right-of-way, if required, to oncoming traffic that constitutes an immediate hazard, or
 5. Left-hand turn onto a one-way street at a steady red traffic-control signal after stopping and yielding to oncoming traffic that constitutes an immediate hazard.
4. Whenever authorized signs are erected indicating that no right turn, left turn 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 such turn, in which event such person shall then obey the regulations applicable to pedestrians.

HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Amended by Ord. 988(21) on 10/4/2021

Sec 15-1604 Manner Of Riding Bicycle

1. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
3. A person shall ride a bicycle only in the manner in which it is designed and equipped to carry the person.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1203. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1605 Riding On Roads And Bicycle Paths

1. Every person operating a bicycle or motorized scooter upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as is safe to the right-hand curb or edge of the roadway, except under any of the following situations:
 1. When overtaking and passing another vehicle proceeding in the same direction;
 2. When preparing for a left turn at an intersection or into a private road or driveway;
 3. When reasonably necessary to avoid conditions and while exercising due care, including, but not limited to:
 1. Fixed or moving objects;
 2. Parked or moving vehicles;
 3. Pedestrians or animals;
 4. Surface hazards; or
 5. Any time it is unsafe to continue along the right-hand curb or edge of the roadway; and
 4. When riding in the right-turn-only lane.
2. Any person riding a bicycle or motorized scooter upon a one-way street or highway with two or more marked lanes of travel may ride as close as is safe to the left-hand curb or edge of the street or highway.
3. No person operating a bicycle or motorized scooter shall pass other vehicles between lanes of traffic traveling in the same direction.
4. Persons riding bicycles or motorized scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or motorized scooters. Persons riding two abreast shall not impede the normal and reasonable flow of traffic and, on a laned roadway, shall ride within a single lane.
5. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1205. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1606 Speed Restrictions

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1607 Carrying Articles

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1608 Parking

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1609 Riding On Sidewalk Prohibited

1. No person shall ride a bicycle upon a sidewalk in the business district.
2. Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
3. The city manager may erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon. When such signs are in place, no person shall disobey them. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1610 Lights And Brakes

1. Every bicycle in use at the times described in 47 O.S. Â§ 12-201(B) shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 1,000 feet to the front. This subsection shall not apply to a street or highway with a speed limit of 25 miles per hour or less.
2. Every bicycle in use at the times described in 47 O.S. Â§ 12-201(B) shall be equipped with a lamp on the rear emitting a red light visible from a distance of at least 1,000 feet to the rear. This subsection shall not apply to a street or highway with a speed limit of 25 miles per hour or less.
3. Every bicycle shall be equipped with a red reflector which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.
4. Every bicycle when in use at the times described in 47 O.S. Â§ 12-201(B) shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of headlamps on a motor vehicle.
5. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections, provided such lights or reflectors shall comply with the provisions and limitations of 47 O.S. ch. 12, art. II (47 O.S. Â§ 12-201 et seq.).
6. Every bicycle shall be equipped with a brakes which will enable its driver to stop the bicycle within 25 feet from a speed of ten miles per hour on dry, level, clean pavement.
7. A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

State Law reference— Similar provisions, 47 O.S. Â§Â§ 12-702—12-709. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1611 Rider Not To Cling To Other Vehicle

No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-1204. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1612 Emerging From Alley, Driveway Or Building

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1613 Dealers To Report

Every person engaged in the business of buying or selling new or used bicycles shall make a report to the police department of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, the name or make, the frame number thereof and the number of the license plate thereon, if any. Dealers buying a bicycle shall not be required to secure a license therefor, but may leave any existing license plate, if any, thereon until the bicycle is sold. A person purchasing a bicycle from a dealer for use shall secure a license as provided in this chapter. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1614 Penalty](#)

Every person convicted of a violation of any provision of this chapter shall be punished as provided in section 1-108. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[CHAPTER 15-17 PEDESTRIANS](#) [Sec 15-1701 Subject To Traffic-Control Signals](#)

[Sec 15-1702 Rights And Duties Of Persons Operating Wheelchair Or Motorized Wheelchair](#)

[Sec 15-1703 Right-Of-Way At Crosswalks](#)

[Sec 15-1704 Pedestrians To Use Right Half Of Crosswalk](#)

[Sec 15-1705 Crossing At Right Angles](#)

[Sec 15-1706 When Pedestrians Shall Yield](#)

[Sec 15-1707 Prohibited Crossing](#)

[Sec 15-1708 Obedience To Railroad Signals](#)

[Sec 15-1709 Walking Along Roadway](#)

[Sec 15-1710 Hitchhiking; Soliciting Business](#)

[Sec 15-1711 Drivers To Exercise Care](#)

[Sec 15-1712 Use Of White Cane; Special Provisions For Blind Pedestrians](#)

[Sec 15-1701 Subject To Traffic-Control Signals](#)

Pedestrians shall be subject to traffic-control signals as declared in this part. At all other places, pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter.

State Law reference— Similar provisions, 47 O.S. Â§ 11-501. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1702 Rights And Duties Of Persons Operating Wheelchair Or Motorized Wheelchair](#)

Every person operating a wheelchair or a motorized wheelchair shall have all of the rights and all of the duties applicable to a pedestrian contained in this chapter except those provisions which by their nature can have no application.

State Law reference— Similar provisions, 47 O.S. Â§ 11-501.1. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1703 Right-Of-Way At Crosswalks](#)

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

State Law reference— Similar provisions, 47 O.S. Â§ 11-502. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

[Sec 15-1704 Pedestrians To Use Right Half Of Crosswalk](#)

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

State Law reference— Similar provisions, 47 O.S. Â§ 11-505. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1705 Crossing At Right Angles

No pedestrian shall cross a roadway at any place other than by route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1706 When Pedestrians Shall Yield

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an intersection shall yield the right-of-way to all vehicles upon the roadway.
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
3. This section shall not apply under the conditions stated in section 15-1707 when pedestrians are prohibited from crossing at certain designated places.

State Law reference— Similar provisions, 47 O.S. Â§ 11-503. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1707 Prohibited Crossing

Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1708 Obedience To Railroad Signals

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1709 Walking Along Roadway

1. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway.
2. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and shall yield to approaching vehicles.
3. It shall be unlawful for any person to enter upon any portion of a bridge for the purpose of diving or jumping therefrom into a lake, river or stream for recreation, and it shall be unlawful for a pedestrian to use a bridge where sidewalks are not provided for the purpose of standing or sightseeing.

State Law reference— Similar provisions, 47 O.S. Â§ 11-506. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1710 Hitchhiking; Soliciting Business

1. No person shall stand in a roadway for the purpose of soliciting a ride, donation, employment or business from the occupant of any vehicle.
2. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-507. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1711 Drivers To Exercise Care

Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn

when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

State Law reference— Similar provisions, 47 O.S. Â§ 11-504. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1712 Use Of White Cane; Special Provisions For Blind Pedestrians

1. It is unlawful for any person not wholly or partially blind to carry or use upon the streets, highways or public places of the city any cane or walking stick which is white in color or red tipped.
2. Any driver of a vehicle who knowingly approaches within 15 feet of a person who is in the roadway or at an intersection and who is wholly or partially blind and who is carrying a cane or walking stick white in color, or white tipped with red, or who is using a dog guide wearing a specialized harness, or who is wholly or partially deaf and is using a signal dog wearing an orange identifying collar, or who is physically handicapped and is using a service dog, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person wholly or partially blind, deaf or physically handicapped. For purposes of this subsection, a dog guide means any dog that is specially trained to guide a blind person.

State Law reference— Similar provisions, 7 O.S. Â§Â§ 11, 12. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-18 ENFORCEMENT Sec 15-1801 Authority Of Police And Fire Officials

Sec 15-1802 Authority To Direct Traffic

Sec 15-1803 Emergency And Experimental Regulations

Sec 15-1804 Obedience To Police And Fire Officials Required

Sec 15-1805 Applicability To Public Employees

Sec 15-1806 Authorized Emergency Vehicles

Sec 15-1807 Persons Working On Streets Exempted

Sec 15-1808 Closing Streets For Repairs, Barricades Required; Use Of Street Restricted

Sec 15-1809 Riding Animals And Animal-Drawn Vehicles

Sec 15-1810 Notification Of Runs By Emergency Vehicles

Sec 15-1801 Authority Of Police And Fire Officials

1. It is the duty of all police officers of the police department to enforce the street traffic regulations of the city and the state, to make arrests for the traffic violations, and to investigate accidents.
2. Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, mechanical signals or signs in conformance with the provisions of this chapter. In the event of a fire or other emergency as herein defined, or other unusual traffic conditions, to expedite traffic or safeguard pedestrians, officers of the police department or fire department may direct and take control of traffic as conditions may require, and as near as practicable, follow the general provisions of this chapter.
3. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic thereat or in the immediate vicinity. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1802 Authority To Direct Traffic

All traffic in the city shall be controlled by ordinances of the city and the laws of the state relating thereto. No person shall direct or attempt to direct traffic except police officers and other officers authorized by the city. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1803 Emergency And Experimental Regulations

1. The city manager is empowered to make effective the provisions of the traffic ordinances of the city and to make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.
2. The city may have traffic-control devices tested under actual conditions of traffic. HISTORY
Adopted by Ord. 841(16) on 12/19/2016
Sec 15-1804 Obedience To Police And Fire Officials Required

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

State Law reference— Similar provisions, 47 O.S. Â§ 11-103. HISTORY
Adopted by Ord. 841(16) on 12/19/2016
Sec 15-1805 Applicability To Public Employees

1. This chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, any state, county, city or other governmental unit or agency, as well as to other vehicles. No such driver shall violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.
2. This chapter shall not apply to the military forces organizations of the United States and of the National Guard when performing any military duty. HISTORY
Adopted by Ord. 841(16) on 12/19/2016
Sec 15-1806 Authorized Emergency Vehicles
 1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated.
 2. The driver of an authorized emergency vehicle may:
 1. Park, or stand, irrespective of the provisions of this part;
 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 3. Exceed the maximum speed limits so long as speeding does not endanger life or property;
 4. Disregard regulations governing direction of movement; and
 5. Disregard regulations governing turning in specified directions.
 3. The exemptions herein granted to the driver of an authorized emergency vehicle shall apply only when the driver is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights meeting the requirements of 47 O.S. Â§ 12-218, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. This subsection shall not be construed as requiring a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals.
 4. The exemptions in subsection (B)(3) and (5) of this section shall be granted to a law enforcement officer operating an authorized emergency vehicle for law enforcement purposes without using audible and visual signals required by this section as long as the action does not endanger life or property if the officer is following a suspected violator of the law with probable cause to believe that:

1. Knowledge of the presence of the officer will cause the suspect to:
 1. Destroy or lose evidence of a suspected felony;
 2. End a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest; or
 3. Evade apprehension or identification of the suspect or the vehicle of the suspect; or
2. Because of traffic conditions, vehicles moving in response to the audible or visual signals may increase the potential for a collision. The exceptions granted in this subsection shall not apply to an officer who is in actual pursuit of a person who is eluding or attempting to elude the officer in violation of 21 O.S. Â§ 540A.
5. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

State Law reference— Similar provisions, 47 O.S. Â§ 11-106. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1807 Persons Working On Streets Exempted

Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a street, or to persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities. All highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen.

State Law reference— Similar provisions, 47 O.S. Â§ 11-105. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1808 Closing Streets For Repairs, Barricades Required; Use Of Street Restricted

1. City personnel or contractors, while repairing or improving or repairing lines or other utility facilities in the streets, are authorized, as necessary, subject to control of the chief of the traffic division, to close any street or section thereof to traffic during such repair, maintenance or construction. In exercising such authority, such person shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.
2. When any street has been closed to traffic under the provisions of subsection (A) of this section, and traffic-control devices or barricades have been erected, no person shall drive any vehicle through, under, over or around such traffic-control devices or barricades, or otherwise enter the closed area. This subsection shall not apply to persons while engaged in such construction, maintenance and repair or to persons entering therein for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.
3. Whenever construction, repair or maintenance of any street or utility line or facility is being performed under traffic, the city personnel, contractor, or utility company concerned shall erect or cause to be erected traffic-control devices to warn and guide the public. Every person using such street shall obey all signs, signals, markings flagmen or other traffic-control devices which are placed to regulate, control and guide traffic through the construction or maintenance area. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1809 Riding Animals And Animal-Drawn Vehicles

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have

no application.

State Law reference— Similar provisions, 47 O.S. Â§ 11-104. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-1810 Notification Of Runs By Emergency Vehicles

It is unlawful for any person to drive on the streets of the city any emergency vehicle, including, but not limited to, police patrol cars, fire trucks, ambulances, sheriff's cars, highway patrol cars and police motorcycles, while sounding a siren, horn, bell or other noise-making device designed to forewarn the populace of the approach of such vehicle, without first advising the police department by contacting the police dispatcher on duty of the intention to make the emergency run and giving the name of the person making the run, the destination, the route which is intended to be traveled and the nature of the emergency. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-19 IMPOUNDMENT OF VEHICLES Sec 15-1901 Authority To Impound Vehicles; Release Of Vehicles

Sec 15-1902 Abandoning Vehicles

Sec 15-1901 Authority To Impound Vehicles; Release Of Vehicles

1. Members of the police department are authorized to remove a vehicle from a street to a garage or other place of safety under any of the following circumstances:
 1. When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by ordinance, state statute or departmental policy, required or permitted to take and does take the person arrested either before a duly appointed judge or to a place of incarceration;
 2. When such a vehicle is left unattended upon any bridge, viaduct, causeway, tube or tunnel, highway or any public thoroughfare or street, and it constitutes a hazard or obstruction to traffic;
 3. When a vehicle is left unattended or disabled as to constitute an obstruction to traffic and the person in charge of such vehicle is, by reason of physical injury or otherwise, incapacitated to such an extent as to be unable to provide for its custody or removal;
 4. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
 5. When any vehicle has been parked for more than one hour in excess of the time allowed for parking in any place;
 6. When any vehicle which has been involved in two or more violations of this part for which citation tags have been issued and not presented as required, is parked in violation of any provisions of this chapter;
 7. When any vehicle is found where a report or complaint has previously been made alleging that the vehicle has been stolen;
 8. When the vehicle is parked in a marked handicapped parking space and the vehicle displays no handicapped parking decal or tag displayed as provided by law;
 9. When the vehicle is parked in any parking area marked by a sign or otherwise as a "Tow-Away" zone;
 10. When at the request of a private property owner or the agent thereof;
 11. When a vehicle is found to be in violation of the Oklahoma Vehicle License and Registration Act, as set forth in 47 O.S. Â§ 1115.1.

12. When the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of the state as documented by one of the following:
 1. An admission by the driver or other occupant of the vehicle; or
 2. Confirmation through the Oklahoma Insurance Department's online verification system for motor vehicle liability policies indicating the vehicle is not insured;
 13. When the officer has probable cause that the person operating the vehicle has not been granted driving privileges or that the driving privileges of the person are currently suspended, revoked, canceled, denied, or disqualified;
 14. When at the scene of an accident, the owner or driver is not in a position to take charge of the vehicle and direct or request its proper removal;
 15. When a red sticker has been affixed to a vehicle warning the vehicle will be impounded after 48 hours if not removed.
2. A vehicle impounded under subsection (A) of this section shall be released to the owner of the vehicle, or other person lawfully entitled to take possession of the vehicle, or any other person lawfully entitled to take possession of the vehicle, provided that such return or delivery of same shall be made only after presenting such proof of interest upon the following conditions when no longer needed for investigation by the police department subject to the following:
 1. If the person seeking the release has a valid title or the vehicle is currently registered, which registration can be verified by the state tax commission or any similar governmental entity that records and verifies the ownership of vehicles for any other state, and that the person has a valid driver's license or a temporary one issued when that person surrenders his license or other proper photo identification and valid insurance as required by the Compulsory Insurance Law of the state.
 2. If the person has a bill of sale from a local automobile dealer, dated within 30 days of the date of impound, the person has a valid driver's license or other proper photo identification and valid insurance.
 3. If the person has a valid insurance verification form and the vehicle identification number is on this card, and on the day of the attempted release the state tax commission verifies that the registered owner is the person seeking release of the vehicle, and the person has a valid driver's license or other proper photo identification and valid insurance.
 4. If the registered owner is unable to be present, but sends the title or registration, a notarized statement describing the vehicle and giving the police department the owner's permission to release the vehicle to the person presenting the title or registration and letter and that person has proper photo identification and a copy of valid insurance for the vehicle. For out of state owners, their local police department may electronically notify the city police department for verification of ownership. The police department shall keep on file the original letter or notification.
 5. The person attempting to obtain the release must sign a hold harmless agreement releasing the city and wrecker service from any and all liability in releasing said vehicle. The police department shall provide the forms.
 3. Whenever any vehicle has been impounded in the manner provided for by this section, the registered or legal owner of the vehicle may contest the validity of the removal or storage by filing a written request for a hearing with the police department. Such written request must be filed before the vehicle is retrieved from storage; provided, however, the city shall not be required to provide 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. Failure of either the registered or legal owner to timely request or to timely appear upon a scheduled hearing shall satisfy the hearing requirement of this section.

(Ord. No. 211(97), 10-20-1997; Ord. No. 684(10), 11-15-2010) HISTORY

Amended by Ord. 841(16) on 12/19/2016

Amended by Ord. 905(19) on 4/15/2019

Sec 15-1902 Abandoning Vehicles

1. No person shall abandon a motor vehicle on a street, highway or other public property. Any member of the state highway patrol or any qualified sheriff, deputy sheriff or any member of the police department shall deem a vehicle abandoned and shall have the authority to remove or direct the removal of the vehicle when found upon a portion of the street, highway, shoulder or right-of-way, if after a period of 48 hours there is no evidence of an apparent owner who intends to remove the vehicle.
2. If such officer has reasonable cause to believe a vehicle has been abandoned in a location which would be hazardous to the free flow of traffic or be highly susceptible to damage from vandalism or other harm, he shall have the authority to remove or direct the removal of the vehicle immediately.
3. Any officer or agent who has removed or directed the removal of an abandoned vehicle must promptly request the state tax commission or other appropriate motor license agent to furnish the name and address of the owner of and any lienholder on the vehicle and must within 20 days from receipt of the requested information send a notice to the owner and any lienholder by regular mail, postage prepaid, at the addresses furnished by the tax commission or motor license agent, of the vehicle's location. This subsection shall not be construed to create any civil liability upon such officer, any agency, department or political subdivision of the city or employee thereof for failure to provide such notice to the owner or lienholder.
4. The owner of a motor vehicle abandoned in violation of this Code or the owner of any vehicle which shall have been lawfully removed from any highway or other public property, or any lienholder on such vehicle, may regain possession of the vehicle in accordance with regulations of the city upon payment of the reasonable cost of removal and storage of such vehicles.
5. A lienholder as used in this section means those lienholders as shown on the vehicle title.

State Law reference— Abandonment of vehicles, 47 O.S. Â§ 901 et seq. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

CHAPTER 15-20 PENALTIES AND ARREST PROCEDURE Sec 15-2001 Penalty

Sec 15-2002 Citation Tags On Parked Vehicles

Sec 15-2003 Presumption In Reference To Illegal Parking

Sec 15-2001 Penalty

1. No person shall do any act forbidden or fail to perform any act required in this part.
2. No parent of a child or the guardian of a ward shall authorize any child or ward to violate any provisions of this part.
3. No person shall authorize or knowingly permit any vehicle registered in his name to be driven, or to stand, or to be parked in violation of any provisions of this part.
4. Any person who violates any provision of this part, or performs any unlawful act as defined in this part, or fails to perform any act required in this part is guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-108. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-2002 Citation Tags On Parked Vehicles

In cases where vehicles without drivers are parked or stopped in violation of this part, police officers and other persons appointed by the chief of police shall affix citation tags to the vehicles. A violator of any provision of this part who has been given a citation tag and fails to appear in accordance with the instructions of such tag shall be subject to a separate offense as provided in section 1-108. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

Sec 15-2003 Presumption In Reference To Illegal Parking

1. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was standing or parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such standing or parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.
2. The foregoing stated presumption shall apply only when the procedure as described in this chapter has been followed. HISTORY

Adopted by Ord. 841(16) on 12/19/2016

PART 16 TRANSPORTATION CHAPTER 16-1 RAILROADS

CHAPTER 16-1 RAILROADS Sec 16-101 Obstructing Passage Of Trains

Sec 16-102 Climbing On Trains

Sec 16-101 Obstructing Passage Of Trains

Any person who willfully or maliciously places any obstruction or any other thing on the track of any railroad within the limits of the city, or who tears up, removes, burns or destroys any part of such railroad, or the works thereof, with intent to obstruct the passage of any engine or car thereon, or to throw them off the track, is guilty of an offense, punishable as provided in this Code.

(Code 1999, Â§ 16-102) **Sec 16-102 Climbing On Trains**

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive or railway car while such is in motion within the city, unless such person is acting in the line of duty. It is unlawful for any person to board any train or railroad car except with a proper ticket or the permission of the person in charge of the train or car or in the line of duty.

(Prior Code, Â§ 19-3; Code 1999, Â§ 19-105) **PART 17 UTILITIES CHAPTER 17-1 LEASE OF SYSTEMS**

CHAPTER 17-2 GARBAGE AND REFUSE COLLECTION

CHAPTER 17-3 CUSTOMER ASSISTANCE PROGRAM IN RESPONSE TO SANITARY SEWER BACKUP

CHAPTER 17-4 SEWER, SEWAGE DISPOSAL AND INDUSTRIAL WASTE PRETREATMENT

CHAPTER 17-1 LEASE OF SYSTEMS Sec 17-101 Lease Of Utilities To Authority

Sec 17-102 Authority Rules Adopted By Reference, Penalty

Sec 17-101 Lease Of Utilities To Authority

The city hereby consents and agrees to the lease of the city's water, sanitary sewerage and refuse systems and facilities and all future additions thereto to the city public works authority as authorized by statute, to be effective at the time and upon the terms and conditions specified in a certain "lease" prepared under the direction of the city council and filed in the office of the city clerk. The mayor of the city hereby is authorized and directed, on behalf of the city, to execute and deliver the lease of the city public works authority.

(Code 1999, Â§ 17-101) [Sec 17-102 Authority Rules Adopted By Reference, Penalty](#)

Rules and regulations adopted by the city Public Works Authority are hereby adopted and incorporated herein by reference, applicable as if set out in full herein. Any violation of the rules and regulations of the authority shall be punishable as provided in section 1-108.

(Code 1999, Â§ 17-102) [CHAPTER 17-2 GARBAGE AND REFUSE COLLECTION](#) [Sec 17-201](#)

[Definitions](#)

[Sec 17-202 Receptacles](#)

[Sec 17-203 City To Furnish Service](#)

[Sec 17-204 Refuse Vehicles](#)

[Sec 17-205 Refuse Not To Accumulate](#)

[Sec 17-206 Dumping](#)

[Sec 17-207 Contracting With Private Services](#)

[Sec 17-208 Certain Buildings To Use Dumpsters](#)

[Sec 17-209 Collection Rates And Charges For Sanitation Service](#)

[Sec 17-210 Penalty](#)

State Law reference— Solid Waste Management Act, 27A O.S. Â§ 2-10-101 et seq.; littering, 21 O.S. Â§ 1753.3 et seq.

[Sec 17-201 Definitions](#)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Carry out service means a special category of service by the city for qualified persons who are physically unable to move the mobile containers to the curbside.

Commercial means any business, activity or use.

Curbside service means pickup service provided by the city at the curb or within the public street right-of-way.

Dumpster means any commercial garbage container provided or approved by the city, including, but not limited to, polycarts.

Garbage means and includes all accumulations of animal and vegetable matter, or both, which is refuse of kitchens, pantries, dining rooms, markets and public places. The term “garbage” does not include recyclables.

Mobile container means any residential garbage container provided or approved by the city, including, but not limited to, polycarts.

Recyclables means waste or materials that can be processed and used again. The term “Recyclables” includes but is not limited to paper, plastics, glass bottles and jars, aluminum and steel cans, cardboard and paperboard cartons.

Refuse and *rubbish* mean ashes, cinders, papers, brokenware, discarded clothing and wears, tin cans and vessels and such other articles as are generally termed to be the natural accumulation of resident families. The terms “refuse” and “rubbish” do not include dirt or recyclables.

Yard trash means lawn clippings and leaves which must be in a trash bag and placed in a polycart at curb side.

(Code 1999, Â§ 17-201; Ord. No. 529, 7-2-1990) **HISTORY**

Amended by Ord. 941(20) on 5/4/2020

Amended by Ord. 989(21) on 10/4/2021

[Sec 17-202 Receptacles](#)

1. Only one mobile container (polycart) shall be provided to each household by the city. This mobile container shall be used as the first means of disposing of garbage. Yard waste must be placed in a polycart inside tightly-tied plastic bags. Total yard waste, refuse and other garbage placed inside a polycart should not weigh more than 200 pounds. No other containers, except those provided by the city, shall be permitted. Additional mobile containers (polycarts) may be obtained for the disposal of garbage at a cost pursuant to the city fee schedule.
2. The containers provided for in subsection (A) of this section shall be placed within three feet of the street curbside, except in the case of carry out service where the container shall be placed within 75 feet of the front curblane, not inside a garage or other structure, and no gate granting access to the container shall be locked. It shall be the responsibility of the resident to place the container near the curb on the day designated for pickup by 7:00 a.m. The resident shall remove the container from curbside on the same day.
3. Carry out service shall be provided to residents who are physically unable to place containers at curbside. Yard trash is not included in this service. This service will be provided by the city employees at no additional fee. The city will require that a form provided by the city be completed requiring a doctor's certificate as proof of a resident's inability to place the container at curbside.
4. Mobile containers that are damaged or destroyed through abuse, neglect or improper usage by the resident shall be repaired or replaced by the city at the expense of the resident or owner of the residence. Mobile containers that are stolen or damaged through normal and reasonable usage will be repaired by the city at the city's expense.
5. Businesses collected on mobile container routes will be provided with mobile containers.
6. Brush will be accepted for scheduled bulk pickup provided the bundles of brush are no longer than two feet and no more than 12 inches in diameter and placed at curbside as scheduled through public works.
7. It is unlawful for any person to deposit for collection, on any street, parking or any private property in the city, any garbage, refuse or rubbish without placing it in enclosed containers meeting the requirements of this section.

(Code 1999, Â§ 17-202; Ord. No. 529, 7-2-1990; Ord. No. 190(97), 6-16-1997; Ord. No. 203(97), 8-18-1997) HISTORY

Amended by Ord. 941(20) on 5/4/2020

Sec 17-203 City To Furnish Service

The city shall furnish garbage and trash hauling service to the city. No other person may remove or cause to be removed garbage, refuse, rubbish or waste from any refuse container or other receptacle used for the deposit of same, or to transport, carry through or over the streets of the city any such garbage, refuse, rubbish or waste, without proper authorization as may be required by law.

(Prior Code, Â§Â§ 11-4, 11-6; Code 1999, Â§ 17-203) **Sec 17-204 Refuse Vehicles**

All vehicles used for collection, removal, transportation or hauling of refuse, rubbish or garbage in the city shall be constructed in such a manner as to prevent any portion of such matter from falling or blowing from such vehicles and shall be kept in a clean and sanitary condition.

(Prior Code, Â§ 11-5, in part; Code 1999, Â§ 17-204) **Sec 17-205 Refuse Not To Accumulate**

1. All premises must be kept free and clear of all garbage, refuse, rubbish and waste of all kinds, by the owner, occupant or person in charge of such premises. No garbage, refuse, or waste shall be allowed to accumulate thereon except for such small amounts as shall accumulate between regular removals thereof. Any such conditions are hereby declared to be an offense and a nuisance, and may be punished and abated as such.

2. The city shall provide a service for the removal of large accumulations of trash pursuant to the policy of the city and the fee schedule for the city.

(Prior Code, Â§ 11-7; Code 1999, Â§ 17-205; Ord. No. 344(02), 1-7-2002; Ord. No. 654(09), 9-8-2009) [Sec 17-206 Dumping](#)

In disposing of garbage, rubbish, refuse and waste, the same shall be removed beyond the limits of the city to some suitable place for dumping. It is unlawful to dump refuse, rubbish, garbage or waste at any place in the city unless specifically authorized by law or ordinance.

(Prior Code, Â§ 11-8, in part; Code 1999, Â§ 17-206) [Sec 17-207 Contracting With Private Services](#)

Customers or proposed customers contracting with the city for trash or garbage hauling service shall be permitted to contract with private garbage hauling services for industrial, commercial and other nonresidential refuse only upon the approval of the city manager, and upon recommendation of the public works department. Approval may be granted only if the city is not able to serve the garbage, trash or other refuse hauling service required by such customers or proposed customers.

Private trash, garbage or refuse hauling service contracting for such service in the city shall furnish to the city clerk a certificate of insurance and shall keep the same in full force and effect at all times while contracting with any customer in the city. The insurance shall show such contractor as having public liability insurance in the sum as set by the city per occurrence in worker's compensation coverage and automobile liability on the motor vehicle used in hauling such refuse in the sum as set by the city per occurrence.

Customers or proposed customers may contract with private services for the purpose of picking up and removing recyclables. The private service shall supply suitable containers for the containment of the recyclables and the service shall be at-home or front door service and not for curbside pickup.

1. Any private recycling pick up and hauling service shall furnish to the city clerk a certificate of insurance and shall keep the same in full force and effect at all times while contracting with any customer in the city. The insurance shall show such contractor as having public liability insurance in the sum as set by the city per occurrence in worker's compensation coverage and automobile liability on the motor vehicle used in hauling such recyclables in the sum as set by the city per occurrence.
2. All vehicles used for collection, removal, transportation or hauling of recyclables in the city shall be constructed in such a manner as to prevent any portion of such matter from falling or blowing from such vehicles and shall be kept in a clean and sanitary condition

(Code 1999, Â§ 17-207; Ord. No. 529, 7-2-1990) HISTORY

Amended by Ord. 989(21) on 10/4/2021

[Sec 17-208 Certain Buildings To Use Dumpsters](#)

All buildings or structures having three or more commercial, business, industrial, residential dwellings or any combination thereof and which have garbage collection contracts with the city shall be required to use garbage dumpsters furnished by the city or any dumpster approved by the city in which all garbage, refuse, rubbish or waste shall be placed to be removed.

(Prior Code, Â§ 11-10; Code 1999, Â§ 17-208) [Sec 17-209 Collection Rates And Charges For Sanitation Service](#)

For one designated container provided for recyclable materials curbside recycling shall be provided bi-weekly for all residential customers at an additional cost per month as established by resolution.

(Code 1999, Â§ 17-209; Ord. No. 529, 7-2-1990) HISTORY

Amended by Ord. 828(16) on 8/1/2016

Sec 17-210 Penalty

Any person violating these regulations shall, upon conviction in municipal court, be punished as provided in section 1-108, in addition to any other actions and remedies available.

(Code 1999, Â§ 17-210) CHAPTER 17-3 CUSTOMER ASSISTANCE PROGRAM IN RESPONSE TO SANITARY SEWER BACKUP Sec 17-301 Purpose

Sec 17-302 Scope Of Work

Sec 17-303 Exclusions And Items Outside Scope Of Work

Sec 17-304 Administration

Sec 17-301 Purpose

This chapter is enacted to provide a means of relief in order to ease the impact of a sanitary sewer backup in a customer's yard or residence by disinfecting the affected area whether the area is inside or outside the structure. The customer assistance program services will be offered to customers when the backup is initially identified as the result of a stoppage in the city's main. The services to be provided are limited to only those set forth in this chapter and any claim for the payment of damages from a sanitary sewer backup must be handled by filing a tort claim with the city clerk.

Sec 17-302 Scope Of Work

The customer assistance program is authorized to perform only the following work as directed by the risk manager, loss control officer, or designee:

1. Spillage in yards: Removal of any solids and application of disinfectant.
2. Spillage in structures:
 1. Vacuuming or removing spillage and waste material.
 2. Mopping affected bare floors and cleaning of baseboards, bare walls and plumbing fixtures.
 3. Removal of small items which the customer authorizes for disposal including small areas of carpet and pad.
 4. Moving of furniture as required for the sole purpose of performing the above work and within the capabilities of the crew.

Sec 17-303 Exclusions And Items Outside Scope Of Work

The following items are excluded under this chapter:

1. The customer assistance program will not be offered if the risk management or community development department has previously recommended to the current owner that a back-flow prevention device be installed at the residence.
2. The customer assistance program will not be offered to businesses, churches or commercial property.
3. The customer assistance program does not cover the cleaning of towels, rugs, clothing, curtains, or other similar items.
4. The cleaning of heating and ventilation ducts fall outside the scope of the program as well as the removing or repairing of damaged drywall, wallboard, or other wall coverings. HISTORY

Adopted by Ord. 930(20) on 1/6/2020

Sec 17-304 Administration

The city risk management board will serve as administrator of claims pursuant to this chapter. Claims shall be made pursuant to the provisions of the Governmental Tort Claims Act (51 O.S. Â§ 151 et seq.). Claims are to be presented within one year of the date the loss occurs. A claim shall be forever barred unless notice thereof is presented within one year after the loss occurs.

(Code 1999, Â§ 17-304; Ord. No. 137(95), 12-4-1995; Ord. No. 162(96), 7-1-1996) **CHAPTER 17-4 SEWER, SEWAGE DISPOSAL AND INDUSTRIAL WASTE PRETREATMENT** **Sec 17-401 Regulations Adopted**

Sec 17-402 Penalty

Sec 17-401 Regulations Adopted

The city's "Sewer, Sewage Disposal and Industrial Waste Pretreatment Regulations," as originally adopted by Ord. No. 22(92), October 18, 1993, and amended by Ordinance No. 98(94), October 3, 1994, and any other amendments, are hereby adopted and incorporated herein by reference. A copy of the regulations are on file with the city clerk.

(Code 1999, Â§ 17-401; Ord. No. 22(92), 10-18-1993; Ord. No. 98(94), 10-3-1994; Ord. No. 605(07), 12-3-2007) **Sec 17-402 Penalty**

A violation of the city's sewer, sewage disposal and industrial waste pretreatment regulations is punishable as provided in section 1-108, unless another penalty is specifically provided in the regulations.

(Code 1999, Â§ 17-402) **APPENDIX 1 ELECTRIC FRANCHISE APPENDIX 1 SECTION 1 DEFINITIONS**

APPENDIX 1 SECTION 2 GRANT FRANCHISE

APPENDIX 1 SECTION 3 NOT TO IMPEDE TRAFFIC

APPENDIX 1 SECTION 4 HOLD HARMLESS TO CITY

APPENDIX 1 SECTION 5 COMPLIANCE WITH RULES

APPENDIX 1 SECTION 6 ASSIGNMENT

APPENDIX 1 SECTION 7 FRANCHISE FEE

APPENDIX 1 SECTION 8 SERVICE TO CITY

APPENDIX 1 SECTION 9 SPECIAL ELECTION

APPENDIX 1 SECTION 1 DEFINITIONS

The Word "City" as hereinafter used shall mean and designate the City of Moore, Cleveland County, Oklahoma, and the word "Company" as hereinafter used shall mean and designate the Oklahoma Gas and Electric Company, a corporation organized and existing under and by virtue of the laws of the State of Oklahoma and its successors and assigns.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 2 GRANT FRANCHISE**

1. The City hereby grants to the Company the right, privilege and authority to produce, transmit, distribute and sell electricity within the corporate limits of the City for all purposes for which it may be used, to the City, its inhabitants and the public generally, and the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds and other places in each and every part of said City for the purpose of producing, transmitting, distributing and selling electricity to the City, its inhabitants, and to the public generally.
2. The franchise hereby granted shall be effective from and after the date of approval of this Ordinance by the qualified electors of the City and acceptance by the Company, and shall remain in full force and effect for a period of twenty-five (25) years. Nothing in this Ordinance shall be construed to prevent the City from granting an electric franchise to any other person, firm, or corporation.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 3 NOT TO IMPEDE TRAFFIC**

The Company shall construct, operate and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 4 HOLD HARMLESS TO CITY**

The Company shall defend and indemnify the City against all liability for injury to any person or property caused by the negligence of the Company in the construction, operation and maintenance of its property within the City.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 5 COMPLIANCE WITH RULES**

Electric service provided hereunder to the City, its inhabitants, and to the public generally, and rates charged therefor shall be in accordance with orders, rules and regulations of the Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 6 ASSIGNMENT**

The Company shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound by all the provisions hereof. An authenticated copy of such assignment and acceptance shall be filed with the Clerk of the City.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 7 FRANCHISE FEE**

1. From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the Company agrees to pay and shall pay to the City an annual franchise fee in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the City, such payment to be made on or before the 25th day of July of each year, after deducting therefrom any amount due the Company from the City.
2. The Company shall abide by any order, rule or regulation of the Corporation Commission of the State of Oklahoma requiring the listing separately of all or any portion of such franchise fee on electric bills to customers.
3. Such franchise fees paid by the Company to the City shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit, or other fees, taxes or assessments, except ad valorem taxes.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 8 SERVICE TO CITY**

The Company shall furnish to the City without charge each fiscal year during the term hereof electric current to be used exclusively by the City for operation of traffic signal lights and buildings occupied and operated by the City for municipal purposes, to be applied by the Company as a credit to billings to the City, provided that such electric current shall not exceed one-half of one percent (0.5%) of the kilowatt-hours sold by the Company to customers within the corporate limits of the City during the preceding fiscal year.

(Ord. No. 741(13), 2-4-2013) **APPENDIX 1 SECTION 9 SPECIAL ELECTION**

A special election is hereby called for the purpose of submitting this Ordinance to the qualified electors of the City residing within its corporate limits for their approval or disapproval, provided the Company shall pay the cost of such election. The election shall be held on the 14th day of May, 2013, between the hours of 7:00 a.m. and 7:00 p.m. The Mayor of the City Council is authorized and directed to issue an election proclamation calling such election and is further directed to take all steps that may be necessary for holding the election and for the submission of this Ordinance to the qualified electors of the City. If a majority of the qualified electors of the City voting thereon fail to approve this franchise at said election, no rights shall accrue hereunder.

(Ord. No. 741(13), 2-4-2013) APPENDIX 2 THE MOORE CABLE SYSTEM ORDINANCE
 APPENDIX 2 SECTION 1 DEFINITIONS
 APPENDIX 2 SECTION 2 GRANT OF AUTHORITY; FRANCHISE REQUIRED
 APPENDIX 2 SECTION 3 FRANCHISE CHARACTERISTICS
 APPENDIX 2 SECTION 4 APPLICATIONS FOR GRANT, RENEWAL, MODIFICATIONS OR
 TRANSFER OF FRANCHISE
 APPENDIX 2 SECTION 5 GRANT OF FRANCHISE
 APPENDIX 2 SECTION 6 ELECTION AND COSTS THEREOF
 APPENDIX 2 SECTION 7 INSURANCE
 APPENDIX 2 SECTION 8 INDEMNIFICATION
 APPENDIX 2 SECTION 9 PERFORMANCE BOND
 APPENDIX 2 SECTION 10 MINIMUM FACILITY AND SERVICE
 APPENDIX 2 SECTION 11 SIGNAL QUALITY REQUIREMENTS
 APPENDIX 2 SECTION 12 TECHNICAL STANDARDS
 APPENDIX 2 SECTION 13 ERECTION, REMOVAL AND COMMON USE OF POLES
 APPENDIX 2 SECTION 14 SAFETY REQUIREMENTS
 APPENDIX 2 SECTION 15 REMOVAL OF FACILITIES UPON REQUEST
 APPENDIX 2 SECTION 16 SUBSCRIBER RATES, CHARGES AND REFUNDS
 APPENDIX 2 SECTION 17 CUSTOMER SERVICE REQUIREMENTS
 APPENDIX 2 SECTION 18 POLE AGREEMENTS; REGULATIONS
 APPENDIX 2 SECTION 19 RESERVATION OF RIGHTS
 APPENDIX 2 SECTION 20 OWNERSHIP OF FACILITIES
 APPENDIX 2 SECTION 21 DISCRIMINATION PROHIBITED
 APPENDIX 2 SECTION 22 LIQUIDATED DAMAGES
 APPENDIX 2 SECTION 23 FRANCHISE DEFAULT AND ENFORCEMENT REMEDIES
 APPENDIX 2 SECTION 24 FRANCHISE FEE
 APPENDIX 2 SECTION 25 RENEWAL OF FRANCHISE
 APPENDIX 2 SECTION 26 TRANSFER OF A FRANCHISE
 APPENDIX 2 SECTION 27 MAPS, REPORTS AND RECORDS
 APPENDIX 2 SECTION 28 ADMINISTRATION
 APPENDIX 2 SECTION 29 SUBSCRIBER PRIVACY
 APPENDIX 2 SECTION 30 COMPLIANCE WITH FCC REGULATIONS AND STANDARDS
 APPENDIX 2 SECTION 31 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES
 APPENDIX 2 SECTION 32 REVOCATION OR TERMINATION OF FRANCHISE
 APPENDIX 2 SECTION 33 PERIODIC REVIEWS
 APPENDIX 2 SECTION 34 DESCRIPTIVE HEADINGS
 APPENDIX 2 SECTION 35 CHOICE OF LAW, VENUE AND ATTORNEYS FEES
 APPENDIX 2 SECTION 1 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein unless otherwise defined by federal or state law. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Act of 1934, as amended, including the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, and as may hereinafter be further amended, and if not defined therein, such words shall have their common and ordinary meaning.

1. "Access channel" means any channel on a System which, by the terms of this Ordinance or otherwise, is required to be kept available without charge by Franchisee for partial or total designation to public, educational and/or local government use and over which Franchisee exercises no editorial control.

2. "Affiliate" means an entity which owns or controls, is owned or controlled by, or is under common ownership or control with Franchisee.
3. "Application" means any proposal, submission or request to: (1) construct and operate a System within the City; (2) transfer a Franchise or control of a Franchise; (3) renew a Franchise; (4) modify a Franchise, or; (5) seek any other relief from the City pursuant to this Ordinance, a Franchise Agreement, the Cable Act as amended, or the FCC rules and regulations.
4. "Cable system" shall mean a facility, consisting of a set of transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service, which includes video programming, and other communications services which are provided to multiple Subscribers within the City. It shall include, without limitation, all of the component, physical operation and programming elements of a network of cable, electrical and electronic equipment, designed, constructed, wired or used for the purpose of producing, receiving, amplifying and transmitting by coaxial cable, fiber optics, microwave or other means audio and/or audio/visual electrical impulses of television, radio and other intelligences, either analog or digital, including, but not limited to, cable television for sale to the inhabitants and businesses of the City.
5. "Cable Act" means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as further amended by the Telecommunications Act of 1996, as further amended from time to time.
6. "Cable service" means (A) the one-way transmission to Subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
7. "City" means the City of Moore, Oklahoma.
8. "City attorney" is the City Attorney for the City of Moore, Oklahoma.
9. "City clerk" is the City Clerk of the City of Moore, Oklahoma.
10. "City engineer" is the City Engineer of the City of Moore, Oklahoma.
11. "City manager" means the City Manager of Moore, Oklahoma or his duly authorized representative.
12. "Converter" means a device used for changing the frequency of a television signal. It may also include descrambling or decoding capabilities.
13. "Council" is the City Council of the City of Moore, Oklahoma.
14. "FCC" means the Federal Communications Commission.
15. "Franchise" means the right granted by the City to a Franchisee to construct, maintain and operate a System under, on and over streets, roads and all other Public Ways and easements within the City.
16. "Franchise agreement" means the contract entered into in accordance with this Ordinance, and sets forth the terms and conditions under which the Franchise will be exercised.
17. "Franchisee" means any Person granted a Franchise pursuant to this Ordinance and shall include any successor thereto.
18. "Gross revenues" means all cash, credits, property or other consideration of any kind or nature received directly or indirectly by the Franchisee arising from, attributable to, or in any way derived from the operation of the System to provide Cable Service within the City. Gross Revenues shall include, but not be limited to: monthly fees charged Subscribers for basic Cable Service; any optional, pay per view, premium, per-channel or per-program

service or charges for any other type of Cable Service; installation, disconnection, and change in service fees; leased channel fees; Converter and equipment fees, rentals or sales; net advertising revenues; net revenues from home shopping channels; fees from use of Access Channels, revenues from studio rental, production fees and equipment charges when applicable; Gross Revenues shall not include bad debt, Franchise fees or any sales, excise or other taxes or fees, which are imposed directly on any Cable Service subscriber by any governmental unit or agency and which are collected by the Franchisee on behalf of such governmental unit or agency.

19. "Normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and/or some weekend hours.
20. "Normal operating conditions" means those service conditions which are within the control of the Franchisee. Those conditions which are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the System.
21. "Ordinance" means the Moore Cable System Ordinance, unless the context shall indicate otherwise.
22. "Person" means any individual, corporation, partnership, association, joint venture, organization or legal entity of any kind, and any lawful trustee, successor, assignee, transferee or personal representative thereof.
23. "Public way" means the surface, the air space above the surface and the area below the surface of any public street, road, thoroughfare, alley or other public right of way or public place including, without limitation, public utility easements dedicated for compatible use within the City.
24. "Service area" means the present municipal boundaries of the City and any additions thereto by annexation or other legal means.
25. "Subscriber" means any Person who legally receives Cable Service delivered over the System.
26. "System" means the Cable System.
27. "Transfer of franchise" means any transaction in which (1) any majority ownership or other controlling interest in a Franchise or its System is transferred from one Person or group of Persons to another Person or group of Persons, none of whom already own a controlling ownership interest in the transferring person; or (2) the rights and/or obligations held by the Franchisee under a Franchise Agreement are transferred or assigned to another Person or group of Persons, none of whom already own a controlling ownership interest in the transferring person.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 2 GRANT OF AUTHORITY; FRANCHISE REQUIRED**

1. In order to make Cable Services available to the residents of the City, the City may grant one or more Franchises in accordance with this Ordinance and the execution of a Franchise Agreement.
2. No Person may construct or operate a System in the City without a Franchise granted by the City and having entered into a Franchise Agreement with the City.

3. Nothing in this Ordinance shall be deemed to prevent the City from seeking additional Franchisees at any time pursuant to a request for proposals or applications. Responses shall comply with this Ordinance.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 3 FRANCHISE CHARACTERISTICS**

1. A Franchise shall be for a term or period of time not to exceed twenty (20) years to serve all areas of the City, and shall be in effect from and after approval thereof by the Council in accordance with applicable law.
2. A Franchise authorizes the Franchisee to use the Public Ways within the City for installing cables, wires, lines, underground conduit and other facilities to operate a System within the City, but does not authorize such use on private property without the owner's consent, nor does the Franchise permit the use of privately-owned easements without separate agreement of the owners, unless otherwise permitted by law.
3. A Franchise shall be nonexclusive, and will not preclude the issuance of another Franchise, nor affect the City's right to authorize use of any Public Way by other Persons as it deems appropriate.
4. A Franchise shall not relieve the Franchisee of any requirement of any ordinance, rule, regulation or specification of the City of general applicability now or hereinafter lawfully enacted by the City. The Franchisee shall at all times be subject to the lawful exercise of the police power of the City to the full extent that such powers now or hereinafter may be vested in or granted to the City. However, any ordinance, rule, regulation or specification of the City enacted after a Franchisee has entered into a Franchise Agreement shall not materially alter the rights or obligations of the Franchisee under the existing ordinance and Franchise Agreement unless specifically authorized by state or federal law.
5. A Franchisee and the City shall at all times be subject to and shall comply with the Cable Act, all federal and state laws governing Cable Service and all laws of general applicability.
6. The provisions of this Ordinance shall apply to a Franchise Agreement as if fully set out in such agreement. The terms of a Franchise Agreement shall prevail over conflicting provisions of this Ordinance.
7. The Franchisee shall make Cable Service available to all residents and businesses within the City, subject to the provisions of Section 10.5.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 4 APPLICATIONS FOR GRANT, RENEWAL, MODIFICATIONS OR TRANSFER OF FRANCHISE**

1. A written Application shall be filed with the City for the (a) grant of a new Franchise; (b) renewal of a Franchise; (c) modification of a Franchise Agreement; or (d) transfer of a Franchise pursuant to this ordinance, the Franchise Agreement or the Cable Act. The applicant has the burden to demonstrate compliance with all applicable laws and entitlement to the relief sought.
2. The applicant must file an original and five (5) copies of the Application together with any required filing fee as set forth in this Ordinance. The Application shall also conform to any request for proposals and shall contain all requested information.
3. All Applications shall identify Persons authorized to act on behalf of the applicant with respect to the Application.
4. All Applications accepted for filing by the City shall be available during the City's regular business hours for public inspection.
5. An Application for the initial grant of a Franchise shall contain, at a minimum, the following information:

1. The name and address of the applicant and identification of ownership and control of the applicant including: (a) names and addresses of the ten (10) largest holders of an ownership interest and all Persons with a five percent (5%) or more ownership interest in the applicant; (b) the names of Persons who control the applicant including, without limitation, all officers and directors; (c) any other business affiliation and cable interest of each named Person.
 2. A statement as to whether the applicant, or any Person controlling the applicant, or any officer, director or major stockholder has been adjudged bankrupt, had a cable Franchise revoked, or been found guilty of any violation of any security or anti-trust law, or of the commission of a felony or crime involving moral turpitude; and if so, the identification of such Person and a full explanation of such circumstances.
 3. A demonstration of the applicant's technical, legal and financial ability to construct and/or operate the proposed System, including identification of key personnel.
 4. A description of the applicant's prior experience in System ownership and construction, and identification of all communities the applicant or its principals have served.
 5. Identification of proposed Cable Service Area and a detailed description of the facilities proposed and the characteristics of the System including, but not limited to, channel capacity, technical design, and performance and quality expectations.
 6. A detailed description of the construction of the proposed System, together with a proposed construction schedule. Where appropriate, the applicant shall include an explanation of how services will be converted from the existing facilities to the new facilities.
 7. A description of all services to be provided, including, without limitation, all broadcast and non-broadcast signals and all non-television services to be carried on the System. If tiers of service are to be used by the Franchisee, a description of each tier service to be available to Subscribers.
 8. A description of proposed rate schedule for Cable Service and equipment to be provided or used in association with the basic cable service tier, together with all forms or information required to allow the determination by the City of the maximum initial permitted rates and charges. Additionally, and for informational purposes, the Franchisee shall disclose to the City any and all charges to be made for all other services and equipment.
 9. A demonstration of how the applicant's proposal will reasonably meet the future cable-related needs and interests of the community, taking into account the costs thereof including a description of how the proposal will meet the needs described in any recent community needs assessment conducted by or for the City.
 10. A statement showing pro-forma financial projections for the first five (5) years.
 11. An affidavit of the applicant or authorized officer thereof certifying to the truth and accuracy of all information in the Application, acknowledging the enforceability of Application commitments, and that the Application proposal meets all regulatory authority requirements.
 12. Any other information which may be necessary to demonstrate compliance with all laws as may be relevant to City's consideration of the Application.
6. An Application for modifications of the Franchise Agreement shall include, as a minimum, the following information:

1. The specified modifications requested.
2. The justification and basis for the requested modification including a statement of impact the requested modification may have on Subscribers or others, and the financial impact approval or disapproval may have on the applicant.
3. Any other relevant information which may be reasonably necessary for the City to make an informed decision.
7. An Application for renewal of a Franchise shall comply with the requirements of Section 25 herein.
8. An Application for approval of the Transfer of a Franchise shall comply with the requirements of Section 26 herein.
9. Each Application shall be accompanied by a filing fee in the following amounts as may be appropriate:
 1. For new or initial Franchise\$500.00
 2. For renewal of a Franchise\$500.00
 3. For a transfer of a Franchise\$250.00
 4. For a modification of Franchise Agreement\$150.00
 5. For any other relief\$150.00

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 5 GRANT OF FRANCHISE**

1. The City may grant or renew a Franchise for a period not to exceed twenty (20) years in accordance with the requirements of this Ordinance and the terms of a Franchise Agreement.
2. The grant or renewal of a Franchise may be conditioned upon completion of construction within times prescribed or upon performance of specific obligations as set forth in the Franchise Agreement.
3. In evaluating an Application for an initial Franchise, the City may consider, among other things, the following factors: the applicant's technical, financial, and legal qualifications to construct and operate the proposed System; the nature of the proposed facilities, equipment, and services; the applicant's experience in constructing and operating Systems and providing Cable Service in other communities, if any; the ability of City's Public Ways to accommodate the proposed System; the potential disruption to users of City's Public Ways and any resultant inconvenience to the public; and whether the proposal will meet reasonably anticipated community needs and serve the public interest.
4. The Application shall be reviewed by the City Manager and staff to determine whether the Application complies with all requirements of this Ordinance. If the Application is sufficient, the City Manager and the applicant shall negotiate the terms and conditions of the proposed Franchise Agreement. The proposed Franchise Agreement must be executed by the applicant and submitted to the Council. The proposed Franchise Agreement shall provide that it is subject to approval of the qualified electors of the City. The proposed Franchise Agreement shall further provide that the applicant acknowledges its acceptance of the proposed Franchise and the obligation of the applicant to comply with all the provisions of this Ordinance, the proposed Franchise Agreement and the terms and conditions of the applicant's proposal as submitted to the City as a part of the Application except to the extent such items are preempted or superseded by federal or state law.
5. The City Council shall hold a public hearing to consider the Application and the proposed Franchise Agreement. Based upon the Application and the proposed Franchise Agreement, the testimony presented at the public hearing, any recommendation of the City Manager or

staff and any other information relevant to the Application, including the requirements of applicable federal or state law, the Council shall determine whether to approve or disapprove the proposed Franchise Agreement and whether to grant or deny the Franchise Application.

6. In the event a court of competent jurisdiction determines that federal law does not preempt the election requirement for Franchise Agreements as set forth in Oklahoma Constitution, Article 18, Â§ 5(a), the Council shall direct submission of the grant of a Franchise to a vote of the qualified electors as required by the Oklahoma Constitution.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 6 ELECTION AND COSTS THEREOF**

To the extent required by applicable law, in order for a grant, extension or renewal of a Franchise, other than a revocable permit, to become effective, an election must be held. A majority of the qualified electors of the City voting on the question must vote in favor of the grant, extension or renewal of the Franchise. No election shall be called or conducted for the purposes provided herein, unless and until the applicant or Franchisee named therein shall have deposited with the City, in cash, an amount estimated by the City Clerk to be required for payment in full of those expenses of such election, directly related to the grant or renewal issue including, without limitation, the costs of printing and publishing. If the final total of the expenses and costs incurred by the City for the election exceeds the amount deposited by the Franchisee, Franchisee shall pay to the City all excess expenses and costs and the City shall refund to the Franchisee any overpayment of expenses and costs.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 7 INSURANCE**

1. The Franchisee shall maintain throughout the term of the Franchise, at its own cost and expense, automobile insurance on all its vehicles and general comprehensive liability insurance, insuring the Franchisee and the City, the Council, its officers, private sub-contractors, agents and employees, whether elected or appointed, from and against all claims by any Person whatsoever for loss, injury or damage to Person or property, both real and personal, occasioned or caused by the construction, erection, operation or maintenance of the System. The insurance shall provide amounts of coverage not less than the following:

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Bodily Injury per Person
T}    T{ $1,000,000.00
T} T{ Bodily Injury per Occurrence
T}    T{ 2,000,000.00
T} T{ Property Damage per Occurrence
T}    T{ 500,000.00
T} T{ Automobile Insurance T}    T{ T} T{ Bodily Injury per Person
T}    T{ $1,000,000.00
T} T{ Bodily Injury per Occurrence
T}    T{ 2,000,000.00
T} T{ Property Damage per Occurrence
T}    T{ 500,000.00
T}

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In no event shall the coverage or amounts be less than those established as the City's liability limits under Oklahoma Governmental Tort Claims Act, as may be amended from time to time.

2. The Franchisee shall also provide workers' compensation coverage as required by the laws of the State of Oklahoma.

3. All insurance policies shall be with companies licensed to conduct business in the State of Oklahoma.
4. All insurance policies must name the City as an additional named insured and no cancellation shall be effective, except upon thirty (30) days' written notice to the City, and unless another policy is in effect on or before the date of cancellation.
5. The insurance coverage, as evidenced by the certificates of insurance shall be filed and maintained with the City.
6. Franchisee shall provide proof to the City of compliance with this Section no later than the effective date of the Franchise.
7. In the event the Franchisee fails to maintain the insurance required herein, the City may, at its option, obtain and keep such insurance in full force and effect. The Franchisee shall promptly reimburse the City for such insurance costs.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 8 INDEMNIFICATION**

1. Except in the event of the City's, its employees' or agents' negligence or intentional acts, the Franchisee shall, at its cost and expense, indemnify, save, hold harmless and defend the City, its officials, boards, commissions, agents, consultants and employees against any and all claims, suits, causes of action, demands, penalties, liabilities, proceedings or judgments for damages or equitable relief filed by third parties resulting from or arising out of or through:
 1. Franchisee's construction, installation, maintenance or operation of its System.
 2. Any processes, or procedures, acts or omissions by Franchisee in connection with the consideration of an award to Franchisee of a Franchise and/or any amendments thereto.
 3. The conduct of Franchisee's business, including without limitation, any acts or omissions of Franchisee, its servants, employees, or agents, whether or not such act or omission is authorized, required, allowed or prohibited by this Ordinance or the Franchise Agreement.
2. This indemnification shall include all expenses, including but not limited to out of pocket expenses, reasonable attorneys fees and litigation expenses incurred by the City in defending itself from such claims and demands; provided if any action at law or suit in equity is instituted by a third party (a "Claim") with respect to which the City intends to seek indemnification under this section, the City shall promptly notify the Franchisee of such action or suit. Franchisee shall have the right to conduct and control any Claim through counsel of its own choosing, but the City may, at its election, participate in a defense of any such Claim at its sole cost and expense.
3. This indemnification shall also include, but not be limited to, claims based on invasion of right of privacy, libel, slander, copyright infringements, defamation, violation of trade name, service mark or patent rights.
4. In addition to the provisions of paragraph (b) of this Section, nothing in this section shall prohibit the City from participating in the defense of any litigation by its own separate counsel at its own costs. Compliance by Franchisee with these indemnity provisions shall not limit any other remedies available to the City, at law or equity.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 9 PERFORMANCE BOND**

1. The Franchise Agreement may provide that, prior to the initial commencement of any System construction, upgrade or other work in the streets or other Public Ways, the Franchisee shall establish and maintain a performance bond in favor of the City, in an amount specified in the Franchise Agreement or other authorization as may be necessary to ensure the Franchisee's faithful performance of each term and condition of this Ordinance, the Franchise Agreement

and all applicable ordinances, statutes, rules or regulations relating to the performance of any construction, upgrade or other work which is required of the Franchisee.

2. In the event the Franchisee shall fail to fulfill the obligations as imposed, or breaches any such obligations, there shall be recoverable, jointly and severally, from the principal and sureties, any damages or loss suffered by the City proximately resulting from the failure of the Franchisee to faithfully perform the provisions of this Ordinance and the Franchise Agreement, including the cost of removal of property of Franchisee, the cost of completing the obligations of the Franchisee, together with reasonable attorneys fees.
3. The Franchise Agreement may provide the amounts, terms and periods of maintenance of such performance bond. Upon completion of all construction, upgrade or other work in the streets or other Public Ways to the satisfaction of the City, the City may reduce the amount of the bond to an amount determined by the City sufficient to protect the City in the event of breach. Bond requirements may be also reasonably increased by the City to secure additional construction upgrade or other work.
4. Any performance bond required by this Section shall be issued by a surety authorized to conduct business in the State of Oklahoma. The performance bond shall contain a restriction prohibiting cancellation or lapse without thirty (30) days' written notice to the City from the surety or issuer of the performance bond of its intention to cancel or not renew.
5. The performance bond shall be filed and maintained with the City Clerk.
6. The rights available to the City pursuant to the performance bond are in addition to all other rights and remedies available to the City. The exercise of any such rights shall not be construed to excuse or waive unfaithful performance or breach by Franchisee, or limit the liability of the Franchisee to the City.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 10 MINIMUM FACILITY AND SERVICE**

The following are minimum requirements for facilities and service for all Franchises granted by the City. The City may agree in the Franchise Agreement to additional requirements, where the City and Franchisee determine that additional requirements are necessary to meet public needs, taking into account the cost thereof.

1. The System shall be capable of both one-way and two-way transmission and shall be capable of delivering 110 analog channels.
2. In instances of upgrade, the Franchisee shall exchange, upon request, at its own expense, existing Converters for Converters capable of receiving all available channels or services.
3. The Franchisee shall provide, upon written request of the City, one (1) outlet consisting of all cable channels except pay per view, pay per program or premium (such as, HBO, Showtime and Cinemax) channels, without installation or monthly charge to City Hall, fire stations, police stations, and any other facility owned or occupied by the City, subject to the buildout requirements set forth in Section 10.5.
4. The Franchisee shall provide the same service set forth in the preceding paragraph to all Moore public elementary, junior high and high school facilities located within the City of Moore, subject to the buildout requirements set forth in Section 10.5.
5. Cable Service shall be available to every dwelling and business within the City unless residents reside in a remote or relatively inaccessible area or in annexed areas already served by another cable operator. The Franchisee will build to these remote and inaccessible areas and extend service inside the City limits on the following schedule: For every one-fourth mile of cable plant required to serve a particular section of the City, ten (10) or more customers must have placed orders for service. Expenses associated with the provision of service to

businesses beyond 125 feet from an existing subscriber tap shall be at a cost agreed upon by the Franchisee and such businesses.

6. The Franchisee shall provide a total of two (2) Access Channels as set forth below:
 1. The Franchisee shall make available for use by the City, free of charge, one (1) government access channel.
 2. The Franchisee shall make available for use by the public educational institutions, free of charge, one (1) educational Access Channel.
 3. The Franchisee shall be allowed to utilize any unused time on the Access Channels.
7. The System shall provide leased Access Channels as required by federal law.
8. To the extent required by applicable law, the System shall be designed to allow the City to interrupt Cable Service in an emergency or disaster declared by City Manager or his designee, and if necessary, use such facilities during the period of emergency or disaster. This shall include a telephone access system whereby voice announcements may be made simultaneously over all analog television channels. This is to be a 24-hour mechanism capable of preempting the sound on all analog channels. The mechanism is to be accessible to authorized City or Franchisee personnel only.
9. The System will provide standby power to be installed at locations as determined by Franchisee, but shall include back up power at the headend. The power system shall be capable of self activation at any time there is a loss of commercial power.
10. When constructing or reconstructing the System, the Franchisee shall place all cable, appurtenances, and transmission facilities in accordance with the following requirements:
 1. Franchisee shall place its cable, appurtenances, and transmission facilities underground in those areas where transmission and distribution facilities of the existing telephone company and electric company are located underground.
 2. Franchisee shall promptly move, at its own expense, its cable, appurtenances, and transmission facilities underground in any area where, during the term of a franchise, the transmission and distribution facilities of the existing telephone company and electric company are moved underground.
 3. Where aerial cable is allowed, Franchisee shall not erect any new poles along any Public Way except as may be reasonably necessary to fill small gaps in the existing aerial utility systems and only then with approval of the City, which shall not be unreasonably withheld.
11. Franchisee shall make no pavement cuts in the installation, maintenance, or removal of its System, except upon written approval of the City and upon compliance with the Moore City Code.
12. All signals shall include any closed caption information for the hearing impaired, as required by the FCC.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 11 SIGNAL QUALITY REQUIREMENTS**

The Franchisee shall:

1. Produce a picture, whether in black and white or in color, that is undistorted, and accompanied with proper sound on a typical television set in good repair.
2. Transmit signals of adequate strength to produce undistorted picture with proper sound to all outlets without causing cross-modulation, hum or distortion in the System or otherwise interfering with other electrical or electronic systems.

3. Demonstrate, upon request and at no expense to the Subscriber, by instrument or otherwise, that a signal of adequate strength and quality is being delivered.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 12 TECHNICAL STANDARDS**

1. The System shall meet or exceed the technical standards set forth in this Ordinance, the Franchise Agreement, FCC or other applicable local, federal or state technical standards as may now exist or as hereinafter amended or adopted.
2. Antennas, supporting structures and outside plant of the System shall be designed to comply with recommendations of the Electronics Industry on tower structures and outside plant, and with all federal, state or City laws, ordinances, or rules or regulations.
3. All construction, installation and maintenance shall comply with building, electrical codes or other applicable laws adopted by the City as now existing or as hereinafter amended or adopted.
4. The Franchisee shall, upon the request of the City, perform at its expense, proof of performance tests designed to demonstrate compliance with the technical requirements of this Ordinance, the Franchise Agreement and the then existing FCC requirements, provided, if the City requests such tests more than annually it shall pay all costs associated with such test.
5. The System shall not be designed or operated in any manner which will significantly interfere with any broadcast station, any electrical system or antennas for reception of television or other broadcast signals as detailed in the FCC rules regarding signal quality.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 13 ERECTION, REMOVAL AND COMMON USE OF POLES**

1. No poles or other wire-holding structures shall be erected by the Franchisee without prior approval of the City. The Franchisee shall have no vested interest in the location of any pole or wire holding structure. Such poles or structures shall be removed or modified by Franchisee at its own expense whenever the City determines that public convenience would be enhanced thereby.
2. In the event poles or other wire-holding structures are already existing for use in serving the City and are available for use by the Franchisee, and the Franchisee does not make arrangements for such use, the City may require the Franchisee to use such poles or structures, upon reasonable terms and conditions, if the City determines that the public convenience would be enhanced thereby, and the terms of the use available to the Franchisee are just and reasonable.
3. Where a public utility serving the City desires to make use of the poles or other wire-holding structures of the Franchisee, but an agreement therefor with the Franchisee cannot be reached, the City may require the Franchisee to permit such use for such consideration and on such terms as the City shall determine to be just and reasonable, taking into account pole rates charged Franchisee by the public utility and the pole rates established by FCC rules and regulations, if the City reasonably determines that the use would enhance the public convenience and would not unduly interfere with operations of the Franchisee.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 14 SAFETY REQUIREMENTS**

1. The Franchisee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.
2. The Franchisee shall install and maintain its wires, cable, fixtures and other equipment in accordance with the National Electrical Safety Code and the National Electrical Code, as adopted by the City and as the same may respectively be amended or replaced, and all applicable state and local laws codes and ordinances.

3. All structures and all lines, equipment, and connections in, over, under and upon the streets, sidewalks, alleys and Public Ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good repair.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 15 REMOVAL OF FACILITIES UPON REQUEST**

1. Upon termination of service by any Subscriber, the Franchisee shall promptly remove all its facilities and equipment from the premises of such Subscriber upon his request.
2. The question of ownership of wiring installed inside the residence or business of a Subscriber shall be determined by the rules promulgated by the FCC.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 16 SUBSCRIBER RATES, CHARGES AND REFUNDS**

1. *Rate Regulations.*
 1. The rates and charges made to Subscribers for basic cable television service and related equipment shall be determined pursuant to the FCC Rules and Regulations, to the extent applicable. The Council shall have the authority to regulate such rates and charges in accordance with the FCC rules and regulations, which are incorporated by reference.
2. *Rate and Charge Limitations.*
 1. The Franchisee may require Subscribers to pay for Cable Service one month in advance. No other advance payment, penalty or deposit other than a late fee imposed by Section 16(b)(3). below shall be required by the Franchisee for Cable Service except where a particular Subscriber has a bona fide credit problem.
 2. If in the future the state of Oklahoma regulates the rates of the Franchisee for the service provided for in a Franchise, this section shall be of no effect during such state regulation to the extent of any conflict herewith.
 3. Franchisee may charge a fee for the recovery of costs incurred to collect late payments for Cable Services if the following conditions have been met:
 1. The subscriber's bill sets forth when the fee will be assessed;
 2. The fee is not assessed any earlier than the tenth (10th) day after the due date as reflected on the subscriber's bill; and
 3. The bill sets forth the amount of the fee. Any fee imposed by Franchisee that does not exceed \$6.00 in Year 2000 dollars (as adjusted annually for inflation based on the Consumer Price Index) shall be presumed reasonable to cover the costs associated with the delinquent payment. The assessment of a fee pursuant to this section shall not be construed as a limitation on Franchisee's right to charge any other lawful fees or charges.
 4. Subscribers shall not be charged a late fee or otherwise penalized for any failure by the Franchisee, its employees, or contractors, to timely or correctly bill the Subscriber, or fail to properly credit the Subscriber for a payment timely made.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 17 CUSTOMER SERVICE REQUIREMENTS**

1. The Franchisee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. The requirements established in this section shall be deemed minimum service standards and may be supplemented by terms of the Franchise Agreement or mutually agreed upon amendments to this Ordinance.

2. All employees of the Franchisee who are involved in field work which require the employee to enter onto private property shall wear, on the outside of clothing, a photograph identification badge.
3. Telephone availability requirements may be provided by equipment and personnel located at the regional office or other offices of the Franchisee. Compliance records shall be maintained for the operations within the City at Franchisee's regional office.
4. The Franchisee shall provide a listed local or toll free telephone number which will be available to Subscribers and members of the public twenty-four (24) hours a day, seven days a week.
5. The Franchisee shall adhere to the Customer Service Standards mandated by the FCC, which are incorporated by reference.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 18 POLE AGREEMENTS; REGULATIONS**

1. All transmission and distribution structures, and equipment erected by the Franchisee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other Public Ways and places, and to the extent feasible, to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys or other Public Ways and places, while allowing the Franchisee to adequately perform its requirements under the Franchise.
2. It shall be the responsibility of the Franchisee to obtain the necessary pole attachment agreements from the City and/or private utility companies using poles within the City.
 1. Upon request, all pole attachment agreements obtained from public and private utility companies shall be made available to the City Clerk.
 2. All pole attachment agreements with the City shall be negotiated and approved by the Council.
3. If, at any time during the period of a Franchise, the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other Public Way, the Franchisee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.
4. Any poles or other fixtures placed in any Public Way by the Franchisee shall be placed in such a manner as not to interfere with the usual travel on such Public Way.
5. The Franchisee shall, on the request of any Person holding a building moving permit issued by the City, temporarily raise or lower its facilities to permit the moving of buildings. The expense of such temporary removal or raising or lowering of facilities to permit the moving of buildings shall be paid by the Person requesting the same, and the Franchisee shall have the authority to require such payment in advance. The Franchisee shall be given not less than seven (7) days' advance notice to arrange for such temporary facility changes.
6. A Franchisee shall not place its facilities, equipment or fixtures where they will unduly interfere with public utility facilities or equipment, nor obstruct or hinder the service of such utilities to the residents.
7. The City may issue such rules and regulations concerning the installation and maintenance of the System as may be consistent with this Ordinance, the Franchise Agreement and applicable law.
8. Upon completion of any work, the Franchisee shall restore all property to its former condition.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 19 RESERVATION OF RIGHTS**

1. The right is hereby reserved to the Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its lawful police powers or powers granted to the City by federal or state law. However, such regulation, by ordinance or otherwise, shall be reasonable, of general applicability, and not in conflict with the material rights herein granted.
2. The City shall have the right to inspect the books, records, maps, plans, and other like materials of the Franchisee reasonably necessary to enforce any Franchise granted hereunder, at any time upon reasonable written notice and during Normal Business Hours.
3. The City shall have the right, during the life of a Franchise, to install and maintain for a fee, upon the poles of the Franchisee any wire and pole fixtures that do not interfere with the System of the Franchisee.
4. The City shall have the right to inspect all construction or installation work performed, within public ways subject to the provisions of this nonexclusive Franchise and other pertinent provisions of the state and local law. In the event City inspection(s) reveal(s) that the Franchisee has failed, in the City's reasonable judgment, to fulfill its obligation under the terms of this nonexclusive Franchise, the City shall notify the Franchisee, in writing, of its specific deficiencies. Absent commencement of corrective action or filing of a request for review before the City Council by the Franchisee within thirty (30) days of receipt of said notification, the City may undertake the necessary repairs or restoration at the Franchisee's sole expense.
5. At the expiration of the term for which a Franchise is granted, or upon its termination as provided herein, and absent a Franchise renewal, the Council may require the Franchisee to continue operations for a period not to exceed six (6) months from the date of the Council's decision. In the event of non-renewal of the Franchise, the Franchisee shall have one hundred eighty (180) days from the date it ceases operations to remove, at its own expense, all portions of its System from all Public Ways within the City and to restore said Public Ways to a condition reasonably satisfactory to the City taking into account normal wear and tear.
6. Upon the non-renewal of a Franchise as provided for herein, the City, at its election, and upon the payment of a sum equal to the fair market value to the Franchisee as provided by Subsection (G), shall have the right to purchase and take over the System in its entirety. Upon the exercise of this option and the payment of the above sum by the City and its service of an official notice of such action upon the Franchisee, the Franchisee shall immediately transfer to the City possession and title to all facilities and property, real and personal, of the System, free from any and all liens and encumbrances not agreed to be assumed by the City in lieu of some portion of the purchase price set forth above; and the Franchisee shall execute such warranty deeds or other instruments of conveyance to the City as shall be necessary for this purpose.
7. Upon the exercise of the option by the City to purchase and take over the System in its entirety, the fair market value to the Franchisee of the System shall be determined by three (3) disinterested parties, one of such parties to be selected by the City, another to be selected by the Franchisee, and the two (2) parties so selected shall mutually agree upon a third party. When all three (3) parties have been selected, they shall proceed to appraise the System and determine the fair market value of the System as a going concern, but with no value allocated to the Franchisee itself, which determination shall be binding upon the City and the Franchisee. In the event the two (2) parties selected by the City and Franchisee are unable to agree upon a third party, then the presiding District Judge of Cleveland County, Oklahoma, or his designee shall serve as the third party. The party selected by the City shall be with approval of the Council. However, if the City no longer desires to acquire the System after its value is determined, the City may, without penalty or waiver of future rights to acquire the

System, abandon its intention to acquire the System. The cost of the appraisal shall be shared equally between the City and Franchisee.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 20 OWNERSHIP OF FACILITIES**

A Franchisee shall at all times be the full and complete owner of all facilities and property, real and personal, of the System, except for customer premises equipment, unless mortgaged, leased, or pledged.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 21 DISCRIMINATION PROHIBITED**

1. A Franchisee shall have a rate structure which is uniform throughout its Cable Service Area to the extent required by applicable law.
2. No Franchisee may in its rates or charges, or in the availability of the services or facilities of its System, or in any other respect, make or grant undue preferences or advantages to any Subscriber, potential Subscriber, or group of Subscribers or potential Subscribers, nor subject any such Persons or group of Persons to any undue prejudice or any disadvantage; provided, however, a Franchisee may offer discounts or promotions in order to attract or maintain Subscribers provided that such discounts or promotions are offered on a non-discriminatory basis. A Franchisee shall not deny, delay, or otherwise burden service or discriminate against Subscribers or users on the basis of age, race, creed, religion, color, sex, handicap, national origin, marital status, or political affiliation, except for discounts for the senior citizens, handicapped, or economical disadvantaged group which are applied in a uniform and consistent manner.
3. A Franchisee shall not deny Cable Service to any potential Subscriber because of the income of the residents of the area in which the Subscriber resides.
4. A Franchisee shall not refuse to employ, nor discharge from employment, nor discriminate against any Person in compensation or in terms, conditions or privileges of employment because of age, race, creed, religion, color, sex, handicap, national origin, marital status, or political affiliation.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 22 LIQUIDATED DAMAGES**

1. Because failure of the Franchisee to comply with the material provisions of this Franchise may result in injury to the City, the extent of which will be difficult to estimate, the following liquidated damages shall apply to the injury specified:
 1. For failure to substantially complete construction or rebuild in accordance with this Ordinance or the Franchise Agreement, Franchisee shall pay Two Hundred Fifty Dollars (\$250.00) a day for each day or portion thereof the violation occurs or continues.
 2. For repeated failure to timely provide data, documents, reports or information as required, Franchisee shall pay Two Hundred Fifty Dollars (\$250.00) per day or a portion thereof, if the violation occurs or continues.
 3. For repeated violation of subscriber service standards, Franchisee shall pay Fifty Dollars (\$50.00) per day, or a portion thereof, if the violation occurs or continues.
 4. For failure to comply with technical and System requirements, Franchisee shall pay One Hundred Dollars (\$100.00) per day, or a portion thereof, if the violation occurs or continues.
 5. For failure to comply with any other material provision of this Ordinance or the Franchise Agreement the Franchisee shall pay One Hundred Fifty Dollars (\$150.00) per day, or a portion thereof, if the non-compliance continues.

6. For willful failure to comply with lawful orders or directives of the City, Franchisee shall pay One Hundred Dollars (\$100.00) per day, or a portion thereof, if the non-compliance continues.
2. Prior to the imposition of any liquidation damages by the City, the City shall comply with the procedures set forth in Section 23, below.
3. Payment of such damages shall not relieve the Franchisee of its obligation to comply with the terms of the Franchise.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 23 FRANCHISE DEFAULT AND ENFORCEMENT REMEDIES**

1. In the event Franchisee violates or is in default of the material provisions of this Ordinance or the Franchise Agreement, the City shall notify the Franchisee in writing of the exact nature of the alleged violation or default.
2. Franchisee shall have thirty (30) days from the receipt of a written notice of default to: (a) respond contesting the alleged assertion of default, or (b) cure such default or, in the event that, by the nature of the default, such default cannot be cured within the thirty (30) day period, institute reasonable steps to remedy such default and notify the City or Council of the steps being taken and the projected date of compliance.
3. In the event the Franchisee contests the assertion of a default or fails to respond to a notice of default or the alleged default is not remedied or remedy commenced within the time required, the Council shall schedule a hearing to investigate the default. The Council shall notify the Franchisee of the time and place of such hearing and provide Franchisee with a full and fair opportunity to present witnesses and other evidence and be heard.
4. In the event the Council, after such hearing, finds or determines that the Franchisee has violated or is otherwise in default of a material provision of this Ordinance or the Franchise Agreement, which for purposes of subparagraph (d)(3) below shall be a finding of a default of such material provision of this Ordinance or the Franchise Agreement, the City shall have the right to seek one of the following remedies:
 1. Order Franchisee to cure default; or
 2. Impose liquidated damages or penalties as provided in this Ordinance or the Franchise Agreement which shall be paid within five (5) business days following such imposition. Payment of liquidated damages shall not relieve Franchisee of its obligation to comply with Franchise requirements; or
 3. Revoke or terminate the Franchise following the procedures specified in this Ordinance.
5. In addition to such remedies, the City reserves to itself all other remedies which may be available at law or equity and may seek such relief from any court of competent jurisdiction.
6. Failure of the City to exercise its rights of enforcement for any violation by Franchisee shall not be deemed a waiver of the City to enforce any Franchise requirement or to seek appropriate enforcement remedies for subsequent violations of any nature.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 24 FRANCHISE FEE**

1. As compensation for the use of valuable Public Ways and privileges granted to operate a System, and to defray the cost of the regulation, Franchisee shall pay to the City a Franchise fee of Franchisee's Gross Revenues received from the operation of its System to provide Cable Service within the City, based on the following schedule:
 1. Three percent (3%) for revenue through December 31, 2003;

2. Four percent (4%) for revenue from January 1, 2004, through December 31, 2005; and
 3. Five percent (5%) for revenue on and after January 1, 2006.
2. The Franchise fee shall be payable to the City on a monthly basis and shall be due no later than forty five (45) days after the end of the month for which the Franchise fee is being calculated.
 3. In the event the Franchise fee payment is not received by the City on the due date, the Franchisee shall be assessed interest on any delinquency from the due date until paid in full at the rate of ten percent (10%) per annum. In the event any Franchise fee shall be delinquent for more than 90 days, the Franchisee shall, after 10 days' written notice from the City, be deemed in material default and subject to the provisions of this Ordinance regarding termination of a Franchise.
 4. The Franchisee shall submit with each payment a report showing the amount of Gross Revenues for the preceding quarter on which the Franchise fee is determined. Additionally, Franchisee shall submit to the City an annual revenue audit statement within three (3) months of the close of the fiscal year, setting forth the computation of Gross Revenues for the preceding year and an explanation of the method of computation. The required reports and annual revenue audit statement shall be prepared at the expense of the Franchisee on forms reasonably acceptable to the City and certified by the Franchisee's chief financial officer or authorized designee. The same reports shall be due within ninety (90) days of the termination of the Franchise.
 5. Except as otherwise provided in the Cable Act and FCC Regulations, all payments required by this section shall be in addition to all other fees and payments required to be made by Franchisee to the City.
 6. Acceptance by the City of any payment shall not be construed as an accord or satisfaction that such payment is correct, nor shall acceptance be construed as a release of any claim the City may have for additional sums which may be due.
 7. The City shall have the right, at its cost and upon reasonable notice, to inspect and audit all books and records of the Franchisee which may be necessary for the determination of Gross Revenues and computation of Franchise fees due, such audit period not to exceed the prior 3 years. If it is finally determined that Franchise fees have been underpaid in an amount in excess of ten percent (10%), the cost of audit shall be paid by the Franchisee. The books and records necessary for such audit shall be maintained by the Franchisee at Franchisee's Regional office.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 25 RENEWAL OF FRANCHISE**

Renewal of a Franchise shall be conducted in a manner consistent with Franchise renewal provisions of the Cable Act, including without limitations Sections 626 and 627 of the Cable Act as may be amended, and to the extent consistent therewith, the following additional requirements shall apply:

1. Should the formal renewal process set forth in the Cable Act be invoked, the City shall, upon completion of the review and evaluation process, notify the Franchisee that it may file a renewal Application. The notice shall specify the information to be included in the renewal Application and the deadline for filing the Application, which shall be no earlier than sixty (60) calendar days following the date of the notice. Upon receipt of the renewal Application, the City shall publish notice of its receipt and make copies available to the public. The City may hold one or more public hearings on the renewal Application.
2. At the conclusion of the public hearings on the renewal Application, the Council will either:

1. Pass a resolution agreeing to renew the Franchise, subject to the negotiation of a Franchise Agreement reasonably satisfactory to the City and the Franchisee; or
2. Pass a resolution that makes a preliminary assessment that the Franchise should not be renewed.
3. If a preliminary assessment is made that a Franchise should not be renewed, at the request of the Franchisee or on its own initiative, the City will commence a proceeding, in accordance with the appropriate sections of the Cable Act, to address the issues set forth in the Cable Act.
4. The City and Franchisee may engage in informal renewal discussions at any time prior to or during the formal renewal process. Any request to initiate a renewal process or proposal for renewal not submitted within the time period set forth in the Cable Act, shall be deemed an informal proposal for renewal. The City may hold one or more public hearings or implement other procedures under which comments from the public on an informal proposal for renewal may be received. Following such public hearings or other procedures, the Council shall determine whether the Franchise should be renewed and the terms and conditions of any renewal.
5. If the Council grants a renewal Application, the City and the Franchisee shall agree on the terms of a Franchise Agreement, and comply with the procedures specified in this Ordinance, before such renewal becomes effective.
6. If renewal of a Franchise is denied, the City may acquire ownership of the System as provided in this Ordinance or the Franchise Agreement, or at the request of the Franchisee, effect a transfer of ownership of the System to another Person upon approval of the Council. Any such acquisition or transfer shall be at fair market value, determined on the basis of the System valued as a going concern.
7. If renewal of a Franchise is denied and the City does not purchase the System or approve or effect a transfer of the System to another Person, the City may require the former Franchisee to remove its facilities and equipment at the former Franchisee's expense. If the former Franchisee fails to do so within a 6 month period of time, the City may have the removal done at the former Franchisee's and/or surety's expense.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 26 TRANSFER OF A FRANCHISE**

1. No Transfer of a Franchise shall occur without prior approval of the City, which shall not be unreasonably withheld, conditioned or delayed.
2. An Application for a Transfer of a Franchise shall provide complete information on the proposed transaction, including details on the legal, financial and technical qualifications of the transferee, to the extent required by FCC rules.
3. At least one hundred and twenty (120) calendar days prior to the contemplated effective date of a Transfer, Franchisee shall submit to the City an Application, together with any required FCC transfer forms, for approval of the Transfer. To the extent consistent with FCC rules, such Application and/or the FCC forms shall include the following:
 1. A statement of the reason for the contemplated transfer.
 2. The name, address and telephone number of the proposed transferee.
 3. A detailed statement of the corporate or other business entity organization of the proposed transferee, including but not limited to the following:
 1. The names, business addresses, state of residence and country of citizenship of all general partners and corporate officers of the proposed transferee.

2. The names, business addresses, state of residence and country of citizenship of all Persons and entities having, controlling, or being entitled to have or control ten percent (10%) or more of the ownership of the proposed transferee and the respective ownership share of each such Person or entity.
 3. The names and addresses of any parent or subsidiary of the proposed transferee and of any other business entity owning or controlling in whole or in part or owned or controlled in whole or in part by the proposed transferee.
 4. A detailed and complete financial statement, or annual report, of the proposed transferee, or a letter or other acceptable evidence in writing from the proposed transferee's lending institution or funding source, addressed to both the proposed transferee and the City, setting forth a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the proposed transfer to construct, install, maintain and operate the proposed System in the City.
 5. A detailed description of all previous experience of the proposed transferee in operating Systems and providing Cable Services or related or similar services, including a statement identifying, by place and date, any other cable Franchise(s) awarded to the proposed transferee, its parent, subsidiaries, or affiliates currently operating or in the status of transfer; the status of said Franchise(s) with respect to completion thereof.
 6. Other information the City may reasonably request consistent with FCC regulations.
4. In making a determination on whether to grant an Application for a Transfer of a Franchise, the City Council, in good faith, shall consider the legal, financial and technical qualifications of the transferee to operate the System; whether the incumbent Franchisee is in material compliance with its Franchise Agreement and this Ordinance and, if not, the Franchisee's or proposed transferee's commitment to cure such material noncompliance.
 5. No Application for a Transfer of a Franchise shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this Ordinance and the Franchise Agreement, and that it will assume the obligations and liabilities of the previous Franchisee under this Ordinance and the Franchise Agreement.
 6. Approval by the City of a Transfer of a Franchise does not constitute a waiver or release of any of the rights of the City under this Ordinance or the Franchise Agreement, whether arising before or after the date of the transfer.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 27 MAPS, REPORTS AND RECORDS**

1. A Franchisee shall, within One Hundred Twenty (120) days of the execution of the Franchise Agreement, make available a map of the City showing the proposed construction schedule of the Franchisee. A Franchisee shall also, upon request, make available with the City Engineer a "route" map of the existing System. The maps shall be updated any time route changes are made in the System.
2. The City reserves the right to review complete detailed maps of the Franchisee's network on an as needed basis at the Regional office of the Franchisee. The City and its designees agree that information listed on the detailed maps is considered proprietary, and subject to non-disclosure to outside parties pursuant to confidentiality provisions of this Ordinance.
3. A Franchisee shall, upon request, file with the City an annual report reflecting the cable activities concerning the City that includes the following information:

1. A summary of the immediate past year's activities of the System, including for example, service initiated or discontinued, number of Subscribers, homes passed, miles of cable, a comparison of construction schedules, including upgrades, with projections previously provided the City, and a showing of any change in charges or rates.
 2. A summary of Subscriber or consumer complaints, identifying the types of the complaints and the disposition. Where the complaints involve recurrent system problems, the summary shall state the nature of such problems and corrective measures taken. The City may require additional information.
 3. If the Franchisee is a corporation, a list of all officers and members of the board of directors. If the stock or ownership interests of the corporation or any parent corporation are publicly traded, a copy of its most recent annual report shall be provided, together with the most recent financial reports filed with the Securities and Exchange Commission.
 4. If the Franchisee is a partnership, a list of the partners, including limited partners and their addresses. If the general partner is a corporation, a list of officers and members of the board of directors of the corporate general partners. Where such ownership interests are publicly traded, a copy of its most recent annual report.
 5. If the Franchisee is a Limited Liability Company or similar legal entity, a list of members and their addresses. Where ownership of such entity is publicly traded, a copy of the most recent annual report.
 6. A copy of the Franchisee's rules and regulations applicable to Subscribers and customers of the System.
 7. A report indicating the types of discounts and promotions offered in the prior year.
 8. A detailed description of all services and a schedule of all rates, fees and charges for all such services, including discounts and promotions.
4. In order to assure full disclosure, a Franchisee shall keep on file with the City Clerk, at least annually, a current list of officers, directors and the names of all partners or known stockholders holding 10 percent (10%) or more ownership in the Franchisee or any parent corporation.
 5. A Franchisee shall maintain all books and records and supporting data for information in the annual report available for inspection by the City for purposes of ascertaining compliance with requirements of this Ordinance or Franchise Agreement.
 6. Franchisee shall maintain a complete set of books and records, including plans, contracts, engineering, accounting, financial, statistical, Subscriber and service records for operations at its Regional office. The records shall be provided in a manner to permit complete inspection of the records of the Moore operation.
 7. The City shall have the right to inspect at Franchisee's Regional office the books, maps and records specified in this Ordinance and such other records as may be reasonably required by the City to perform its regulatory responsibilities under the Ordinance and the Cable Act. The City agrees to carry out any such inspection at reasonable hours and upon reasonable notice. Access by the City to Franchisee's books and records shall not be denied on grounds that such books and records contain proprietary or confidential information, provided, the City agrees to maintain the confidentiality of any such information.
 8. The City shall accord all books, maps and records that it inspects under this Section the maximum degree of confidentiality such books, maps and records are entitled to under this Ordinance, federal or state law.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 28 ADMINISTRATION**

1. The City Manager, either directly or through a duly appointed designee, shall have the responsibility for overseeing the day-to-day administration of this Ordinance and Franchise Agreements. The City Manager shall be empowered to take all administrative actions on behalf of the City, except for those actions specified in this Ordinance that are reserved to the Council. The City Manager may recommend that the Council take certain actions with respect to the Franchise. The City Manager shall keep the Council apprised of developments in cable and provide the Council with assistance, advice and recommendations as appropriate.
2. A Franchisee shall have the right to appeal to the Council any decision of the City Manager relating to such Franchisee or its Franchise Agreement. Such appeal must be made by written request within fifteen (15) calendar days of the City Manager's written decision which the Franchisee seeks to appeal.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 29 SUBSCRIBER PRIVACY**

1. A Franchisee shall protect the privacy of all Subscribers pursuant to the provisions of the Cable Act. A Franchisee shall not condition Subscriber service on the Subscriber's grant of permission to disclose information which, pursuant to local, federal or state law, cannot be disclosed without the Subscriber's explicit consent.
2. Except as permitted by Federal law the Franchisee, its agents and employees shall not, without the prior and specific written authorization of Subscriber involved, sell, or otherwise make available for commercial purposes personally identifiable information of any Subscriber or Subscribers, or any information which identifies the individual viewing habits of any Subscriber or Subscribers.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 30 COMPLIANCE WITH FCC REGULATIONS AND STANDARDS**

1. A Franchisee shall comply with all FCC rules, regulations and technical standards adopted by the FCC which pertain to the operation of the System.
2. A Franchisee shall maintain at its city or regional office, and make available for the public inspection, copies of all reporting forms required to be filed by the FCC, including but not limited to FCC forms 325 and 395-A. A Franchisee shall provide the City a copy of all such reports, upon request, within thirty (30) days of the City's request.
3. A Franchisee shall file with the City, upon request, copies of all complaints, petitions, communications, and orders filed with or received from the FCC, SEC, EEOC, FAA or other federal or state regulatory commissions or agencies having jurisdiction over the Franchisee and its operation of a System. In addition, the Franchisee shall provide the same information on all lawsuits or proceedings in which the Franchisee is a named party and the proceedings, litigation or filing involves the Franchisee's operations within the City.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 31 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES**

1. A Franchise granted hereunder shall be subject to all applicable provisions of the laws of the United States, the State of Oklahoma and City ordinances, and any amendments thereto.
2. The Franchisee shall, at all times during the life of a Franchise, be subject to all lawful powers of the State of Oklahoma and the City and to such reasonable regulations of general applicability as the State and City shall hereafter provide.
3. The Franchisee shall conform to all zoning and platting requirements of the City prior to the commencement of any and all construction work.
4. The Franchisee shall obtain building permits for all buildings constructed, pay all building permit fees, tap charge fees, and all other fees as required by the ordinances of the City and at

the rates that are in full force and effect at the time of Application for building permits.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 32 REVOCATION OR TERMINATION OF FRANCHISE**

1. In addition to all other rights and powers pertaining to the City by virtue of a Franchise or otherwise, the City reserves the right to revoke, terminate and cancel the Franchise and all rights and privileges of the Franchisee hereunder in the event that the Franchisee:
 1. Violates any material provision of this Ordinance or a Franchise Agreement, or any material rule, order, or determination of the Council made pursuant to this Ordinance or the Franchise Agreement, except where such violation is without fault or through excusable neglect.
 2. Executes an assignment for the benefit of creditors or is a party to an appointment of a receiver or trustee to control the business of the Franchisee, whether in a receivership, reorganization bankruptcy, or other action or proceeding which indicate the Franchisee is insolvent or unable to pay its debts as they accrue; provided, if such assignee, receiver or trustee executes an agreement, approved by the court having jurisdiction, assuming and agreeing to be bound by the terms and condition of this Ordinance and the Franchise Agreement the Council may approve the continuation of the Franchise during such appointment.
 3. Practices any finally adjudicated fraud or deceit upon the City or its citizens.
 4. Disposes of any of the facilities or property of its System to prevent the City from purchasing same, as provided for herein.
 5. Is a party to foreclosure or other judicial sale of facilities, equipment or property of Franchisee unless the City approves the transfer of the Franchise to the successful bidder in accordance with the provisions of this Ordinance and the successful bidder agrees with the City to be bound by this Ordinance and the Franchise Agreement.
2. Upon the occurrence of any event in this section or any other section providing for termination, the City Manager shall make written demand by registered mail that the Franchisee correct or cure such default. If the Franchisee fails, refuses or neglects to comply or commence compliance with the demand which is within the control of the Franchisee for a period of thirty (30) days following receipt of such written demand, the City Manager may place a request for revocation of the Franchise on a regular or special Council meeting agenda. The City Manager shall cause to be served upon the Franchisee, at least ten (10) days prior to the date of such Council meeting, a written notice of his intent to request such revocation, and the time and place of the meeting.
3. The Council shall consider the request of the City Manager and shall, after notice, hear any Persons interested therein, including giving the Franchisee a full and fair opportunity to be heard, and shall determine, in its discretion, after due consideration of any and all evidence presented, whether or not any failure, refusal or neglect by the Franchisee constitutes cause for revocation of the Franchise. Subject to applicable federal and state law, in the event the City, after such hearing, determines that Franchisee is in default of any material provision of this Ordinance or the Franchise Agreement, the City may:
 1. Commence an action at law for monetary damages or seek other equitable relief;
 2. Declare the Franchise to be terminated; or
 3. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages or termination of the Franchise. The Franchisee shall not be relieved of any of its obligations to comply promptly with any provision of the Franchise by reason of any failure of the City to enforce prompt compliance. Franchisee

may appeal any determination of the City that Franchisee is in default to any court of competent jurisdiction.

4. The Franchisee shall not be held in default with any provision of its Franchise or this Ordinance, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by acts of God, power outages, or other events reasonably beyond the power of the Franchisee to control.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 33 PERIODIC REVIEWS**

1. During the ninety (90) day period which commences on every five year anniversary date of the effective date of a Franchise, the City may commence a review of the System to determine the technological and economic feasibility of incorporating new technology into the design and/or upgrading channel capacity for the System; to review Subscriber service standards; to review the performance of the Franchisee as to compliance with the terms and conditions of its obligations under this Ordinance and the Franchise Agreement and to correct any defaults; to conduct inquiries into any issue deemed pertinent to the review by the Council; to review PEG channel use; the Franchise System design; and, if the FCC rules and regulations are eliminated and not replaced, to review and require standards as may be necessary.
2. A Franchisee shall provide the City with such records and information which may be reasonably necessary to conduct the review.
3. In the event the City commences a review of the System as provided in paragraph (a) of this Section 33, the City shall conduct public hearings to provide Franchisee and the public the opportunity to comment on the issues which are to be considered in said review, and shall consider whether a change in the Franchise requirements is appropriate to meet the reasonable cable related needs and interests of the community, after considering the costs of meeting those needs and interests.
4. At the conclusion of each performance evaluation, which shall be no later than ninety (90) days following commencement of the review, the City shall advise the Franchisee of any defaults or any obligations of the Franchisee and the requirements to cure as provided in this Ordinance. Further, the City may submit recommendations to the Franchisee for action to improve Cable Service. The City and the Franchisee may agree on changes in the Franchise Agreement necessary to correct problems existing at the time of the review.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 34 DESCRIPTIVE HEADINGS**

The headings of the sections of this Ordinance are descriptive only.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 2 SECTION 35 CHOICE OF LAW, VENUE AND ATTORNEYS FEES**

1. Except as otherwise provided herein, this Ordinance and any Franchise Agreement shall be governed by the laws of the State of Oklahoma. The District Court of Cleveland County and the United States Court for the Western District of Oklahoma shall have venue and jurisdiction exclusively for any action in law or equity which may be instituted to enforce the terms of this Ordinance, the Franchise Agreement or other applicable laws, rules and regulation.
2. If any legal action is instituted by either party to enforce any terms of this Ordinance or the Franchise Agreement, the attorney fees, costs of the action including, but not limited to, court costs, expert witness fees and all other actual expenses incurred by the prevailing party, shall be paid by the losing party.

(Ord. No. 398(02), 12-16-2002) **APPENDIX 3 GAS FRANCHISE SECTION 1 DEFINITIONS**

SECTION 2 GRANT OF FRANCHISE

SECTION 3 FRANCHISE ASSIGNMENT, SALE OR LEASE

SECTION 4 USE AND REPAIR OF THE PUBLIC WAYS

SECTION 5 REGULATION OF SERVICE

SECTION 6 DEPTH OF PIPELINES

SECTION 7 DUTY TO MOVE OR ALTER LINES

SECTION 8 INDEMNIFICATION OF GRANTOR

SECTION 9 GRANTEE'S RULES AND REGULATIONS

SECTION 10 INSPECTION OF RECORDS

SECTION 11 CONSIDERATION FOR FRANCHISE: FRANCHISE FEE

SECTION 12 CONDITIONS OF FRANCHISE

SECTION 13 INVALIDITY OF ORDINANCE

SECTION 14 ELECTION REQUIRED

SECTION 15 ACCEPTANCE, OPERATIVE AND EFFECTIVE DATE; EMERGENCY

SECTION 1 DEFINITIONS

SECTION 1. DEFINITIONS

1. As used in this Ordinance, the following words and phrases shall have the following meanings: "Calculated Value" shall mean the total Transport Gas measured in Dekatherms (Dth), delivered to a transport Gas Consumer for a billing period, multiplied by the Settlement Price to arrive at the value of the Transport Gas transported by Grantee for that Transport Gas Consumer.
2. "Consumer" shall mean any individual person, corporation, company, partnership, firm, unincorporated association, trust, municipality, or public or private entity located within the municipal corporate limits of the City and serviced by the Grantee through any use of the Public Ways.
3. "Dekatherm" or "Dth" shall mean a measurement of natural gas equal to 1,000,000 British Thermal Units ("Btu"), or 1 MMBtu, on a dry basis. Btu shall be computed on a temperature base of 60 degrees Fahrenheit and a pressure base of 14.73 PSIA.
4. "Distributed" or "Distribution" shall mean all sales, distribution, or transportation of natural gas to any Consumer or user located within the municipal corporate limits of the City by the Grantee or by others through Grantee's Distribution System.
5. "Distribution System" shall mean a system of works, pipes, pipelines, apparatus, machinery, structures, appliances and appurtenances as are reasonably necessary for the transportation, distribution or sale of gas to Consumers.
6. "Franchise" shall mean the rights and privileges granted by Grantor to Grantee under Subsection A of Section 2 of this Ordinance.
7. "Franchise Fee" or "Franchise Fees" shall mean the sum of fees to be paid to the City by Grantee under Section 11 of this Ordinance, at Paragraph A(1), as consideration for the use of the Public Ways and shall be inclusive or in lieu of any permit fees, lane closure fees and similar fees or charges for construction, installation, maintenance or restoration work on the Distribution System with the Public Ways.
8. "Grantee" shall mean ONE Gas, Inc., a corporation acting by and through its Oklahoma Natural Gas Company division, and its successors and assigns.
9. "Grantor" shall mean the City of Moore, Oklahoma, a municipal corporation, hereinafter also referred to as the "City".
10. "Gross Receipts" shall mean any and all compensation derived by Grantee directly from the Distribution of natural gas to a Consumer for any use, including residential, industrial and commercial purposes, and shall include without limitation revenues from any operation or use of any or all of the Distribution System by Grantee or others. Gross Receipts shall not include revenues received by Grantee from Consumers as franchise fee reimbursement nor

Volumetric Rate Fees collected by Grantee and remitted to Grantor in accordance with Paragraph 11.A(2) pursuant to an ordinance enacted by Grantor according to Paragraph 3.B(1) hereof, nor shall Gross Receipts include revenues from incidental charges or miscellaneous fees not directly generated by the Distribution of natural gas to Consumers, such as, by way of example, connection and disconnection fees, reconnection fees, customer project contributions, returned check charges, delayed or late payment charges, temporary service charges, and other such charges.

11. "Install, operate and maintain" shall mean to acquire, erect, construct, install, extend, repair, remove, relocate, replace, or otherwise operate and maintain.
12. "Public Ways" shall mean any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, public right of way, and any other public ways, places, areas, or grounds within the municipal corporate limits of the City as now constituted or as may be added or extended hereafter.
13. "Settlement Price" shall mean the settlement prices for natural gas futures contracts traded on the New York Mercantile Exchange (NYMEX), or any successor exchange or index, on the 15th day of each month as published daily in The Wall Street Journal (WSJ) on the following business day (or the next day in which a Settlement Price is published) for each month of the twelve-month period immediately following.
14. "Transportation Tariff Arrangement" shall mean any arrangement between Grantee and a Consumer pursuant to which natural gas owned by any party other than the Grantee shall be transported, distributed or sold through any portion of Grantee's Distribution System and under one of Grantee's tariffs or special contract for delivery to the Consumer.
15. "Transport Gas" shall mean all natural gas transported by Grantee pursuant to a Transportation Tariff Arrangement or by other agreement, but not sold by Grantee through Grantee's Distribution System to any Consumer or user located within the municipal corporate limits of the City.
16. "Transport Gas Consumer" shall mean a Consumer which uses Transport Gas.
17. "Volumetric Rate" shall mean Three Percent (3%) of the Calculated Value of Transport Gas as determined by Grantee in accordance with the provisions of this definition. The Volumetric Rate Calculation Form incorporated herein as Exhibit "A" shall be used for the calculation of the Volumetric Rate; provided, that the Grantor enacts an ordinance as described in Paragraph 3.B(1) below, the three percent (3%) multiplier labeled "3% Bundled Franchise Fee Rate" set forth on "Exhibit A" shall be completed by Grantee and filed with the City Clerk of the City upon Grantee's acceptance of this franchise and annually by each July following acceptance. The calculation filed upon Grantee's acceptance of this franchise shall be effective from the date of such filing through and including December 31 of the next succeeding calendar year. The calculation filed by Grantee on July 31 in years following the year of acceptance of this franchise shall be effective on January 1 of the next succeeding calendar year through and including December 31 of such calendar year. The calculation shall be subject to review by the City for mathematical correctness and the City shall notify Grantee in writing within forty five (45) calendar days after submission if the City deems such calculation to be incorrect. The volumetric rate calculation shall be based on the average of the average Settlement Prices for the twelve month period beginning in July of the immediately preceding year and ending in June immediately preceding the July 31 calculation. The average Settlement Prices for each month during said twelve-month period shall be calculated by adding the Settlement Prices for such month and the previous eleven (11) months as published and dividing by twelve. The average Settlement Prices for each of the twelve months shall then be summed and divided by twelve to determine the average of the average Settlement Prices and then multiplied by three percent (3%) to obtain the

Volumetric Rate; provided, in the event the then-current average of the average Settlement Prices as calculated above and entered on the Volumetric Rate Calculation Form, attached as Exhibit A (see line designated on Exhibit “A” as “settlement price average”), exceeds the Index price for ONEOK Gas Transportation, L.L.C., that is listed in the issue of Platt’s “Inside FERC’s Gas Market Report” published on the first business day of the respective month (“Platt’s Index price”), then the Platt’s Index price shall be used to calculate the Volumetric Rate for that delivery month in lieu of the average of the average Settlement Prices entered on the Volumetric Rate Calculation Form (Exhibit A) (i.e., for that respective delivery month, the Volumetric Rate shall be determined by taking the Platt’s Index price and multiplying that price by 3% or the then applicable increased percentage determined in the same manner set out in Paragraph 11.A(2) of this franchise).

18. “Volumetric Rate Fee” or “Volumetric Rate Fees” shall mean the fee or fees based on the Volumetric Rate to be collected and remitted to the City by Grantee as required by Paragraph 11.A(2) of this franchise upon the enactment of an ordinance as described in Paragraph 3.B(1).

SECTION 2 GRANT OF FRANCHISE

1. The Grantor hereby grants to Grantee for the term of twenty-five (25) years from the passage and voter approval of this Ordinance and the filing of a written acceptance by the Grantee, the right to enter upon the Public Ways to install, operate and maintain a Distribution System along, across, over and under the Public Ways for the privilege of transporting, distributing and/or selling gas to consumers and the public generally within the municipal corporate limits of the City.
2. The Ordinance shall have the effect of and shall be a contract between Grantor and Grantee and shall be the measure of the rights and liabilities of Grantor as well as Grantee.
3. The franchise granted by this Ordinance is not exclusive and nothing herein shall be construed to divest the Grantor of its control and regulation of the Public Ways.

SECTION 3 FRANCHISE ASSIGNMENT, SALE OR LEASE

1. Grantee shall not have the right to assign, sell, lease, or otherwise transfer in any manner whatsoever to any third party not affiliated with Grantee the rights and privileges granted under this Ordinance except as hereinafter provided. Any assignment, sale, lease, or other transfer by the Grantee of the franchise granted herein to any third party not affiliated with Grantee shall be ineffective and void unless:
 1. The proposed assignment, sale, lease or transfer shall be in writing
 2. The prospective assignee, buyer, lessee or other transferee shall agree in writing to accept and become responsible for full performance of all conditions, covenants, obligations, and liabilities contained in this Ordinance; and
 3. Such writing shall be submitted to the City Clerk of the City. This Subsection shall not apply to any arrangement which is in compliance with the provisions of Subsection B of this Section. This Section shall not apply to the use of any portion of Grantee’s distribution system for the transportation, distribution or sale to any Consumer purchasing, receiving and using natural gas outside the municipal corporate limits of the City.
2. After the operative date of this ordinance, Grantee shall have the right to enter into or continue to operate pursuant to any “Transportation Tariff Arrangement” or to enter into or continue any arrangement by which natural gas owned by any party other than Grantee shall be transported, distributed or sold through any portion of Grantee’s Distribution System for delivery to any Consumer located within the municipal corporate limits of the City, subject to the following:

1. Should Grantor, by separate ordinance, require persons transporting gas pursuant to a Transportation Tariff Arrangement to pay compensation to Grantor for use of the Public Ways in connection with the sale of Transport Gas, said compensation shall be calculated as a Volumetric Rate Fee and collected and remitted by Grantee as provided in Paragraph 11.A(2) of this ordinance;
2. The Transport Gas Consumer shall have obtained a license from the Grantor, if the Grantor shall have a licensing ordinance in effect, for the use of the Public Ways in connection with such transport of natural gas, and the Grantor shall have notified the Grantee in writing of such license.

SECTION 4 USE AND REPAIR OF THE PUBLIC WAYS

1. Grantee's Distribution System shall be erected, placed, and laid or otherwise installed, operated and maintained in such a manner as will, consistent with reasonable necessity, least interfere with other public uses of the Public Ways.
2. Before Grantee shall excavate or disturb the surface of any Public Way, except in the case of emergency, at least forty-eight (48) hours notice shall be given to the City's Engineer, Public Works Director or other proper authority designated in writing by the Grantor. After such excavation or disturbance, the Grantee shall, with due diligence and dispatch, place the Public Way in a condition in compliance with the Grantor's reasonable standards and specifications.
3. Upon Grantee's failure to commence or complete any construction, maintenance or restoration work required by this Ordinance with due diligence and dispatch, the Grantor may cause such work to be done after written notice to Grantee, given so as to afford Grantee an opportunity to commence and complete such work within a reasonable time. The cost of such construction, maintenance or restoration incurred by Grantor upon Grantee's failure shall then be charged and collected from the Grantee.
4. Grantor reserves the right to make and enforce reasonable regulations concerning the construction of Grantee's Distribution System located within, along, across, over, or under the Public Ways and to reasonably designate where the Distribution System's works and pipelines shall be placed, so long as such regulations are not in conflict with the laws of the State of Oklahoma and the United States or the orders, rules or regulations of the Oklahoma Corporation Commission or other regulatory authority having jurisdiction over Grantee

SECTION 5 REGULATION OF SERVICE

1. The Distribution System of the Grantee shall at all times be installed, operated and maintained in accordance with accepted good practice and in such condition as will enable the Grantee to furnish adequate and continuous service as required by the orders, rules and regulations of the Oklahoma Corporation Commission or other regulatory authority having jurisdiction. The requirements set forth in this Section shall not relieve Grantee of any other obligations set forth herein.
2. In the event that the Oklahoma Corporation Commission or other state regulatory authority shall be deprived of the authority to regulate Grantee, then Grantor shall have the authority to set rates, terms and conditions of service for transportation, distribution or sale of natural gas by Grantee within the municipal corporate limits of the City.

SECTION 6 DEPTH OF PIPELINES

After the operative date of this franchise, Grantee's main or lateral lines installed or replaced in Public Ways shall be installed or replaced at depths which comply with all applicable state and federal rules and regulations establishing minimum safety standards for the design, construction, maintenance and operation of pipelines. Depth shall be measured from the lower of existing grade or proposed future grade as set forth on plans or other specifications existing at the time such lines

are installed or replaced.

SECTION 7 DUTY TO MOVE OR ALTER LINES

1. Grantor reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines and to do or permit to be done any underground work deemed necessary and proper by the Grantor, along, across, over or under the Public Ways. In permitting such work to be done, the Grantor shall not be liable to the Grantee for any damage to Grantee's pipeline unless Grantor or its agents or contractors are negligent in causing said damage.
2. Whenever by reason of establishing a grade or changes in the grade of any street or in the location or manner of construction of any public way, cables, electric conduits, water, sewer, gas or other underground structures, it shall be deemed necessary by the Grantor to alter, change, adapt or conform any portion of Grantee's Distribution System located in the Public Ways, such alterations or changes shall be made within a reasonable time by the Grantee, as ordered in writing by the Grantor, without claim for reimbursement or compensation for damages against Grantor; provided, however, that this Section is not intended to require Grantee to alter, change, adapt or conform any portion of its Distribution System without reimbursement or compensation where the right to locate the same, whether by private right-of-way grant, utility easement or otherwise, was acquired prior to its location in the public way.
3. If Grantor shall require the Grantee to adapt or conform its Distribution System or in any way to alter, relocate or change its property to enable any other person, firm, corporation or entity (whether public or private), other than the Grantor, to use the Public Ways, the Grantee shall be reimbursed by the person, firm corporation or entity desiring or occasioning such change for any and all loss, cost or expense occasioned thereby.
4. "Person," "firm," "corporation," and "entity" as used in Subsection C of this Section shall not include regular departments of the Grantor, or any trust or authority formed by or for the benefit of Grantor for public utility purposes, but shall include any other agency or authority of the City, whether acting in a governmental or non-governmental capacity, including, but not limited to, any urban renewal authority, or any other agency or authority, which as a part of its program clears whole tracts of land within the municipal corporate limits and relocates citizens for the purpose of urban development or similar aims.

SECTION 8 INDEMNIFICATION OF GRANTOR

The Grantee shall indemnify, become responsible for and forever save harmless the Grantor from any and all damages, judgments, reasonable costs and expenses, including attorney fees, which the Grantor may suffer or incur, or which may be legally obtained against the Grantor, for or by reason of the negligent use, repair or occupation of any public way within the municipal corporate limits of the City by the Grantee pursuant to the terms of this Ordinance or resulting from the negligent exercise by the Grantee of any of its privileges or by reason of its carrying on its business in the City (except where such damages, judgments, reasonable costs and expenses, including attorney fees, result from the negligence of Grantor or its agents or contractors); provided, however, that in the event of such claim or claims being prosecuted against the Grantor, the Grantee shall have the right to defend against the same, and to settle or discharge same in such manner as it may see fit, and the Grantor shall give prompt written notice to the Grantee of the presentation or prosecution of such claims.

SECTION 9 GRANTEE'S RULES AND REGULATIONS

SECTION 10 INSPECTION OF RECORDS

Grantee shall permit Grantor or its agents to inspect, during regular business hours, the books, papers and records kept by Grantee in the ordinary course of business and pertaining to the natural gas business carried on by it in the City, such as plats, maps and atlases identifying Grantee's pipelines in the City, and the books and records necessary to verify the franchise fee payment

provided for in Section 11 hereof. Notwithstanding the obligation herein, Grantee shall have the right to request the reasonable protection of proprietary information and to provide redacted documents or require Grantor or its agents to enter into such agreements pertaining to confidentiality as may reasonably protect the proprietary information of Grantee but which do not unreasonably frustrate the purposes of this Section. Grantor shall promptly notify Grantee in writing of areas newly annexed into or de-annexed from the corporate limits of Grantor, and Grantee shall update its records for the purpose of payment of franchise fees as soon as reasonably practicable after receiving such notice.

SECTION 11 CONSIDERATION FOR FRANCHISE: FRANCHISE FEE

1. In consideration for the rights and privileges enjoyed under this franchise, Grantee agrees to pay Grantor as follows:
 1. Grantee shall pay Grantor a franchise fee the sum of which is equal to Three Percent (3%) of the Gross Receipts received by Grantee, per billing period, from the transportation, distribution, and sale of natural gas for domestic, commercial or industrial consumption within the municipal corporate limits of the City. All sums due from Grantee shall be in lieu of all other franchise, license, or occupational taxes or fees, which may be levied or attempted to be levied on Grantee by the City.
 2. In the event that Grantor, pursuant to Paragraph 3.B(1) of this ordinance, requires persons transporting gas pursuant to a Transportation Tariff Arrangement to pay compensation to Grantor for use of the Public Ways in connection the sale of Transport Gas, said compensation shall be calculated as a Volumetric Rate fee for such Transport Gas, which shall be the sum equal to the then current Volumetric Rate multiplied by the number of Dth of Transport Gas reported or distributed through Grantee's facilities within the municipal corporate limits of the City by Grantee or by any third-party to transport customers for consumption within the City. Grantee will in that event collect such Volumetric Rate Fees from persons transporting gas pursuant to a Transportation Tariff Arrangement and remit the same to Grantor.
2. In the event a customer of Grantee does not pay a monthly bill from Grantee in full, Grantee shall prorate its payments of remissions to the City for sums due on that particular bill so that the amount actually paid by the customer to Grantee on the bill is distributed to Grantee for the natural gas commodity and transportation or distribution service and to the City for sums due on the bill in proportion to the percentage of the total bill actually paid by the customer. In the event Grantee actually collects any outstanding amounts due on a past due, unpaid or partially paid monthly bill to a customer, then Grantee shall pay Grantor its proportionate share of sums due to the City on such bill.
3. Grantee's franchise fee based upon a percentage of gross cash receipts or a volumetric rate shall be payable monthly on or before the 25th day of each month, on its gross cash receipts for the preceding calendar month.
4. All sums due from Grantee under this Section shall be in lieu of all other franchise, license, or occupation taxes or fees, which may be levied or attempted to be levied on Grantee by the City.
5. The City's chief administrative officer or his designee may waive the Volumetric Rate Fee or any part thereof due from a Transport Gas Consumer, but such waiver shall only be granted if:
 1. The Transport Gas Consumer could otherwise obtain its energy needs from another source that would not be subject to the fees imposed in Subparagraph 2 of Subsection 11.A above and sufficient evidence is produced by the Transport Gas Consumer so as to substantiate such alternative source; and

2. Such alternative source, including all other fees, would be less than the cost of utilizing Grantee to furnish and transport the gas or transport alone, as the case may be.
6. Grantee shall update its records for the purpose of franchise fee payments as soon as reasonably practicable after receiving such notice.
7. In the event the accounting rendered to Grantor by Grantee is found to be incorrect, then payment shall be made on the corrected amount, it being agreed that Grantor may accept amount offered by Grantee, but the acceptance thereof by Grantor shall not be deemed a settlement of such item if the amount is in dispute or later found to be incorrect. Grantee shall have no obligation, however, to make payment upon Transport Gas for which Grantee has not been paid. Grantee shall provide notice to Grantor of such delinquent accounts within ninety (90) days and Grantor shall hold Grantee harmless from the cost or liability for the collection of franchise fees on such delinquent accounts.
8. Grantor agrees that the franchise fee percentage rate set forth in Subsection 11.A, at Paragraphs (1) and (2), of this Ordinance shall in no event exceed the percentage rate hereafter approved to calculate any fee paid to Grantor by any other person or entity for use of the Public Ways if such fee or volumetric rate is based in any way on the amount of revenues or gross receipts from the transportation, distribution, or sale of natural gas or electric energy, excluding any municipally-owned electric utility, by such other person or entity to ultimate Consumers within the City. If at any time after the effective date of this Ordinance the fee or rate required to be paid by another is less than the percentage rate set forth in Paragraphs A(1) or (2) of Section 11, then the percentage rate set forth in Paragraphs A(1) or (2) of Section 11 of this Ordinance shall be reduced to equal such lesser percentage rate on the date such lesser percentage rate becomes effective and without any further action by the City or the qualified electors residing therein.

SECTION 12 CONDITIONS OF FRANCHISE

This contract, franchise, grant and privilege is granted and accepted under and subject to all applicable laws and under and subject to all of the orders, rules, and regulations now or hereafter adopted by governmental bodies now or hereafter having jurisdiction.

SECTION 13 INVALIDITY OF ORDINANCE

If any clause, sentence, or section of this Ordinance shall be held to be invalid, it shall not affect the remaining portions of this Ordinance, which shall remain valid and effective as if such invalid provision did not exist, although the parties shall be entitled to a judicial interpretation or construction of this Ordinance to address the validation of such provision by minimal amendment thereof. Further, should any governmental body now or hereafter having jurisdiction determine that Grantee shall not be permitted to collect in whole or in part the compensation due Grantor by others for Transport Gas as set forth in Paragraph (2) of Subsection B of Section 3 and Paragraph (2) of Subsection A of Section 11 of this Ordinance, Grantee shall thereafter have no obligation to make such payment to Grantor and Paragraph (2) of Subsection B of Section 3 and Paragraph (2) of Subsection A of Section 11 shall be of no force and effect.

SECTION 14 ELECTION REQUIRED

This Ordinance shall not become operative until it shall be approved by a majority of the qualified electors voting thereon residing within the municipal corporate limits of the City at an election called for that purpose, and a special election is hereby called for the purpose of submitting to the qualified electors residing in said City, the question of approval or disapproval of this Ordinance, which election shall be held on the 2nd day of March, 2021, between the hours prescribed by law. The Mayor of the City is hereby authorized and directed to issue a proper and lawful call and proclamation of such special election to be held on such date as aforesaid for said purpose, and the City Council of the City are hereby directed to give due and lawful notice of such election and submission of said question to the electors of said City as prescribed by law and the Ordinances of

the City.

SECTION 15 ACCEPTANCE, OPERATIVE AND EFFECTIVE DATE; EMERGENCY

In the event this Ordinance is approved by a majority vote of said electors voting thereon at said election, the Grantee shall file with the City Clerk, within thirty days after the official canvass of the votes and declaration by the City Council of the results thereof, a written acceptance. This Ordinance shall become operative on the date of filing of such acceptance.

An emergency is hereby declared to exist by reason of the fact that no other person, firm or corporation has a franchise to furnish natural gas to residents and inhabitants of the City, and for the preservation of the public peace, health and safety, and by reason whereof this Ordinance shall be effective immediately from and after its passage, approval and publication.

STATE LAW REFERENCES TABLE

This table shows the location within the Charter and Code, either in the text or notes following the text, of references to Oklahoma Statutes (O.S.).

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T} T{ 1-2501 et seq. T} T{ Pt. 9, Ch. 2 T} T{
T} T{ 1-2512(B) T} T{ 15-101 T} T{
T} T{ 2-101 et seq. T} T{ 10-502, 10-503 T} T{
T} T{ -- T} T{ 15-520 T} T{
T} T{ 2-101(8) T} T{ 15-520 T} T{
T} T{ 2-101.1 T} T{ 10-503 T} T{
T} T{ 2-405 T} T{ 10-503 T} T{
T} T{ 163.1 et seq. T} T{ Pt. 3, Ch. 2 T} T{
T} T{ 465.20 T} T{ 10-504 T} T{
T} T{ 683.1 et seq. T} T{ Pt. 13, Ch. 4 T} T{
T} T{ 683.3 T} T{ 15-101 T} T{
T} T{ 683.4 T} T{ 13-402 T} T{
T} T{ 683.11 T} T{ Pt. 13, Ch. 4 T} T{ 68 T} T{ 205 T} T{ 7-317 T} T{
T} T{ -- T} T{ 7-417 T} T{
T} T{ -- T} T{ 7-520 T} T{
T} T{ 217 T} T{ 7-313 T} T{
T} T{ -- T} T{ 7-413 T} T{

T} T{ 220 T} T{ 7-314 T} T{
T} T{ -- T} T{ 7-414 T} T{
T} T{ 227 T} T{ 7-315 T} T{
T} T{ -- T} T{ 7-415 T} T{
T} T{ 301 T} T{ 10-517 T} T{
T} T{ 1310 T} T{ 7-311 T} T{
T} T{ 1350 et seq. T} T{ Pt. 7, Ch. 3 T} T{
T} T{ -- T} T{ 7-303, 7-304 T} T{
T} T{ -- T} T{ 7-306 T} T{
T} T{ -- T} T{ 7-320, 7-321 T} T{
T} T{ -- T} T{ 7-322 T} T{
T} T{ 1352 T} T{ 7-302 T} T{
T} T{ 1401 et seq. T} T{ Pt. 7, Ch. 4 T} T{
T} T{ -- T} T{ 7-405, 7-406 T} T{
T} T{ -- T} T{ 7-418, 7-419 T} T{
T} T{ 1401 T} T{ 7-402 T} T{
T} T{ 1408 T} T{ 7-411 T} T{
T} T{ 1501 et seq. T} T{ Pt. 9, Ch. 10, Art. B T} T{
T} T{ 1621 et seq. T} T{ 10-328 T} T{
T} T{ 2601 et seq. T} T{ 7-701 T} T{
T} T{ 2601
T} T{ 7-711 T} T{
T} T{ 2701 et seq. T} T{ Pt. 7, Ch. 3 T} T{ 70 T} T{ 1210.211 et seq. T} T{ 8-702
T} T{ 72 T} T{ 1 T} T{ 9-701 T} T{
T} T{ 221 et seq. T} T{ 8-702 T} T{ 75 T} T{ 250 et seq. T} T{ 5-1004 T} T{
T} T{ -- T} T{ 6-206 T} T{ 85A T} T{ 1 et seq. T} T{ 5-1004 T} T{
T} T{ -- T} T{ 5-1011 T} T{
T} T{ -- T} T{ 14-312 T}