

Code of Ordinances

TOWN OF INOLA

Inola, Oklahoma

Last Updated January 1, 2021

TOWN OF INOLA

CODE OF ORDINANCES

Containing all of the penal ordinances of the
Town of Inola, Oklahoma of a general and permanent nature
passed prior to January 1, 2021, and still in effect on that date.

**ORDAINED AND PUBLISHED
BY AUTHORITY OF THE
TOWN BOARD OF TRUSTEES
TOWN OF INOLA**

Town of Inola
P.O. Box 249
Inola, Oklahoma 74036
(918) 543-2430

OFFICIALS OF THE TOWN OF INOLA

MAYOR: LARRY GRIGG

TRUSTEES:

DARLENE SHEAR

BILLY WILSON

DAN CORLE

TRENT BYNUM

TOWN CLERK: BRANDI POWELL

TOWN TREASURER: KIMBERLY TUCKER

TOWN ATTORNEY: TOMMY R. DYER, JR.

TOWN CODE OF ORDINANCES PASSED AND APPROVED:

February 22, 2021

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ADOPTING ORDINANCE 21-01

AN ORDINANCE ADOPTING AND ENACTING A CODE OF ORDINANCES OF THE TOWN OF INOLA, OKLAHOMA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREAFTER PROVIDED; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SALE AND COPIES IN THE CLERK'S OFFICE; PROVIDING FOR SUPPLEMENTS OR CHANGES TO CODE; AND PROVIDING FOR AN EMERGENCY:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF INOLA, OKLAHOMA:

SECTION 1 TITLE.

A code and revision of the ordinances of the Town of Inola is hereby adopted as the "Code of Ordinances, Town of Inola, Oklahoma," or by any other properly identifying designation.

SECTION 2 CODE SUPERSEDES OTHER ORDINANCES.

This code shall be treated and considered as a new and comprehensive ordinance of the town which shall supersede all other general and permanent ordinances enacted by the board of trustees prior to January 1, 2021, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

SECTION 3 EFFECTIVE DATE OF CODE, REPEAL.

All provisions of this code shall be in full force and effect from the date this ordinance becomes law. All ordinances of general and permanent nature of the town in effect on or before January 1, 2021 and not in the code or recognized and continued in force by reference herein and which are in conflict herewith, are repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4 ORDINANCES NOT REPEALED.

The repeal provided for in Section 3 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall the repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract or obligation assumed by the town; nor shall the repeal affect the administrative regulations or resolution of the town board of trustees not in conflict or inconsistent with the provisions of the code; nor shall the repeal affect any right or franchise granted by any ordinance or resolution of the town board of trustees to any person, firm or corporation; nor shall the repeal affect any ordinance

dedicating, naming, establishing, locating, relocating, opening, vacating, etc., any street or public way in the town; nor shall the repeal affect any annual budget or salary ordinance; nor shall the repeal affect any ordinance levying or imposing taxes; nor shall the repeal affect any ordinance establishing and prescribing the street grades of any street in the town; nor shall the repeal affect any ordinance providing for local improvements and assessing charges therefore; nor shall the repeal affect any ordinance dedicating or accepting any plat or subdivision in the town; nor shall the repeal affect any ordinance extending the limits of the town; nor shall the repeal be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance; nor shall the repeal affect any rate, fee or charge in effect as of the effective date of this code until such rate, fee or charge is specifically amended or established by motion, resolution or ordinance as provided by the town board. The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from the code, shall not be affected by such omission therefrom; and the adoption of the code shall not repeal or amend any such ordinance or part of any such ordinance.

SECTION 5 CODE NOT NEW ENACTMENT.

The provisions appearing in this code, so far as they are the same as those ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

SECTION 6 ORDINANCES ADOPTED AFTER EFFECTIVE DATE OF CODE.

Ordinances and parts of ordinances of a permanent and general nature passed or adopted on and after the effective date of this code may be passed or adopted either:

1. In the form of amendments to the code or ordinances adopted by this ordinance;
 or
2. Without specific reference to the code.

In either case, all such ordinances and parts of ordinances shall be deemed amendments to the code. All of the substantive permanent and general parts of such ordinances and changes made thereby in the code, shall be inserted and made in the code whenever authorized or directed by motion, resolution or ordinance or the town board of trustees, as provided hereinafter.

SECTION 7 SUPPLEMENTS TO CODE.

By contract or by town personnel, a change, or supplement, to the code or ordinances adopted by this ordinance shall be prepared and printed whenever authorized or directed by the town board of trustees. A change to the code shall include all substantive permanent and general parts of ordinances passed by the board of trustees or adopted by initiative and referendum during the period covered by the change and all changes made thereby in the code. The pages of a change shall be so numbered that they will fit properly into the code and, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so

prepared that, when they have been inserted, the code will be up to date to the date to which the code is being brought up to date. Each change shall include a new title page for the code; and the title page shall include a notation below the title indicating that the code contains all permanent and general ordinances and parts of ordinances passed prior to the date to which the code is brought up to date and still in effect. The words “as amended” and the date, may be added to the title after the year. After every change has been prepared and printed, a number of copies of the change equal at least to the number of copies of the code still in existence, shall be deposited in the office of the town clerk. The town clerk, if possible, shall notify each holder of a copy of the original code about the availability of the change or supplement.

SECTION 8 SALE OF COPIES OF THE CODE.

The town clerk is hereby authorized and directed to sell copies of the code of ordinances to the public at a price determined from time to time by motion or resolution of the town board of trustees.

SECTION 9 COPY OF CODE IN CLERK’S OFFICE.

A copy of the current code as amended or supplemented from time to time shall be kept on file in the office of the town clerk. This copy of the code shall be available for all persons desiring to examine it; it shall be considered the official code of ordinances of the town, and may be so certified by the town clerk as may be required.

SECTION 10 PREPARATION OF CODE.

The code or ordinances hereby adopted consists of Seventeen (17) Parts, all of which have been examined, considered and approved by the town board of trustees of the Town of Inola and adopted by compliance with Sections 14-109 et seq. of Title 11 of the Oklahoma Statutes.

SECTION 11 EMERGENCY.

Reference being made to “Section 3” hereinbefore set out, whereas, it being immediately necessary for the preservation of the peace, health and safety of the Town of Inola, Oklahoma, and the inhabitants thereof, that the provisions of this Ordinance and the new provisions of said Code not heretofore enacted be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this Ordinance shall take effect and be in full force from and after its passage, as provided by law.

Passed and approved this 22nd day of February, 2021.

Mayor – Larry Grigg

Town Clerk – Brandi Powell

General Provisions

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GENERAL PROVISIONS

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CHAPTER 1

USE AND CONSTRUCTION OF THE CODE

Section 1-101	How code designated and cited.
Section 1-102	Rules of construction.
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Section 1-106	Amendment to code; effect of new ordinances; amendatory language.
Section 1-107	Altering code.
Section 1-108	General penalty.
Section 1-109	Fines recoverable by civil action.
Section 1-110	Ordinances in effect in outlying territory of town.

SECTION 1-101 **HOW CODE DESIGNATED AND CITED.**

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

State Law Reference: Adoption and revision of codes of ordinances, 11 O.S. Sections 14-108 and 14-109.

SECTION 1-102 **RULES OF CONSTRUCTION.**

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

1. “Board of trustees” or “town board” shall mean the board of trustees of the Town of Inola;
2. “Computation of time.” Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time but the day on which the proceeding is to be had shall not be counted;
3. “County” or “this county” means the County of Rogers, Oklahoma;
4. “Gender.” A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;
5. “Joint authority.” All words giving “joint authority” to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;

General Provisions

6. “Law” includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the ordinances of the town, and, when appropriate, any and all rules and regulations promulgated thereunder;

7. “Mayor” means the mayor of the town;

8. “Month” means a calendar month;

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

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

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

12. “Or, and.” “Or” may be read “and,” and “and” may be read “or,” if the sense requires it;

13. “Other officials or officers, etc.” Whenever reference is made to officers, agencies or departments by title only, i.e. “clerk,” “town clerk,” “town attorney,” “fire chief,” “chief of police,” etc. they shall mean the officers, agencies or departments of the town;

14. “Person” shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;

15. “Preceding, following” means next before and next after, respectively;

16. “Property” shall include real and personal property;

17. “Signature or subscription” includes a mark when a person cannot write;

18. “State” or “this state” shall be construed to mean the State of Oklahoma;

19. “Statutory references” means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

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20. “Street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the town which are dedicated and open to public use;

21. “Tense.” Words used in the past or present tense include the future as well as the past and present;

22. “Week” means seven (7) days;

23. “Town” means the Town of Inola; and

24. “Year” means a calendar year.

SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS.

The catchlines of sections in this code are printed in **CAPITAL LETTERS** and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, or citations, are amended or reenacted.

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES.

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

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

SECTION 1-105 SEVERABILITY OF PARTS OF CODE.

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

SECTION 1-106 AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.

A. All ordinances passed subsequent to this code or ordinances which amend, repeal or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any

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chapter, section or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.

B. Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section of this code in substantially the following language: “Be it ordained by the Board of Trustees of the Town of Inola, Oklahoma, that Section ____ of the code of ordinances of the Town of Inola, Oklahoma, is hereby amended to read as follows:” (Set out new provisions in full.)

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

“Section ____ Be it ordained by the Board of Trustees of the Town of Inola, Oklahoma, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the Town of Inola, Oklahoma, and the sections of this ordinance may be renumbered to accomplish this intention.”

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

State Law Reference: Enactment of ordinances, 11 O.S. Sections 14-103 et seq.

SECTION 1-107 **ALTERING CODE.**

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

SECTION 1-108 **GENERAL PENALTY.**

A. Except as otherwise provided by state law, whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine as follows:

(1) Traffic Related Offenses. The Maximum fine for traffic related offenses relating to speeding or parking shall not exceed Two Hundred Dollars (\$200.00).

(2) Other Offenses. For all other offenses, the maximum fine shall not exceed Five Hundred Dollars (\$500.00).

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Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

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

State Law Reference: See 11 O.S. "14-111 and 27-119.

Cross Reference: See Section 6-126 for bond and fine schedule applicable in municipal court.

SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION.

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

SECTION 1-110 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF TOWN.

All ordinances of the town now in effect within the town are hereby extended to all real property belonging to, or under the control of, the town outside the corporate limits of the town, and shall be in full effect therein, insofar as they are applicable. All ordinances of the town 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 town shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the town, unless the context clearly indicates otherwise.

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CORPORATE AND WARD LIMITS

Section 1-201 Map of town designated as official map.
Section 1-202 Ward boundaries.

SECTION 1-201 MAP OF TOWN DESIGNATED AS OFFICIAL MAP.

The map of the town showing its territorial limits is hereby designated as the official map of the town, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the town, including all annexations made to the town through and including the date of December 31, 2010.

SECTION 1-202 WARD BOUNDARIES.

The town is divided into five (5) wards as follows:

1. Ward One shall be that part of town lying north of East Commercial Street and east of North Broadway and east of North Highway 88;
2. Ward Two shall be that part of town lying south of East Commercial Street and east of South Broadway and north of Southeast Boulevard;
3. Ward Three shall be that part of town lying west of North Broadway and west of North Highway 88 and north of West Commercial and Southwest Boulevard;
4. Ward Four shall be that part of town lying south of West Commercial Street and north of Southwest Boulevard and east of Two Mile Blacktop and west of South Broadway Street and south of Southeast Boulevard; and
5. Ward Five shall be that part of town lying south of Southwest Boulevard and west of Two Mile Blacktop.

State Law Reference: Review of wards after each federal census, 11 O.S. Section 20-101; establishment and number of town, 11 O.S. Section 2-105 changing wards, 11 O.S. Sections 20-102 to 20-105.

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Section 2-307	Salaries.
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Section 2-309	Salaries of certain officers not to be changed after election or appointment.
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CHAPTER 1

TOWN BOARD OF TRUSTEES

Section 2-101	General powers.
Section 2-102	Board of trustees.
Section 2-103	Meetings of the town board.
Section 2-104	Trustees may be designated to perform duties.

SECTION 2-101 **GENERAL POWERS.**

A. Pursuant to the provisions of Section 12-101 of Title 11 of the Oklahoma Statutes, the town shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to towns governed by the statutory town board of trustees form of government. These powers shall be exercised as provided by law applicable to towns under the board of trustees form of government, or, if the manner is not prescribed, then in such manner as the board of trustees may prescribe.

B. The powers, rights and authorities of the town, including the determination of matters of policy, shall be vested in and exercised by the board of trustees.

State Law Reference: Town form of government, 11 O.S. Section 12-101.

SECTION 2-102 **BOARD OF TRUSTEES.**

A. The board of trustees shall consist of five (5) trustees, the trustees to be nominated at large and elected at large. Each trustee must reside within the city limits. General elections shall be held on the first Tuesday in April 1973, and each two (2) years thereafter.

B. The term of office for a trustee shall be four (4) years beginning at 12:00 noon on the second Monday following the general municipal election. The trustee shall serve until his successor is elected and qualified. The terms of the trustees shall be staggered so that at one general municipal election, the following trustees are elected for four-year terms:

1. Trustees for Wards One, Three, and Five; and
2. Clerk;

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

1. Trustees for Wards Two and Four; and
2. Treasurer.

C. The resolution of the board of trustees calling for a general or special election to fill the office of trustee shall state the number of four-year terms and the number unexpired terms, if any, to be filled.

State Law Reference: Governing board, 11 O.S. Sections 12-102, 12-103; Terms of office, 11 O.S. Section 8-102; Elections, 11 O.S. Section 16-205; Vacancies in office of trustee, 11 O.S. Section 8-109; Election of board at large and not by ward, 11 O.S. Section 12-102.1.

SECTION 2-103 **MEETINGS OF THE TOWN BOARD.**

A. The board of trustees shall meet regularly, on the second and last Monday of each month at 7:00 P.M. and at such other times as it may prescribe by ordinance, resolution, or otherwise, at the town hall. Where the day for a meeting falls upon a day which is a legal holiday in the state, the meeting shall be held on the next succeeding day which is not a holiday. Special meetings may be called by the mayor or any three (3) trustees. A majority of all the members of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

B. Every meeting of the board of trustees shall be held in the town hall unless, in case of an emergency, the mayor designates another place in the town for the holding of a special meeting. Any adjourned meeting may be held at any other place within the town designated by the board.

State Law References: Meetings of Trustees, 11 O.S. Section 12-107; Open meeting and notice requirements, 25 O.S. Section 301-314.

SECTION 2-104 **TRUSTEES MAY BE DESIGNATED TO PERFORM DUTIES.**

The board of trustees may designate various ones of its members or a committee of its members to have supervision of various personnel and activities of the town, such as streets, water systems and so on, and may give each such trustee or committee designated an appropriate title. Each such trustee or committee so designated shall be subordinate to the board.

CHAPTER 2

MAYOR

Section 2-201 Election and duties of the mayor.

SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR.

A. The board of trustees shall elect from among its members a mayor. The mayor shall be elected in each odd-numbered year at the first board of trustees meeting held after trustee terms begin, or as soon thereafter as practicable. The mayor shall serve until his successor has been elected and qualified.

B. The mayor shall preside at meetings of the board and shall certify to the correct enrollment of all ordinances and resolutions passed by it. He shall be recognized as head of the town government for all ceremonial purposes and shall have such other powers, duties, and functions as may be prescribed by law or ordinance. The mayor shall have all the powers, rights, duties and responsibilities of a trustee, including the right to vote on questions.

C. During the absence, disability or suspension of the mayor, the board shall elect from among its members an acting mayor. When a vacancy occurs in the office of the mayor, the board shall elect another mayor from among its members to serve for the duration of the unexpired term.

State Law Reference: Election of town mayor, acting mayor, 11 O.S. Sections 12-104, 12-105.

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TOWN OFFICERS AND PERSONNEL

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Section 2-307	Salaries.
Section 2-308	Compensation of employees, number and classes of personnel.
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Section 2-310	Oaths.
Section 2-311	Officers to continue until successors are elected and qualify.
Section 2-312	Appointment of personnel in emergencies.
Section 2-313	Compensation of board of trustees, other elected offices and certain officers.
Section 2-314	Town Administrator.

SECTION 2-301 TOWN CLERK.

- A. The town clerk is an elected official of the town, elected for a four-year term.
- B. The town clerk shall:
 1. Keep the journal of the proceedings of the board;
 2. Enroll in a book kept for that purpose all ordinances and resolutions passed by the board;
 3. Have custody of documents, records and archives as may be provided by law or ordinance and have custody of the town seal;
 4. Attest and affix the seal of the town to documents as required by law or ordinance; and;
 5. Have such other powers, duties and functions as may be prescribed by law or ordinance or by the board.

SECTION 2-302 TOWN TREASURER

- A. The town treasurer is an elected official of the town, elected for a four-year term.
- B. The town treasurer shall:

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1. Maintain accounts and books to show where and from what source all moneys paid to him have been derived and to whom and when any moneys have been paid;
2. Deposit daily funds received for the town in depositories as the board may designate; and
3. Have such other powers, duties and functions as may be prescribed by law or ordinance.

The treasurer's books and accounts shall at all times be subject to examination by the board.

SECTION 2-303 **TOWN ATTORNEY, APPOINTMENT AND DUTIES.**

The board of trustees may appoint a town attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The town attorney, when and if appointed, shall be the legal adviser of the board, all officers, departments and agencies of the town government in matters relating to their official powers and duties. He shall represent the town in proceedings in the courts. He shall perform all services incident to his position which may be required by law or ordinance.

SECTION 2-304 **HEALTH OFFICER.**

The board of trustees may appoint a town health officer. The county health officer or any qualified personnel of the state department of health may perform the duties and functions of a town health officer.

SECTION 2-305 **OTHER PERSONNEL, APPOINTMENTS, REMOVALS.**

A. The board of trustees may appoint such other officers and employees as it deems desirable and may determine their compensation by motion or resolution, and may demote, suspend, lay off or remove all such personnel in compliance with due process and other requirements of law.

B. An employee or officer who, after a probationary period as set by the town board, is laid off, suspended without pay for more than ten (10) days, demoted or removed may appeal in writing to the town board. The appeal must be filed with the town treasurer for transmittal to the board within ten (10) days after receipt of the notice of the layoff, suspension, demotion or removal. As soon as practicable thereafter, the board shall conduct a hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations and make its final decision in writing regarding the appellant's layoff, suspension, demotion or removal. If the board finds that the layoff, suspension, demotion or removal was made in error, it shall veto the layoff, suspension, demotion or removal and order

the reinstatement of the employee or officer. Any proceedings of the board shall be subject to open meeting laws and applicable exceptions provided for executive sessions. Employees or officers on probationary status may be laid off, suspended without pay, demoted or removed at any time without the written statement, hearings and procedures required in this section.

SECTION 2-306 **BONDS.**

The town treasurer and the town clerk, and any other officers and employees which the town board may designate by ordinance or otherwise, shall give bond for the faithful performance of duties in such amount and form as the board shall prescribe. The town shall pay the premiums on such bonds. The town may require the officer to secure the bond within ten (10) days after his election or appointment.

State Law Reference: Officers' bonds, 11 O.S. Section 8-105.

SECTION 2-307 **SALARIES.**

The compensation of all elective town officers, including the following, shall be fixed by ordinance:

1. Mayor;
2. Each trustee;
3. Town clerk; and
4. Town treasurer.

State Law Reference: Compensation of town elected officers, 11 O.S. Section 12-113; Increasing salary during term, Oklahoma Constitution, Art. 23, Section 10.

Cross-Reference: See Section 2-313 for specific amounts of compensation.

SECTION 2-308 **COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL.**

A. The compensation of all other officers and employees excepting those whose compensation the law requires to be set by ordinance, may be determined by motion or resolution adopted by the board of trustees, and may be changed at any time in the same manner.

B. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees.

SECTION 2-309 **SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED
AFTER ELECTION OR APPOINTMENT.**

A. In no case shall the salary or emoluments of any town officer elected or appointed for a definite term, be changed after his election or appointment or during his term of office unless by operation of an ordinance passed prior to such election or appointment, such being prohibited by the Constitution, Article 23, Section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees.

B. The person who serves as town clerk may also perform additional duties not specified by state law as an employee of the town. Said additional duties shall be performed by the person serving as the town clerk or as otherwise provided by motion or other action of the board. The person performing additional administrative duties shall serve at the pleasure of the Board and shall perform such duties as may be prescribed by the Board.

C. The pay period for performing the additional administrative duties shall be the same as for other municipal employees and shall be paid, each pay period the amount of \$50.00 in accordance with any personnel policy or other policy of the town. The salary for performing the additional administrative duties shall not be subject to constitutional restrictions. (Subsections "B" and "C" were contained in Ordinance No. 911).

SECTION 2-310 **OATHS.**

A. All officers of the town, but not employees, are required to take the oath or affirmation of office prescribed by the state constitution before they enter upon their duties.

B. Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law.

SECTION 2-311 **OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE
ELECTED AND QUALIFY.**

Every officer who is elected or appointed for a definite term, shall continue to serve thereafter until his successor is elected or appointed and qualifies, unless his services are sooner terminated by resignation, disqualification, removal, death, abolition of the office, or other legal manner.

SECTION 2-312 **APPOINTMENT OF PERSONNEL IN EMERGENCIES.**

The mayor may, in an emergency situation, appoint such other officers and employees as he may deem necessary to protect the health, safety and welfare of the citizens of the town during the existence of the emergency, subject to the approval of the board of trustees as soon as a special

meeting or regular meeting can reasonably be called or held therefor. The board of trustees may determine the compensation of such emergency employees by motion or resolution and may direct the demotion, layoff or removal of such personnel at the conclusion of such emergency. For the purposes of this section, the term “emergency” shall be defined to mean an unexpected or unforeseen contingency or catastrophic event affecting the health, safety or welfare of the citizens of the town.

SECTION 2-313 **COMPENSATION OF BOARD OF TRUSTEES, OTHER
ELECTED OFFICES AND CERTAIN OFFICERS**

A. Section 2-307 of the Ordinances of the Town of Inola requires compensation for all elected Town Officers to be fixed by Ordinance.

B. Therefore, the compensation and expenses of elected officials are hereby fixed as follows:

President of Board of Trustees	\$350.00 per month, \$100.00 per meeting and expenses
Each Town Trustee	\$75.00 per meeting
Town Clerk	\$200.00 per month and \$75.00 per meeting
Town Treasurer	\$200.00 per month and \$75.00 per meeting

None of the elected officials shall be entitled to any additional pay for attending Inola Public Works Authority Meetings scheduled at the same time as Meetings of the Town of Inola.

C. Compensation for the Officers named herein shall be paid in accordance with the provisions of this Ordinance and shall become effective on the third Monday in April 2019. Provided, the increase in compensation shall only apply to officials elected or appointed after the effective date of this Ordinance and will take effect after the officers assume their position at the next term of office.

D. The Board of Trustees may, from time to time assign additional or extra duties to any of the above-named elected officials and/or other Town employees and establish compensation for the performance of said extra duties with the extra duties and compensation thereof to be determined by the Board of Trustees and approved by special resolution. The compensation for performing the additional duties shall not be subject to constitutional restrictions and shall be in addition to the compensation set forth in this Ordinance. The duties and compensation may be changed at any time in the discretion of the Board of Trustees of the Town of Inola by adoption of proper resolution.

SECTION 2-314 **TOWN ADMINISTRATOR**

A. Creation of Office. Pursuant to the authority of 11 O.S. § 12 - 112, the office of Town Administrator is hereby created. The Board of Trustees may, but shall not be required to, appoint a Town Administrator.

B. Appointment of Town Administrator. If appointed, the town administrator shall be appointed by majority vote of the Board of Trustees for an indefinite term.

C. Removal of Town Administrator. The Board of Trustees may remove the town administrator at any time by a majority vote of its members. The position of Town Administrator shall be at "at will" position and may be removed without cause.

D. Powers and Duties of Town Administrator. If appointed, the Town Administrator will be the chief administrative officer of the Town. He or she shall act as liaison between the Town Board and department heads, and as liaison between the citizens of the Town and the Town Board and shall have the power to:

a. During regular working hours maintain an office open to the public and staffed by such employees as are necessary and approved by the Board of Trustees by Resolution to serve the needs of the Town and the Public.

b. Recommend appointments and, when necessary for the good of the service, recommend suspension or removal of any officer or employee of the town, except as otherwise provided by law. The Board of Trustees shall make all decisions regarding the appointment, suspension and termination of officers and employees.

c. In cooperation with the Town Treasurer and department heads, prepare and submit an annual budget request for each town departments along with a brief description of any important features.

d. In cooperation with the Town Treasurer and the Town's accountant, prepare and submit to the Board of Trustees, at the end of the fiscal year, a complete report on the finances and administrative activities of the Town for the preceding year.

e. Keep the Board of Trustees advised of the current financial condition and future needs of the Town, and make such recommendations as he or she may deem necessary.

f. Upon request of the Board of Trustees, recommend a standard schedule of pay for each office and position in the Town including minimum, intermediate, and maximum rates.

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g. Recommend to the governing body (from time to time) adoption of such measures as he or she may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.

h. Prepare the agenda and attend all meetings of the Board of Trustees unless excused therefrom and take part in the discussion of matters coming before the Board.

i. Supervise the purchase of all materials, supplies, and equipment in the Town departments for which funds are provided in the budget. The Administrator may issue such rules governing purchasing procedures within the administrative organization as the Board of Trustees shall approve and shall, in cooperation with the Town Treasurer, insure payment of all approved claims as required by law or ordinance.

j. Recommend such actions as he or she may deem necessary or appropriate to the Town's Code Enforcement Officer, Police Department or the Board of Trustees to aid in the enforcement of the laws and ordinances of the Town.

k. Investigate affairs of the Town or any department thereof, and investigate complaints in relation to matters concerning the administration of the government of the Town, and see that all franchises, permits, and privileges granted by the Town are faithfully observed.

l. Provide assistance in preparations of grant applications and other duties as pertains to seeking grants for the Town.

m. The Town Administrator shall work the number of hours authorized by the Board.

n. Perform such other duties as may be required by the Board of Trustees, not inconsistent with the Town ordinances or state law, including all duties heretofore assigned by ordinance or state law to the Town Clerk or Town Treasurer.

E. Compensation. The Town Administrator shall receive such compensation as the Board of Trustees shall fix by Motion or Resolution. The Board may hire the Town Administrator on a full or part time basis and on an hourly basis or as a salaried position.

F. Vacancy. In the event of vacancy in the office of the Town Administrator, the Board of Trustees may fill the vacancy at such time as the Board deems appropriate giving due consideration to the availability of qualified candidates and budgetary limitations. In the absence of a Town Administrator, the Town Clerk, Town Treasurer and Town employees shall assist with the duties set forth above as directed by the Board of Trustees.

CHAPTER 4

SOCIAL SECURITY

Section 2-401	Declaration of policy to come under coverage.
Section 2-402	Execution of agreement with state agency.
Section 2-403	Withholdings.
Section 2-404	Contributions.
Section 2-405	Records and reports.
Section 2-406	Exclusions.

SECTION 2-401 **DECLARATION OF POLICY TO COME UNDER COVERAGE.**

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

State Law Reference: Social security coverage for local governments, 51 O.S. Section 125.

SECTION 2-402 **EXECUTION OF AGREEMENT WITH STATE AGENCY.**

The mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-401 of this code.

SECTION 2-403 **WITHHOLDINGS.**

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-401 of this code are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations.

SECTION 2-404 **CONTRIBUTIONS.**

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

SECTION 2-405 **RECORDS AND REPORTS.**

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

SECTION 2-406 **EXCLUSIONS.**

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

1. Any authority to make any agreement with respect to any position, employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town; or
2. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable state or federal laws or regulations.

CHAPTER 5

FIREFIGHTERS PENSION AND RETIREMENT FUND

Section 2-501 Contributions to fund.

SECTION 2-501 **CONTRIBUTIONS TO FUND.**

A. The clerk shall deduct from the salaries or wages of each paid member of the fire department the appropriate amounts of money as established and required by state law as contribution to the firefighters pension fund. However, if the members of the fire department, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this subsection shall be increased to reflect the amounts approved by the majority vote. The treasurer of the town shall deposit monthly with the Oklahoma Firefighters Pension and Retirement Board the amounts deducted pursuant to this subsection. Any amounts deducted from the salary or wages of a fire department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount which he is contributing.

B. The town treasurer shall deposit monthly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money as established and required by state law for each paid member of the fire department.

C. For each volunteer member of the fire department, the town treasurer shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money as established and required by state law. These amounts may be revised according to actuarial studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board.

D. All assets of the town firefighters pension and retirement fund shall be transferred to the Oklahoma Firefighters Pension and Retirement Board. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the State Board.

State Law Reference: Firefighters pension law, 11 O.S. Section 49-122.

Cross Reference: Fire department and services, Section 13-101 of this code.

PART 3

ALCOHOLIC BEVERAGES

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101	Purposes of chapter.
Section 3-102	Terms and phrases.
Section 3-103	Occupation tax.
Section 3-104	When due and posting.
Section 3-105	Payment required.
Section 3-106	Civil penalty.
Section 3-107	Application for certificate, investigations.
Section 3-108	Issuance of certificate of zoning and certificate of compliance.
Section 3-109	Condition of sale.
Section 3-110	Consumption prohibited, where.
Section 3-111	Compliance required.
Section 3-112	Compliance with zoning regulations required.
Section 3-113	Prohibited location.
Section 3-114	Prohibited sales.
Section 3-115	Transporting beverages.
Section 3-116	Prohibited employment.
Section 3-117	Dates, hours on which sale prohibited.
Section 3-118	Drinking and intoxication in public place prohibited.
Section 3-119	Not to permit intoxicated person in cafe, club.
Section 3-120	Penalty.

CHAPTER 2

NON INTOXICATING BEVERAGES

Section 3-201	Definitions.
Section 3-202	Hours of sale.
Section 3-203	License fees.
Section 3-204	License required.
Section 3-205	Not to sell to minors.
Section 3-206	Possession by minors.
Section 3-207	Persons under eighteen (18) not to be employed.
Section 3-208	Not to permit minors to frequent bars, beer halls or taverns.
Section 3-209	Unlawful transportation of non intoxicating beverage.
Section 3-210	Prohibited location.
Section 3-211	Penalty.

CHAPTER 1

ALCOHOLIC BEVERAGES

Section 3-101	Purposes of chapter.
Section 3-102	Terms and phrases.
Section 3-103	Occupation tax.
Section 3-104	When due and posting.
Section 3-105	Payment required.
Section 3-106	Civil penalty.
Section 3-107	Application for certificate, investigations.
Section 3-108	Issuance of certificate of zoning and certificate of compliance.
Section 3-109	Condition of sale.
Section 3-110	Consumption prohibited, where.
Section 3-111	Compliance required.
Section 3-112	Compliance with zoning regulations required.
Section 3-113	Prohibited location.
Section 3-114	Prohibited sales.
Section 3-115	Transporting beverages.
Section 3-116	Prohibited employment.
Section 3-117	Dates, hours on which sale prohibited.
Section 3-118	Drinking and intoxication in public place prohibited.
Section 3-119	Not to permit intoxicated person in cafe, club.
Section 3-120	Penalty.

SECTION 3-101 **PURPOSES OF CHAPTER.**

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

State Law Reference: State alcoholic beverage regulations, generally, 37 O.S. Sections 501 et seq.

SECTION 3-102 **TERMS AND PHRASES.**

For the purpose of this chapter, all of the terms and phrases used in this chapter shall be given the same use and meaning as defined by the Oklahoma Alcoholic Beverage Control Act. "Minor" shall mean a person who, in accordance with state law, has not yet attained the age at which consumption of alcoholic beverages is permitted. "State licensee" means any person who holds a license issued under authority of the Oklahoma Alcoholic Beverage Control Act.

SECTION 3-103 **OCCUPATION TAX.**

A. There is hereby levied an annual tax not to exceed the amounts indicated below upon the occupations named:

1.	Brewer	\$1,250.00;
2.	Distiller	3,125.00;
3.	Wine maker	625.00;
4.	Oklahoma wine maker	75.00;
5.	Rectifier	3,125.00;
6.	Wholesaler	2,500.00;
7.	Class B wholesaler	625.00;
8.	Package store	300.00
9.	Mixed beverage establishment	1,000.00 initial; 900.00 renewal;
10.	Caterer	1,000.00 initial; 900.00 renewal;
11.	Special event, per day	50.00.

B. The occupation taxes prescribed herein shall be reduced or prorated to the extent necessary to conform to applicable laws respecting the applicants or holders of state licenses.

C. The license fee for those service organizations which are exempt under Section 501 (c) (19) of the Internal Revenue Code for mixed beverage or bottle club licenses shall be Five Hundred Dollars (\$500.00) per year.

State Law Reference: Town license fees, not to levy greater than state licenses, 37 O.S. Section 518.

SECTION 3-104 **WHEN DUE AND POSTING.**

A. Any state licensee originally entering upon any occupation herein listed shall pay the tax therefor at the office of the town clerk of the town on or before the date upon which he enters upon such occupation. The licensee shall provide a copy of his current state license before payment of an occupation tax will be accepted. All occupation taxes shall expire on June 30 of each year.

B. Any state licensee carrying on his occupation in more than one location within the town limits of the town shall be subject to the tax set out for each such location.

C. Upon payment of the occupation tax as set out, the town clerk shall issue a receipt to the state licensee which licensee shall post in a conspicuous place on the premises wherein he carries on his occupation. The town clerk shall also record the name of such licensee and the address where he engages in his occupation and such records shall be duly filed and kept in the permanent files of that office for at least three (3) years. Thereafter, upon approval of the governing body of the town, the records may be destroyed.

D. The town clerk shall make and transmit to the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission an annual report covering the fiscal year showing the number and class of businesses upon which occupation taxes were levied, and the amount of money collected from such taxes.

SECTION 3-105 **PAYMENT REQUIRED.**

Any person who engages in any of the occupations taxed by this chapter without first paying the occupation tax imposed therefor in advance of such operation is guilty of an offense against the town, and upon conviction thereof shall be punished as provided in Section 1-108 of this code. A penalty in the form of increased tax may be levied upon any person not paying the tax within fifteen (15) days after it is due.

SECTION 3-106 **CIVIL PENALTY.**

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

SECTION 3-107 **APPLICATION FOR CERTIFICATE, INVESTIGATIONS.**

A. Every applicant for a certificate of compliance with the zoning, fire, health and safety codes of the town required by Title 37 of the Oklahoma Statutes shall apply at the office of the 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 board of trustees at the time of filing.

B. Upon receipt of an application for a certificate of compliance the town 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 and other safety codes applicable to it.

C. The town shall act on all such applications within twenty (20) days of receipt thereof.

State Law Reference: Certificates issued by town prior to state licensing, 37 O.S. Section 523.

SECTION 3-108 **ISSUANCE OF CERTIFICATE OF ZONING AND CERTIFICATE OF COMPLIANCE.**

A. Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the ABLE Commission.

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

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

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

SECTION 3-109 **CONDITION OF SALE.**

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

1. In retail containers;
2. At ordinary room temperatures;
3. In the original package; and
4. For consumption off the premises.

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

SECTION 3-110 **CONSUMPTION PROHIBITED, WHERE.**

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

SECTION 3-111 **COMPLIANCE REQUIRED.**

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

SECTION 3-112 **COMPLIANCE WITH ZONING REGULATIONS REQUIRED.**

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

State Law Reference: Similar provisions, 37 O.S. Section 534.

SECTION 3-113 **PROHIBITED LOCATION.**

The location of a retail package store, mixed beverage establishment or bottle club is specifically prohibited within three hundred (300) feet from any church property primarily and regularly used for worship services and religious activities, or public school. If any such church, or school, shall be established within three hundred (300) feet of any licensed premises after such premises have been licensed, this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect. The distance indicated in this section shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of such package store, mixed beverage establishment or bottle club along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school.

State Law Reference: Similar provisions, 37 O.S. Section 518.2.

SECTION 3-114 **PROHIBITED SALES.**

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

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

SECTION 3-115 **TRANSPORTING BEVERAGES.**

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

1. In an unopened original container with seal unbroken, and the original cap or cork not removed from the container; or
2. In the trunk or other closed compartment or container out of public view and out of reach of and not accessible to the driver or any occupant of a vehicle.

SECTION 3-116 **PROHIBITED EMPLOYMENT.**

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

SECTION 3-117 **DATES, HOURS ON WHICH SALE PROHIBITED.**

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

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

SECTION 3-118 **DRINKING AND INTOXICATION IN PUBLIC PLACE PROHIBITED.**

No persons within this town shall drink intoxicating liquor in any public place, nor shall any person be intoxicated in a public place within this town.

SECTION 3-119 **NOT TO PERMIT INTOXICATED PERSON IN CAFE, CLUB.**

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

SECTION 3-120 **PENALTY.**

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

CHAPTER 2

NON INTOXICATING BEVERAGES

Section 3-201	Definitions.
Section 3-202	Hours of sale.
Section 3-203	License fees.
Section 3-204	License required.
Section 3-205	Not to sell to minors.
Section 3-206	Possession by minors.
Section 3-207	Persons under eighteen (18) not to be employed.
Section 3-208	Not to permit minors to frequent bars, beer halls or taverns.
Section 3-209	Unlawful transportation of non intoxicating beverage.
Section 3-210	Prohibited location.
Section 3-211	Penalty.

SECTION 3-201 **DEFINITIONS**

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

1. "Minor" means a person who, according to state law has not yet attained the age at which consumption of non intoxicating beverages is permitted under state law;
2. "Non intoxicating beverages" means all beverages containing more than one-half of one percent (.5%) alcohol by volume and less than three and two tenths percent (3.2%) alcohol by weight; including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of any infusion of barley or other grain, malt or similar products.
3. "Place of business" means each separate location or service unit in which or from which non intoxicating alcoholic beverages are sold, delivered or otherwise furnished; and,
4. "Retail dealer" Means and includes any person who sells any non intoxicating alcoholic beverage as defined herein for consumption or use and not for resale.

State Law Reference: See 37 O.S. Sections 163.1 et seq. for definitions and regulations applicable to non intoxicating beverages.

SECTION 3-202 **HOURS OF SALE.**

It is unlawful for any place licensed to sell beverages containing more than one-half of one percent (1/2 of 1%) of alcohol by volume and not more than three and two-tenths percent (3.2%) of alcohol by weight to sell such beverages for consumption on the premises between the hours of two o'clock a.m. and seven o'clock a.m. excepting Saturday nights when such beverages may not be sold between the hours of two o'clock a.m. and twelve o'clock noon on Sundays.

State Law Reference: Similar provision, 37 O.S. Section 213.

SECTION 3-203 **LICENSE FEES.**

There is hereby levied on each retail dealer in non intoxicating beverages within the town selling such beverages for consumption on or off the premises of the dealer's place of business, a license fee of Twenty Dollars (\$20.00) per annum, and on each retail dealer selling such beverages exclusively in original packages (of not less than case lots) and not for consumption on his premises, a license fee of Ten Dollars (\$10.00) per annum. A separate license fee shall be paid for each place of business, as herein defined, operated and conducted by the retail dealer.

State Law Reference: State license fee, town not to levy greater fee, 37 O.S. Section 163.7.

SECTION 3-204 **LICENSE REQUIRED.**

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

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

SECTION 3-205 **NOT TO SELL TO MINORS.**

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

SECTION 3-206 **POSSESSION BY MINORS.**

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

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

SECTION 3-207 **PERSONS UNDER EIGHTEEN (18) NOT TO BE EMPLOYED.**

A. It is unlawful for any owner, manager, operator or employee of a place where non intoxicating beverages are sold for consumption on the premises to employ a person under eighteen (18) years of age to work in such place; or for any person under eighteen (18) years of age to work in such place. This subsection shall not apply to any licensed premises where sales of non intoxicating beverage do not exceed twenty-five percent (25%) of the gross sales of the licensee.

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

State Law Reference: Similar provisions, 37 O.S. Section 243.

SECTION 3-208 **NOT TO PERMIT MINORS TO FREQUENT BARS, BEER HALLS OR TAVERNS.**

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

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

State Law Reference: Similar provisions, 37 O.S. Sections 241, 246.

SECTION 3-209 **UNLAWFUL TRANSPORTATION OF NON INTOXICATING BEVERAGE.**

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

1. In the original container which shall not have been opened and from which the original cap or seal shall not have been removed; or
2. If it is in an opened container, the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or to any other person in the vehicle while it is in motion.

SECTION 3-210 **PROHIBITED LOCATION.**

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

State Law Reference: Similar provisions, 37 O.S. Section 163.24.

SECTION 3-211 **PENALTY.**

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

PART 4

ANIMALS

CHAPTER 1

ANIMAL REGULATIONS

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GENERAL PROVISIONS

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Section 4-103	Turning animals at large unlawful.
Section 4-104	Pasturing in public areas illegal.
Section 4-105	Animals which disturb prohibited.
Section 4-106	Swine not to be kept within town.
Section 4-107	Buildings for animals, location.
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Section 4-109	To be kept clean.
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Section 4-112	Tag to be Placed on Dog or Cat Collar, Lost Tag.
Section 4-113	Tags: Counterfeiting, Placing on Other Dog or Cat.
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ARTICLE B

DOG AND CAT VACCINATION AND HEALTH

Section 4-120	Dogs and cats to be vaccinated.
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ARTICLE C

ANIMAL SHELTER

Section 4-130	Animal shelter established.
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Animals

Section 4-131	Animals to be impounded, entry on property.
Section 4-132	Impoundment, description, notice, disposition.
Section 4-133	Breaking pound.
Section 4-134	Fees for impounding.
Section 4-135	Reclamation of impounded animals.
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ARTICLE D

CRUELTY TO ANIMALS

Section 4-140	Cruelty to animals.
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ARTICLE E

ZONING ORDINANCE TO PREVAIL

Section 4-150	Zoning ordinance to prevail.
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ARTICLE F

PENALTIES

Section 4-160	Penalty.
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CHAPTER 2

(RESERVED)

CHAPTER 1

ANIMAL REGULATIONS

ARTICLE A

GENERAL PROVISIONS

Section 4-101	Definitions.
Section 4-102	Animals not to be at large.
Section 4-103	Turning animals at large unlawful.
Section 4-104	Pasturing in public areas illegal.
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Section 4-106	Swine not to be kept within city.
Section 4-107	Buildings for animals, location.
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Section 4-115	Leashing animals, when.
Section 4-116	Kennels, licensing, commercial kennels prohibited.

ARTICLE B

DOG AND CAT VACCINATION AND HEALTH

Section 4-120	Dogs and cats to be vaccinated.
Section 4-121	Vicious dog may be killed.
Section 4-122	Dogs muzzled and cats confined.
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ARTICLE C

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Section 4-130	Animal shelter established.
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Section 4-133	Breaking pound.
Section 4-134	Fees for impounding.

Animals

Section 4-135	Reclamation of impounded animals.
Section 4-136	Disposition, sale of impounded animals.
Section 4-137	Requirement for keeping cattle and horses.
Section 4-138	Nuisance.

ARTICLE D

CRUELTY TO ANIMALS

Section 4-140	Cruelty to animals.
Section 4-141	Poisoning animals.
Section 4-142	Encouraging animals to fight.

ARTICLE E

ZONING ORDINANCE TO PREVAIL

Section 4-150	Zoning ordinance to prevail.
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ARTICLE F

PENALTIES

Section 4-160	Penalty.
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ARTICLE A

GENERAL PROVISIONS

SECTION 4-101 **DEFINITIONS.**

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

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey or other animal or fowl;
2. "At large" means:
 - a. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or
 - b. Not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash not more than six (6) feet in length if off the premises of the owner;
3. "Owner" means any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal; and
4. "Vicious dog" means a dog which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked.
5. "Animal Control Officer" or "Health Officer" shall mean such person designated by the Board of Trustees to serve in that capacity. In the event no person is serving in that capacity, the Chief of Police or any police officer employed by the Town of Inola may perform the duties imposed upon the "Animal Control Officer" or "Health Officer".

SECTION 4-102 **ANIMALS NOT TO BE AT LARGE.**

A. These sections only apply to areas within Inola town limits not zoned as agriculture or previously zoned as agriculture prior to this ordinance being certified and signed into law. No individual shall permit any animal, including fowl, dogs and cats, owned, harbored or kept by said individual to be at large within the town. It is unlawful for any animal as provided in this section to be at large at any time within the town. Individuals may place live traps on property which they own to catch any dog or cat that is at large on their property. Any property owner who wishes to set a live trap to catch dogs or cats that are at large, must register each trap

with the Inola town clerk prior to setting any traps. The Inola town clerk will provide a tag with a registration number for each trap.

All traps set to catch dogs or cats that are at large must be checked once every day and a tag must be affixed to the trap on which the owner of the trap must write the Inola town registration number, date and time the trap was set and write the date and time on the tag each time it is checked. Dogs or cats caught in a live trap must be turned over to the Inola Police within 8 hours of being caught in any live trap on any weekday or Saturday and within 12 hours if caught on a Sunday.

Dogs and cats caught in live traps may not be harmed, abused or in any way mistreated. Owners of animals, dogs or cats that are at large are financially responsible for any damage or destruction caused by said animal. Owners of animals, dogs and or cats that are caught at large are responsible to pay all fines and cost associated with catching, holding, treating, vaccinating and if required spay or neutering of said animals. Dogs and or cats caught at large and found not to be properly registered, immunized and tagged with the town, will be registered, tagged and vaccinated and if required spayed or neutered at the owner's expense prior to being returned to the owner.

B. Individuals may keep one Pot Belly pig as a pet, but the same requirements pertain to these animals as to other domestic animals maintained as pets.

C. All Oklahoma Department of Wildlife regulations established by the Oklahoma Department of Wildlife are hereby incorporated. In the event any provisions of the Ordinances of the Town of Inola conflict with the Wildlife Regulations, the Wildlife Regulations shall prevail.

SECTION 4-103 **TURNING ANIMALS AT LARGE UNLAWFUL.**

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

SECTION 4-104 **PASTURING IN PUBLIC AREAS ILLEGAL.**

It is unlawful for any person to take, confine or pasture any animal on any public property, federal, state, town or other, on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property. The Town of Inola waives all jurisdiction, control or responsibility for any and all animals kept or maintained on Inola school property. All rules and regulations relating to animals kept or maintained on Inola school property shall be established and enforced by the Inola School Board and Superintendent.

SECTION 4-105 **ANIMALS WHICH DISTURB PROHIBITED.**

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

SECTION 4-106 **SWINE NOT TO BE KEPT WITHIN CITY.**

It is unlawful for any person being the owner of, or having the care, custody, or control thereof, to keep or allow to be kept any hogs, shoats, goats, sheep, poultry, rabbits or pigs at any time in any enclosure within the town, or any lot therein, or running at large within the town. Individuals may keep one rabbit as a pet or keep poultry or rabbits, which are shown in competitions. Poultry may also be kept for private use as a meat source or for eggs, but not for resale or as a business. No more than 10 chickens or other poultry may be kept to include no more than one male or rooster. If the area is zoned as agriculture or was previously zoned as agriculture prior to this Ordinance being signed and certified into law, this ordinance does not apply.

Individuals must pay a one-time registration fee of \$5.00 for every male or female rabbit and \$5.00 for each poultry / fowl more than 6 months of age unless the animals are kept in an area zoned as agriculture or which was previously zoned as agriculture prior to this Ordinance being signed and certified into law.

The Town of Inola waives all jurisdiction, control or responsibility for any and all animals kept or maintained on Inola school property. All rules and regulations relating to animals kept or maintained on Inola school property shall be established and enforced by the Inola School Board and Superintendent.

SECTION 4-107 **BUILDINGS FOR ANIMALS. LOCATION.**

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

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

C. No building, dog kennel, chicken coop, dovecote, rabbit warren, yard, place or establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner of the premises upon which such animal is kept.

SECTION 4-108 **MANURE.**

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

SECTION 4-109 **TO BE KEPT CLEAN.**

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

SECTION 4-110 **HEALTH OFFICER TO INSPECT.**

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

SECTION 4-111 **ANIMAL REGISTRATION, TAG.**

A. A one-time fee of \$15.00 for every male or female dog and or cat more than 6 months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the town boundaries. In addition, a one-time fee of \$5.00 is hereby levied for every rabbit or fowl or other animal kept or harbored within the town boundaries.

B. The fee shall not apply to a dog or cat temporarily brought and kept within the town, nor a dog brought therein to participate in a dog or cat show, nor to a **“seeing eye dog”** **“Service dog”** or any dog used in any official capacity such as a **Police Dog, Drug Dog etc** nor to dog or cat being kept in a kennel or pet shop for sale, or any animals brought onto school property in connection with the school AG program.

C. The owner shall pay such fee to the town clerk the time of registration.

D. Before the clerk accepts any money offered in payment of the fee for a dog or cat or issues a license for it, the person offering the fee shall present to the clerk the certificate of a veterinarian or other person legally authorized to immunize dogs and cats, showing that the dog or cat has been immunized against rabies during the calendar year (that is since the 31st day of last December).

E. The owner of any domestic animal, fowl, dog or cat shall register the animal with the Town of Inola and pay a registration fee. The individual shall provide the Town Clerk the name and address of the owner, the name, breed, color, and sex of the animal, fowl, dog or cat, and such other reasonable information as the clerk request. In addition, the owner should provide

the Town Clerk a photograph of the animal to assist in finding the animal in the event of escape. Provided, this section shall not apply to areas zoned as agriculture or previously zoned as agriculture prior to the date this Ordinance was certified and signed into law,

F. The Town Clerk thereupon shall deliver an original receipt to the fee payer and direct them to the Inola Police Department or designated individual responsible for issuing the tag. An appropriate tag will be issued and such a tag shall constitute a license for the dog or cat and must be placed on the collar of the dog or cat. For fowl and other animals, a tag will be issued and must remain in the possession of the owner as a license for the animal or fowl.

G. Any animal, fowl, dog or cat found at large within the boundaries of the Town of Inola and not registered will be impounded by the city. If the dog or cat is claimed by the owner, the owner must register the dog or cat, pay for the dog or cat to be immunized or provide documentation proving the animal, fowl, dog or cat has been immunized as described herein. The owner will also be required to pay a fine of not less than \$50.00 per animal, fowl, dog or cat found to be at large that is not registered.

H. Due to the proliferation of cats within Inola town limits, all cats found at large within Inola city limits will be impounded. If the cat is not registered, the cat will be disposed of within 72 hours of being picked up (unless claimed by the Owner as set forth above).

I. If an animal, fowl, cat or dog is found to be at large and it has been properly registered, the owner will be contacted immediately and the dog or cat will be returned to the owner with no fine for the first three incidents. The owner will not receive a fine if it is determined and proved that the animal, fowl, dog or cat was at large at no fault of the owner. If the owner intentionally allowed the animal, fowl, dog or cat to be at large, the owner will receive the appropriate fine as described previously in item G.

J. It is illegal to feed wild or stray / feral animals other than deer, birds and squirrels within the boundaries of the Town of Inola. It is also illegal to feed stray domestic animals within the boundaries of the Town of Inola. Individuals who violate this ordinance shall receive a fine of \$50.00 for each offense and \$50.00 per animal fine regardless if the animals are on private or public property.

K. Any city employee may catch and impound any dog or cat that is at large and not registered within the limits of the Town of Inola. If the dog or cat is on private property and not confined behind a fence, secured by a restraint or by use of an electric non visible fence and shock collar, the town employee may impound the dog or cat, but the employee may not go onto private property to catch the animal unless the owner of the property has permanently vacated, abandoned or it is a vacant lot or the dog or cat is determined to be a threat to life or property or if the life of the dog or cat is threatened. If the dog or cat is registered and has a tag, the employee is required to return the dog or cat to the address on the tag and if they cannot make contact with anyone at the address on the tag, the employee is next to call the phone number on the tag. If, after taking the first two steps, the employee has not been able to contact the owner, the dog or cat it is to be taken to the town pound. A note is to be left at the address with

information regarding the dog or cat and where it can be picked up at as well as a contact phone number.

L. No dog or other animal may be placed on any type of restraint on or near a utility meter or secured to a utility meter in such a way as to restrict city employees from performing their jobs. If a dog or other animal is fenced or restrained to or near a utility meter and the presence of the dog or animal inhibits or prevents a town employee from reading a meter or performing their duties, the Town of Inola will notify the occupant of the home or building that is responsible for the utility bill of the situation and need to correct the situation within 24 hours of receipt of the notice. If, after 72 hours of receipt of notice, the individual has not corrected the situation, the Town will issue a fine of \$100.00 which will be added to the utility bill for the subject property.

SECTION 4-112 TAG TO BE PLACED ON DOG OR CAT COLLAR, LOST TAG.

A. The owner shall cause the tag received from the police department to be affixed to the collar of the dog or cat upon which the fee has been paid so that the tag can be easily seen by officers of the municipality; and the owner shall see that the tag is so worn by the dog or cat at all times.

B. In case the tag is lost or stolen before the end of the year for which it was issued, the owner may secure another for the dog by applying to the clerk, presenting to him or her the original receipt, and paying to him or her a fee of five (\$5.00) dollars.

SECTION 4-113 TAGS: COUNTERFEITING, PLACING ON OTHER DOG OR CAT.

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

SECTION 4-114 NUISANCE, WILD, EXOTIC, VICIOUS OR DANGEROUS ANIMALS.

(I) NUISANCE ANIMALS:

A. Conditions Constituting A Nuisance: The following conditions are hereby declared to be a nuisance:

1. Barking: Any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person;

2. Scavenging: Any dog or other animal which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; and

3. Chasing: Any dog or other animal which chases cars, motorcycles, bicycles or any other motor vehicle or intimidates joggers, pedestrians or children.

4. Animal Feces: Any dog or other animal which defecates on public or private property not owned by the animal's owner or keeper of the animal. The nuisance may be abated by the owner or person in charge of said animal by removing the feces and placing same in a proper waste container.

5. Nuisance Wildlife: State regulations govern the control of certain nuisance wildlife complaints. See OAC 800:25-37 of the Department of Wildlife Conservation Regulations. Pursuant to those regulations, complaints regarding badger, beaver, jackrabbit, cottontail rabbit, fox squirrel, gray squirrel, red fox, gray fox, mink, muskrat, nutria, opossum, raccoon, striped skunk and weasel may only be handled by a person holding a Nuisance Wildlife Control Operator's Permit. If the Town's Animal Control Officer does not hold such permit, the Complaint should be directed to the Wildlife Department.

Pursuant to those regulations, the following nuisance animals may be handled by the Animal Control Officer without the necessity of a Nuisance Wildlife Control Operator's Permit: armadillo, bats, coyote, English (house) sparrow, European starling, feral pigeon, flying squirrel, gopher, porcupine, ground squirrel, mole sp., mice sp., rats, reptiles and woodchuck.

Complaints regarding Big game (deer, elk, turkey, bear, etc.) must be directed to the Oklahoma Wildlife Department.

B. Complaint: Any dog or other animal alleged to be a nuisance, as defined in this section, may be proceeded against in the municipal court after a complaint has been duly filed therein by any person having knowledge thereof, and if the court shall find that such dog or other animal is a nuisance, then the court may order the owner or person in possession to prevent and abate such nuisance, or the court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the city, conditioned that he will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the court evidence that the nuisance has been abated and prevented and the court may, upon such hearing, order the bond returned.

(II) DANGEROUS OR VICIOUS ANIMALS:

A. Vicious Dogs:

1. Harboring Unlawful: It is unlawful for any person to keep, maintain and harbor within the corporate limits of the city any vicious animal of the canine family, including dogs, coyotes, wolves or any other animal belonging to the canine family.

2. Defined: A "vicious animal" means a vicious dog as defined herein.

3. Self-Defense: A person may kill a dog in self-defense or in defense of another person or animal when the dog, without undue provocation, bites him or the other person or animal, or attacks or attempts to bite or attack him or the other person or animal in such a manner

that an ordinarily prudent person would be led to believe that the person or animal toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

4. Penalty: Any person violating the provisions of this subsection, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day a “vicious dog”, as herein defined, is kept, maintained or allowed by any person within the corporate limits of the city shall constitute a separate offense.

B. Complaint; Proceedings: Any dog or other animal alleged to be vicious or dangerous may be proceeded against in the municipal court, after a complaint has been duly filed therein by any person having knowledge thereof. If the court shall find that, at such time:

1. The dog or other animal has attacked a person or other animal; and

a. The person or other animal so attacked was not at the time trespassing upon the property of the owner or person having control of such dog or other animal; or

b. That the person or other animal so attacked was not provoking or teasing such dog or other animal; or

2. The dog or other animal is of such vicious and fierce disposition as to attack human beings or other animals without provocation, then the court shall have the authority to order such dog or other animal kept muzzled or that such dog or other animal be kept within a sufficient enclosure and/or that the owner procure liability insurance for the animal in the amount of \$100,000.00. If such dog or other animal has bitten or attacked a human being or other animal on other occasions, the court may order that it be delivered to the animal control officer for disposal or destruction.

If the Court orders the owner to comply with any of the provisions set forth herein and the owner fails to comply within fifteen (15) days or such other reasonable time established by the Court, the Court may issue a fine in accordance with Section 1-108 of the Code and/or order that the animal be delivered to the Animal Control Officer for disposal or destruction.

(III) WILD, EXOTIC OR DANGEROUS ANIMALS:

A. Defined: For the purpose of this section, a “wild, exotic or dangerous animal” means an animal of the larger variety 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 other like animals.

B. Harboring Unlawful: It is unlawful to keep or harbor any wild, exotic or dangerous animal within 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.

C. Exceptions: This section shall not be construed to apply to zoological parks or zoos, performing animal exhibitions or circuses licensed by the city.

D. Permit Requirements: If the owner of a wild, exotic or dangerous animal can establish to the police department's satisfaction that an animal ordinarily considered as wild, dangerous or exotic is not dangerous to people or other animals, that the animal is healthy, safe and tame as a pet and that harboring the animal would not violate any laws of the State of Oklahoma or the United States of America, then the city clerk may issue a permit to the owner to keep such animal in the city limits. The permit shall be renewed annually. The fee shall be set by the Board of Trustees and the Board may also require the owner to provide proof of liability insurance in the amount of \$100,000.00 covering the animal. For any animal so permitted as provided in this subsection, the owner agrees to accept full responsibility for the actions and behavior of such animal. The establishment of whether such animal is healthy, safe and tame as a pet shall be the responsibility of the owner of the animal by submitting written evidence to the police department. No permit shall be granted by the city clerk unless written approval by the police department to the evidence submitted by the owner is submitted to the city clerk in advance. In considering any request for such permit, the Chief or the Board may seek guidance from the Oklahoma Department of Wildlife.

E. Temporary Permits: The city may issue temporary permits for keeping, care and protection of an infant animal native to this area which has been deemed to be homeless. The city shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival. In considering any request for a temporary permit, the Chief or the Board may seek guidance from the Oklahoma Department of Wildlife.

SECTION 4-115 LEASHING ANIMALS, WHEN.

When requested by any proper official, meter reader, police officer, sanitation worker, or other person whose duty is to enter onto private property, an owner shall leash or otherwise confine any and all dogs to prevent harm to the person making a lawful entry on owner's private property.

SECTION 4-116 KENNELS, LICENSING, COMMERCIAL KENNELS PROHIBITED.

A. No person shall own, possess, keep or harbor or allow to be kept or harbored more than three (3) dogs or three (3) cats, four (4) months or older, within the Town limits of the Town of Inola. This provision shall not require any person presently owning or harboring more than three (3) dogs or three (3) cats, four (4) months or older, to give away, sell or otherwise lawfully dispose of any of their dogs or cats. However, said person shall not be allowed to acquire additional dogs or cats or replace any dogs or cats above the limitations set forth herein.

B. No person may operate a kennel within the town limits for pecuniary gain or as a commercial business.

ARTICLE B

DOG AND CAT VACCINATION AND HEALTH

SECTION 4-120 DOGS AND CATS TO BE VACCINATED.

The owner or keeper of any dog or cat of six (6) months of age or older within the town limits shall have the dog or cat vaccinated against rabies by a licensed veterinarian every calendar year, before the first day of May thereof. Owners shall affix, or have affixed, to the collar or harness of each vaccinated dog or cat a metal disc with sufficient information thereon that the vaccination certificate covering the animal may be readily traced.

SECTION 4-121 VICIOUS DOG MAY BE KILLED.

Any person may kill a dog in self-defense or in defense of another when the dog, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack, him or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

SECTION 4-122 DOGS MUZZLED AND CATS CONFINED.

A. When the health officer determines and certifies that a dog, cat or other animal in the town or within five (5) miles of the town is or was infected with rabies and that an epidemic of rabies threatens the town, the board of trustees, by resolution, may order all dogs to be muzzled when at large within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board of trustees. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

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

SECTION 4-123 RABIES CONTROL AND PROCEDURES.

A. Every animal that bites or scratches a person shall be reported within four (4) hours to the chief of police or the animal control officer and shall thereupon be securely quarantined at the town animal shelter or a veterinary hospital, all at the owners expense, for a period of ten (10) days, and shall not be released from such quarantine except by permission of the health officer of the town and a licensed veterinarian hospital chosen by the owner if the owner agrees to pay for the quarantine in advance. Failure of the owner to quarantine his animal will make him guilty of an offense.

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

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

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

E. When one or both reports give a positive diagnosis of rabies, the health officer of the town may recommend a town-wide quarantine for a period of six (6) 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 town without written permission of the health officer of the town or the animal control officer.

F. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.

G. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

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

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

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

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

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

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

ARTICLE C

ANIMAL SHELTER

SECTION 4-130 ANIMAL SHELTER ESTABLISHED.

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

SECTION 4-131 ANIMALS TO BE IMPOUNDED, ENTRY ON PROPERTY.

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

SECTION 4-132 IMPOUNDMENT, DESCRIPTION, NOTICE, DISPOSITION.

A. The animal control officer, upon receiving any animal, shall make a complete registry, entering the breed, color, and sex of such animal and whether or not licensed, and the date of impoundment. If a dog is licensed, he shall enter the name and address of the owner and the number of the license tag.

B. Not later than forty-eight (48) hours after impounding any animal, the town shall call the owner, if known, or mail notice at the address shown on town records, if any, to notify them of the provisions of this code

C. It is the duty of the animal control officer to keep all animals impounded for a period of seventy-two (72) hours. All inquiries concerning lost or impounded animals shall be directed to the animal control officer, and after an animal has been destroyed, the animal control officer shall be required to dispose of the animal.

SECTION 4-133 BREAKING POUND.

No unauthorized person shall:

1. Break or attempt to break open the pound, or take or let out any animal therefrom;

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

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

SECTION 4-134 FEES FOR IMPOUNDING

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

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

SECTION 4-135 RECLAMATION OF IMPOUNDED ANIMALS.

Reclamation of impounded animals may be made as provided in this section. The party desiring to reclaim an animal shall present to the animal control officer or other employee, who may be designated by the town board of trustees proof of ownership, and proof that any dog or cat is currently vaccinated for rabies or return proof of vaccination within three (3) days after the date the animal is released. The party desiring to reclaim any animal shall pay the applicable pound fee and show evidence to the animal control officer that the fee has been paid. The animal control officer shall thereupon release the reclaimed animal to the party. Any person violating any provision of this section or failing to return proof of vaccination as provided herein shall, upon conviction, be punished as provided in Section 1-108 of this code.

SECTION 4-136 DISPOSITION, SALE OF IMPOUNDED ANIMALS.

A. At the end of the period prescribed in this article, animals that have not been redeemed by the owner thereof shall be offered for sale/adoption through the Town of Inola as set forth below, transferred to a third party animal rescue facility to be offered for adoption or destroyed in a humane manner. The decision as to the manner of disposal may be made by the Animal Control Officer. Any transfer to a third party animal rescue facility shall be conditioned upon the requirement that the animal be spayed or neutered as a condition of adoption. In the event of such transfer, the Board may waive the requirement of payment of all or a portion of the impounding fee or request that the facility procure payment of all or a portion of the fee from the adopting party.

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

interests of the town to retain the animal and offer it for sale again. The proceeds of the sale, less the vaccination fees which shall be paid to the person administering the vaccination, shall be forthwith delivered to the town clerk.

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

D. 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. However, when in the judgment of the Animal Control Officer or Chief of Police, an animal should be destroyed for humane reasons, such animal may not be redeemed.

E. Spaying or Neutering:

1. Required; Exceptions: No dog or cat may be released from the animal control shelter for sale/adoption unless the animal has been spayed or neutered, unless:

- a. The animal is being reclaimed by its rightful owner; or
- b. The adopting party signs a sterilization agreement, as set forth below, to have the animal spayed or neutered and places a twenty dollar (\$20.00) deposit with the City Clerk to ensure the spaying or neutering of the animal; or
- c. The animal is being released to a third party animal rescue facility to be offered for adoption and the facility requires spaying/neutering as a condition of adoption.

2. When an animal is released to an adopting party (which shall mean and refer to a person purchasing the animal as set forth herein) subject to the posting of a twenty dollar (\$20.00) deposit and the signing of an agreement to have the animal spayed or neutered, such person shall provide a certificate of proof to the City Clerk within thirty (30) days of the release of such animal to the adopting party, signed by a licensed veterinarian stating that the animal has been spayed or neutered, together with proof of a current rabies vaccination and appropriate license.

3. If the spaying or neutering of the animal within the thirty (30) day period would jeopardize the life or health of the animal, the adopting party shall return to the City Clerk a certificate signed by a licensed veterinarian stating that such spaying or neutering would jeopardize the life or health of the animal. In such cases the adopting party shall be granted an additional thirty (30) day period in which to have the animal spayed or neutered. Further extensions may be granted upon additional veterinary certificates stating their necessity.

4. If the adopting party does not return the certificate of spaying or neutering within the thirty (30) day period or periods of extension, the funds deposited shall be forfeited to the City.

5. Funds forfeited under these provisions shall be placed in a separate account which shall be an interest bearing account. The funds of the account shall be allocated to programs which directly promote, subsidize or otherwise involve animal control.

6. Upon the return of a certificate signed by a licensed veterinarian stating that the animal has been spayed or neutered and furnishing proof that the animal has a current rabies vaccination and license, the funds deposited with the City shall be refunded to the adopting party

7. The sterilization agreement to be used by the Town shall be in the following form:

STERILIZATION AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 20__ by and between the Town of Inola, Rogers County, State of Oklahoma and _____ (name of adopting party), _____ (address and telephone number of the adopting party).

In consideration of the releasing of said animal, and in further consideration of the mutual obligations herein, the Town of Inola releases the following animal to the adopting party: _____ (describe animal).

1. The Town of Inola agrees to release the above listed animal into the care of the adopting party and refund the adopting party's spaying/neutering deposit upon the following conditions:

A. The animal is sterilized by a licensed veterinarian within thirty days of the above date; and

B. A written statement signed by the veterinarian performing the sterilization is provided to the Town Clerk.

2. The adopting party accepts the above listed animal and agrees to comply with the requirements set forth herein.

3. This agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties.

The parties hereto have hereunto set their hands the day and year first above written.

Clerk of the Town of Inola

Adopting Party

SECTIONS 4-137 REQUIREMENT FOR KEEPING CATTLE AND HORSES.

A. It shall be and is hereby declared to be unlawful for any person to keep or maintain or permit or suffer to be kept or maintained a horse or any animal of the equine species or cow or any animal of the bovine species upon any property or premises within the corporate limits of the Town of Inola, Oklahoma, unless the following conditions and requirements are maintained:

1. The enclosure in which such animal is kept is maintained in a sanitary condition and not offensive or dangerous to the public health; and
2. The enclosure in which any such animal is kept shall not be less than twenty-five thousand (25,000) square feet in area for one such animal including the space covered by a barn or shed. For each additional animal at least fifteen thousand (15,000) square feet of additional enclosure shall be provided; and
3. The enclosure where such animal is kept shall not be at its nearest point closer than fifty (50) feet to any building used or occupied for human habitation, and any barn or shed in such enclosure shall not be closer than seventy-five (75) feet at its nearest point to any building used or occupied for human habitation.
4. All horses or any animal of the equine species or cow or any animal of the bovine species that are kept or maintained within the boundaries of the Town of Inola, not zoned as agriculture and areas that were not previously zoned as agriculture prior to being annexed or prior to this Ordinance be certified and signed, must be registered with the Town of Inola by giving the clerk the name and address of the owner, the name, breed, color, and sex of the animal and such other reasonable information as the clerk request. The owner of the animal must also provide proof of all required vaccinations and sign a statement indicating the animal is in good health and agree to random and periodic inspections by the Inola Town Code Enforcement Officer.
5. The Town of Inola waives all jurisdiction, control or responsibility for any and all animals kept, maintained or housed on Inola school property and nothing in this section shall apply to animals located on School property.

SECTION 4-138 NUISANCE.

A. The keeping of a horse or any animal in the equine species or a cow or any animal of the bovine species or any other animal in violation of the terms of this article is hereby declared to be a nuisance against the public health of the Town of Inola, and such nuisance shall be subject to abatement as provided by law or ordinance for abatement of health nuisance.

ARTICLE D

CRUELTY TO ANIMALS

SECTION 4-140 CRUELTY TO ANIMALS.

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

SECTION 4-141 POISONING ANIMALS.

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

SECTION 4-142 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, non domesticated animal; or to keep a house, pit or other place used for fights between animals.

ARTICLE E

ZONING ORDINANCE TO PREVAIL

SECTION 4-150 ZONING ORDINANCE TO PREVAIL.

In case of conflict between this chapter and the present or any future zoning ordinance, the provisions of the zoning ordinance shall prevail and supersede the provisions of this chapter.

ARTICLE F

PENALTIES

SECTION 4-160 PENALTY.

Any person who violates any ordinance or provision of this chapter, or who violates or refuses or neglects to carry out any reasonable order made by the animal control officer or any police officer pursuant to this chapter, shall, upon conviction thereof, be punished as provided in this chapter; if a specific penalty is not set forth herein, the penalty shall be as set forth in section 1-108 of this code. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive.

CHAPTER 2
(RESERVED)

PART 5

BUILDING REGULATIONS AND CODES

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Residential Building code adopted.
Section 5-102	Additions and changes to building code.
Section 5-103	Penalty.
Section 5-104	Building official.
Section 5-105	Fire limits defined.
Section 5-106	Building permit required, fee.

CHAPTER 2

PLUMBING CODE

Section 5-201	Adoption of plumbing code.
Section 5-202	Additions, insertions and changes to plumbing code,
Section 5-203	Plumbers; registration, permits and fees.
Section 5-204	Plumbing; permits and inspections.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	"Electrical equipment" defined.
Section 5-302	National electrical code.
Section 5-303	Underwriters' Laboratories, Inc.
Section 5-304	Town board of trustees may make special rulings.
Section 5-305	Permit required for electrical installations; issuance.
Section 5-306	Inspection fee.
Section 5-307	Electricians' certificate required, bond.

CHAPTER 4

LIQUEFIED PETROLEUM GAS

Section 5-401	Code adopted.
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CHAPTER 5

GAS PIPING CODE

Section 5-501	Pamphlet adopted.
Section 5-502	Bond, license required.

CHAPTER 6

PENALTY

Section 5-601	Penalty.
Section 5-602	Relief in courts.

CHAPTER 1

BUILDING CODE AND REGULATIONS

Section 5-101	Residential Building code adopted.
Section 5-102	Additions and changes to building code.
Section 5-103	Penalty.
Section 5-104	Building official.
Section 5-105	Fire limits defined.
Section 5-106	Building permit required, fee.

SECTION 5-101 RESIDENTIAL BUILDING CODE ADOPTED

That a certain document, one (1) copy of which is on file in the office of the Clerk of the Town of Inola, being marked and designated as the International Residential Code, 2006 edition, including Appendix Chapters 1 through 42. [See International Residential Code Section R102.5, 2006 edition), as published by the International Code Council be and is hereby adopted as the Residential Code of the Town of Inola, in the State of Oklahoma for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions deletions and changes, if any, prescribed in Section 5-102 of this ordinance.

State Law Reference: Building codes, adoption by cities, 11 O.S. Section 14-107; 74 O.S. Section 324.8.

SECTION 5-102 ADDITIONS AND CHANGES TO THE BUILDING CODE

Section R101.1.	<u>Town of Inola</u>
Section R301.2 (1).	Insert: <u>(Table R301.2(1))</u>
Section P2603.6.1	Insert: <u>(36 inches; 30 inches)</u>
Section P3103.1.	Insert: <u>(8 inches; 6 inches)</u>

SECTION 5-103 PENALTY.

A person who violates a provision of this code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1-108 of this code. Each day upon which a violation continues shall be deemed a separate offense.

SECTION 5-104 **BUILDING OFFICIAL.**

The building official of this town shall be appointed by the town board of trustees and shall have the powers and duties prescribed for the "building official" by the town's building code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term "building inspector", whenever used in the ordinances of the town, means the building official. The terms "electrical inspector", "plumbing inspector", and "gas inspector", wherever used in the ordinances of the town, also each refer to and mean the building official, unless a separate electrical inspector, plumbing inspector, and/or gas inspector is appointed by the town board of trustees.

SECTION 5-105 **FIRE LIMITS DEFINED.**

The fire limits are that part of the town bounded as provided by the town board.

SECTION 5-106 **BUILDING PERMIT REQUIRED, FEE.**

A. No building or other structure shall be built, enlarged, altered or moved without a building permit as required by the town's building code.

B. A person desiring a building permit shall submit an application therefor to the town clerk. The applicant shall submit with the application such reasonable information as the clerk may require to enable him to determine whether granting the permit would be in accordance with the requirements of the ordinances of the town.

C. If the application is in accordance with the requirements of the ordinances and laws, the clerk shall issue the permit upon the payment by the applicant of a building permit fee which may be set by motion or resolution of the town board of trustees. A current copy of the fee schedule shall be kept in the office of the town clerk.

CHAPTER 2

PLUMBING CODE

Section 5-201	Adoption of plumbing code.
Section 5-202	Additions, insertions and changes to plumbing code.
Section 5-203	Plumbers; registration, permits and fees.
Section 5-204	Plumbing; permits and inspections.

SECTION 5-201 **ADOPTION OF PLUMBING CODE.**

A certain document, at least one copy of which is on file in the office of the town clerk, being marked and designated as "The BOCA Basic/National Plumbing Code", the latest edition thereof, and any revisions or amendments thereto, as published by The Building Officials and Code Administrators International, Inc., is hereby adopted as the plumbing code of the town for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the BOCA Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this code, with additions, insertions and changes, if any, prescribed in this chapter. At least one copy of the code shall be kept in the office of the town clerk.

State Law Reference: Town powers to supervise plumbing, 59 O.S. Sections 1001 et seq.

SECTION 5-202 **ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE.**

The following sections are hereby revised as follows:

1. Section P-100.1 (page 5, second line). Insert the Town of Inola;
2. Section P-104.1 (page 6, second line). Insert effective date of the town's code of ordinances;
3. Section P-114.2 (page 12, third line). Insert " as provided in Section 5-204 of the town's code of ordinances";
4. Section P-117.4 (page 13, fifth, sixth and seventh lines). Insert "offense and punished as provided in Section 1-108 of the town's code of ordinances";
5. Section P-118.2 (page 14, fifth line). Insert "fine as provided in Section 1-108 of ordinances";
6. Section P-303.2 (page 32, third line). Insert "a distance in feet as determined by the town board of trustees"; and
7. Section P-308.3 (page 33, second and third lines). Insert "a depth in feet as determined by the town board of trustees."

SECTION 5-203 **PLUMBERS; REGISTRATION, PERMITS AND FEES.**

A. The phrases and words "journeyman plumber," "plumber's apprentice," "plumbing contractor," and "plumbing," when used in the ordinances, regulations and other official acts and communications of this town, shall have the meanings respectively prescribed for them by Sections 1001 et seq. of Title 59 of the Oklahoma Statutes, the state plumbing license law unless the context clearly indicates a different meaning.

B. It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor (otherwise known as a master plumber), or of a journeyman plumber, or of a plumber's apprentice, in this town unless he is registered with the town and has a current and valid certificate of registration issued by the town.

C. Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the State Commissioner of Health as provided by the state plumbing license law may register as such with the town. Only persons who have current and valid certificates of registration as plumber's apprentices issued by the State Commissioner of Health as provided by the law may register as such with the town.

D. Applicants for certificates of registration as plumbing contractor or journeyman plumber, after complying with the laws of the state and with the town code, and after payment of the registration fee, shall be registered by the town clerk. The registration shall expire annually, but may be renewed from year to year.

E. Any plumbing contractor shall file with the town clerk a bond in such sum as set by the town board of trustees, executed with a surety company authorized to do business in the state.

F. All plumbing contractors registrations not renewed within ninety (90) days after the date of expiration thereof shall be cancelled, and a new application for registration must be made and the fee for a new registration paid.

G. The fee for registration shall be as set by the town board by motion or resolution.

H. The town board, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the town registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the town relating to the installation of plumbing or for any other cause specified in the state plumbing license law.

State Law Reference: State plumbing licenses, requirements, 59 O.S. Sections 1001 et seq.

SECTION 5-204 **PLUMBING: PERMITS AND INSPECTIONS.**

A. No plumbing work shall be undertaken without a permit from the town.

B. The application for such work must follow the adopted town code.

Building Regulations and Codes

- C. The schedule of permit fees may be set forth by resolution or motion of the town board. Such payment will be made upon application.
- D. Inspection of such work must conform to the guidelines set forth in the town code.

CHAPTER 3

ELECTRICAL CODE

Section 5-301	"Electrical equipment" defined.
Section 5-302	National electrical code.
Section 5-303	Underwriters' Laboratories, Inc.
Section 5-304	Town board of trustees may make special rulings.
Section 5-305	Permit required for electrical installations; issuance.
Section 5-306	Inspection fee.
Section 5-307	Electricians' registration required, bond.

SECTION 5-301 **"ELECTRICAL EQUIPMENT" DEFINED.**

The term "electrical equipment" used in this chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure.

State Law Reference: State electrical requirements, licensing by state, 59 O.S. Sections 1680 to 1696.

SECTION 5-302 **NATIONAL ELECTRICAL CODE.**

All installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the American Insurance Association, shall be prima facie evidence of conformity with approved standards for safety to persons or to property. At least one copy of the National Electric Code shall be kept in the file in the office of the town clerk.

SECTION 5-303 **UNDERWRITERS' LABORATORIES. INC.**

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

SECTION 5-304 **TOWN BOARD OF TRUSTEES MAY MAKE SPECIAL RULINGS.**

The board of trustees of the town, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and

the improvement of electrical installations. In all cases persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

SECTION 5-305 **PERMIT REQUIRED FOR ELECTRICAL INSTALLATIONS; ISSUANCE.**

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

B. Applications for electrical permits shall be made to the town clerk; and the applicant shall provide such plans, specifications, and other data as may be reasonably required.

C. The fee for an electrical permit shall be as prescribed by motion or resolution passed by the town board of trustees.

SECTION 5-306 **INSPECTION FEE.**

The town board of trustees by motion or resolution may prescribe an inspection fee to be paid to the town when electrical installations are inspected by the town.

SECTION 5-307 **ELECTRICIANS' REGISTRATION REQUIRED, BOND.**

A. It is unlawful for any person to engage in the business, trade or vocation of electrical contractor, journeyman electrician or apprentice electrician without a certificate of registration as such secured from the town. The initial fee for a registration certificate, and any renewal, to be paid to the town clerk, shall be as set by the town board. A registration certificate must be renewed within ninety (90) days following expiration of the certificate. After the expiration, an application for a new certificate must be requested and the initial fee paid again. No person may be registered with the town as contractor, journeyman or apprentice unless he possesses a valid and current state license issued by the state and pays the registration fee in such sum as set by the town board by motion or resolution. This certificate is not transferable to any other individual or company.

B. Every person receiving a certificate as an electrical contractor shall file with the town clerk a bond in such sum as set by the town board, executed with a surety company authorized to do business in the state. The bond shall be conditioned that the principal will install all electrical wiring, fixtures, appliances, and equipment in accordance with the law and the ordinances and other regulations of the town relating to electrical installations and in a workmanlike manner; that the principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or non-standard material; and that the town may be fully indemnified and held harmless from any costs, expenses or damage resulting from the performance of his work as an electrical contractor.

C. For the installing of bell, telephone or signal systems not using over twelve (12) volts, no registration or bond will be required. The installation of same must comply with all other requirements of the ordinances of the town.

D. After adequate opportunity for a hearing, the town board may revoke the certificate of an electrical contractor, apprentice electrician, or a journeyman electrician.

CHAPTER 4

LIQUEFIED PETROLEUM GAS

Section 5-401 Code adopted.

SECTION 5-401 CODE ADOPTED.

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or Permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gases, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punished accordingly.

State Law Reference: State rules, LPG, 52 O.S. Sections 420.1 et seq.

CHAPTER 5

GAS PIPING CODE

Section 5-501 Pamphlet adopted.
Section 5-502 Bond, license required.

SECTION 5-501 PAMPHLET ADOPTED.

Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof, is hereby adopted and incorporated in this code by reference. The pamphlet shall be in full force and effect in the town and shall govern the installation of gas piping and gas appliances in the town. Any violation of the provisions of the pamphlet shall be deemed a violation of the ordinances of the town. At least one copy of the code shall be kept in the office of the town clerk.

SECTION 5-502 BOND, LICENSE REQUIRED.

Any person, before doing any gas fitting or gas plumbing, shall secure a license to do so from the town and shall comply with the National Fuel Gas Code. A bond and annual fee shall be provided in such sums as set by the town board prior to being licensed by the town.

CHAPTER 6

PENALTY

Section 5-601 Penalty.
Section 5-602 Relief in courts.

SECTION 5-601 PENALTY.

Any person, firm or corporation 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 the chapters in 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 punished as provided in Section 1-108 of this code.

SECTION 5-602 RELIEF IN COURTS.

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

PART 6

COURT

CHAPTER 1

MUNICIPAL COURT

Section 6-101	Organization of municipal court.
Section 6-102	Definitions.
Section 6-103	Jurisdiction of court.
Section 6-104	Judge; qualifications.
Section 6-105	Term of judge.
Section 6-106	Alternate judge.
Section 6-107	Acting judge.
Section 6-108	Appointment of judge and alternate judge.
Section 6-109	Salary and payments to judges.
Section 6-110	Removal of judge.
Section 6-111	Vacancy in office of judge.
Section 6-112	Disqualification of judge.
Section 6-113	Court marshal, chief of police.
Section 6-114	Clerk of the court; duties.
Section 6-115	Prosecuting attorney; duties; conflict of interest.
Section 6-116	Bond of clerk.
Section 6-117	Rules of court.
Section 6-118	Enforcement of rules.
Section 6-119	Written complaints to prosecute ordinance violations.
Section 6-120	Traffic ordinance violations; procedures for issuing citation; custody, arrest.
Section 6-121	Traffic bail bond procedures.
Section 6-122	Creation of traffic violations bureau.
Section 6-123	Summons for arrest.
Section 6-124	Form of arrest warrant.
Section 6-125	Procedures for bail or bond.
Section 6-126	Bond and fine schedule.
Section 6-127	Arraignment and pleadings by defendant.
Section 6-128	Trials and judgments.
Section 6-129	Witness fees.
Section 6-130	Suspension of judgment or costs, re confinement.
Section 6-131	Imprisonment, work by prisoners.
Section 6-132	Fines and costs.
Section 6-133	Penalty assessment.
Section 6-134	Sentencing.

CHAPTER 2

(RESERVED)

CHAPTER 1

MUNICIPAL COURT

Section 6-101	Organization of municipal court.
Section 6-102	Definitions.
Section 6-103	Jurisdiction of court.
Section 6-104	Judge; qualifications.
Section 6-105	Term of judge.
Section 6-106	Alternate judge.
Section 6-107	Acting judge.
Section 6-108	Appointment of judge and alternate judge.
Section 6-109	Salary and payments to judges.
Section 6-110	Removal of judge.
Section 6-111	Vacancy in office of judge.
Section 6-112	Disqualification of judge.
Section 6-113	Court marshal, chief of police.
Section 6-114	Clerk of the court; duties.
Section 6-115	Prosecuting attorney; duties; conflict of interest.
Section 6-116	Bond of clerk.
Section 6-117	Rules of court.
Section 6-118	Enforcement of rules.
Section 6-119	Written complaints to prosecute ordinance violations.
Section 6-120	Traffic ordinance violations; procedures for issuing citation; custody, arrest.
Section 6-121	Traffic bail bond procedures.
Section 6-122	Creation of traffic violations bureau.
Section 6-123	Summons for arrest.
Section 6-124	Form of arrest warrant.
Section 6-125	Procedures for bail or bond.
Section 6-126	Bond and fine schedule.
Section 6-127	Arraignment and pleadings by defendant.
Section 6-128	Trials and judgments.
Section 6-129	Witness fees.
Section 6-130	Suspension of judgment or costs, re confinement.
Section 6-131	Imprisonment, work by prisoners.
Section 6-132	Fines and costs.
Section 6-133	Penalty assessment.
Section 6-134	Sentencing.

SECTION 6-101 **ORGANIZATION OF MUNICIPAL COURT**

This chapter shall govern the organization and operation of the municipal criminal court of the Town of Inola, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this chapter and the provisions of any ordinance of this town, the provisions of this chapter shall control.

State Law Reference: Municipal courts not of record, organization, rules and procedures, 11 O.S. Sections 27-101 to 27-131.

SECTION 6-102 **DEFINITIONS.**

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

1. "Court" means the municipal court of the Town of Inola;
2. "Judge" means the judge of the municipal court, including any acting judge or alternate judge thereof as provided for by the statutes of this state and this chapter;
3. "Municipality" or "this municipality" means the Town of Inola, Oklahoma;
4. "Clerk" means the clerk of this municipality, including any deputy or member of the office staff of the clerk while performing duties of the clerk's office;
5. "Governing body" means the town board of trustees of the Town of Inola;
6. "Chief of police" means the peace officer in charge of the police force of the municipality; and
7. "This judicial district" means the district court judicial district of the State of Oklahoma wherein the government of this municipality is situated.

SECTION 6-103 **JURISDICTION OF COURT.**

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

SECTION 6-104 **JUDGE; QUALIFICATIONS.**

There shall be one judge of the court. A judge may be an attorney licensed to practice law in Oklahoma or a resident of this municipality, of the age of twenty-five (25) years or older, possessed of good moral character. A judge who is a licensed attorney may engage in the practice of law in other courts, but he shall not accept employment inconsistent with his duties as judge, or arising out of facts which give rise to or are connected with cases within the jurisdiction of the court, pending therein or which might become the subject of proceedings therein. He must be a resident of this county or an adjacent county or maintain a law office therein. 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 governing body.

SECTION 6-105 **TERM OF JUDGE.**

The official term of the judge shall be two (2) years expiring each odd-numbered year. Each judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

SECTION 6-106 **ALTERNATE JUDGE.**

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

1. Absent from the court;
2. Unable to act as judge; or
3. Disqualified from acting as judge in the case,

SECTION 6-107 **ACTING JUDGE.**

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

SECTION 6-108 **APPOINTMENT OF JUDGE AND ALTERNATE JUDGE.**

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

SECTION 6-109 **SALARY AND PAYMENTS TO JUDGES.**

A. A judge, other than an alternate judge or an acting judge, shall receive a salary as set by the governing body by motion or resolution, paid in the same manner as the salaries of other officials of this municipality.

B. An alternate judge or an acting judge shall be paid an amount as set by motion or resolution of the governing body, however payments to an acting or alternate judge shall not exceed the salary set for a judge in whose stead he sits.

SECTION 6-110 **REMOVAL OF JUDGE.**

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

1. The mayor; or

2. Twenty-five (25) or more qualified electors of this municipality. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.

The governing body 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 (10) days before the hearing. At the hearing, the judge shall be entitled to:

1. Representation by counsel;
2. To present testimony and to cross-examine the witnesses against him; and
3. Have all evidence against him presented in open hearing.

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

SECTION 6-111 **VACANCY IN OFFICE OF JUDGE.**

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

1. Dies;
2. Resigns;
3. Ceases to possess the qualifications for the office; or
4. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

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

SECTION 6-112 **DISQUALIFICATION OF JUDGE.**

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

SECTION 6-113 **COURT MARSHAL, CHIEF OF POLICE.**

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

SECTION 6-114 **CLERK OF THE COURT; DUTIES.**

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

SECTION 6-115 **PROSECUTING ATTORNEY; DUTIES; CONFLICT OF INTEREST.**

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

SECTION 6-116 **BOND OF CLERK.**

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

SECTION 6-117 **RULES OF COURT.**

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

SECTION 6-118 **ENFORCEMENT OF RULES.**

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

SECTION 6-119 **WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS.**

All prosecutions for violations of ordinances of this municipality shall be styled "The Town of Inola vs. (naming defendant or defendants)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the

person making complaint, and setting forth concisely the offense charged and approved for filing by the town attorney.

SECTION 6-120 **TRAFFIC ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION; CUSTODY, ARREST.**

A. If a police officer observes facts which he believes constitute a violation of the traffic ordinances of this municipality, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with Section 6-121 of this code, or take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the mayor or his duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, complaint shall be filed and the case shall be prosecuted as otherwise provided in this chapter.

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

1. Release the person after obtaining sufficient information as set out in Subsection A of this section pending his appearance on a day certain in court;

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

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

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

SECTION 6-121 **TRAFFIC BAIL BOND PROCEDURES**

A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, or any party jurisdiction of the nonresident Violator Compact;

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

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

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

d. Eluding or attempting to elude a law enforcement officer;

e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

f. An arrest based upon an outstanding warrant;

g. A traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph;

h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or

i. A violation relating to the transportation of hazardous materials.

B. If the arrested person is eligible for release on personal recognizance as provided for in Subsection A of this section, then the arresting officer shall:

1. Designate the traffic charge;

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

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

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

5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's drivers license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

C. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of drivers license, shall be required in state law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the court clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be as prescribed by ordinance for the violation charged or as prescribed by the court.

E. If, pursuant to the provisions of Subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;

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

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

4. The citation has not been satisfied as provided by law.

The court clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The court clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

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

2. The defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment;

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

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

F. The court clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the state or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

G. This section shall become effective July 1, 1987.

SECTION 6-122 CREATION OF TRAFFIC VIOLATIONS BUREAU.

A. There may be established a traffic violations bureau for the town. The judge may establish rules, consistent with the laws of the state and with the ordinances of this municipality, for the traffic violations bureau.

B. The traffic violations bureau shall be staffed by court personnel and be physically separate and apart from the police department.

C. The traffic violations bureau shall accept fines which may be paid in lieu of a court appearance for such traffic offenses as may be designated by the judge under the court's rules. The schedule of fines shall be adopted by the governing body from time to time by motion or resolution. A copy shall be kept in the clerk's office.

SECTION 6-123 **SUMMONS FOR ARREST.**

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

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

SECTION 6-124 **FORM OF ARREST WARRANT.**

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

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

Witness my hand this _____ day of _____, 20__.

Judge of the Municipal Court
Inola, Oklahoma

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

SECTION 6-125 **PROCEDURES FOR BAIL OR BOND.**

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this chapter or the judge, who shall prescribe appropriate rules of court for the receipt of bail. In case of arrests made at night or under other conditions of emergency or when the judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars (\$10.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

B. A bail bond schedule may be adopted by the judge and amended from time to time.

SECTION 6-126 BOND AND FINE SCHEDULE.

A schedule of bonds and fines may be adopted and amended from time to time by the board of trustees.

SECTION 6-127 ARRAIGNMENT AND PLEADINGS BY DEFENDANT.

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the municipality, 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.

SECTION 6-128 TRIALS AND JUDGMENTS.

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

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

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

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

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

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

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one day imprisonment for each Five Dollars (\$5.00) of fine. If the defendant is without means to pay the fine or costs, the municipal judge may direct the total amount due to be entered upon the court minutes and to be certified to the district court of the county wherein the situs of government is situated where it shall be entered upon the district court judgment docket and shall have the full force and effect of a district court judgment. Thereupon the same remedies shall be available for the enforcement of the judgment as are available to any other judgment creditor.

SECTION 6-129 **WITNESS FEES.**

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

1. The names of no more than three (3) witnesses;
2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
3. That the testimony of the witnesses is material; and
4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

SECTION 6-130 **SUSPENSION OF JUDGMENT OR COSTS, RECONFINEMENT,**

Whenever any person shall be convicted in the municipal court of violating a municipal ordinance, the judge trying the cause, after sentence, may suspend the judgment or costs or both and allow the person so convicted to be released upon his own recognizance. Any person so released shall be required to report at such times and to such person or officer as the judge shall direct. The judge may cause a warrant to be issued for any person so released if it shall be made to appear to the judge that such person:

1. Has been guilty of the violation of any law after his release; or
2. Is engaging in activities for which such a warrant may be issued pursuant to state law; or
3. Is engaging in vicious habits,

Upon the issuance of this warrant by the judge, the person shall be delivered forthwith to the place of confinement to which he was originally sentenced and shall serve out the full term for which he was originally sentenced.

SECTION 6-131 **IMPRISONMENT, WORK BY PRISONERS.**

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

B. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving two (2) days of imprisonment under his sentence.

C. The chief of police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provision therefor.

SECTION 6-132 **FINES AND COSTS.**

If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, which shall be the maximum allowed by state law, plus the fees and mileage of witnesses and jurors, but the total amount of fine may not exceed the amount set forth in Section 1-108 of this code.

SECTION 6-133 **PENALTY ASSESSMENT.**

A. Any person convicted of an offense punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay Four Dollars (\$4.00) as a separate penalty assessment, which shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense. The court shall provide for separate bail for the penalty assessment. A defendant admitted to bail on an undertaking by a surety may include the amount of the penalty assessment in the undertaking.

B. Upon conviction or bond forfeiture, the court shall collect the penalty assessment and deposit it in an account created for that purpose. As an administrative fee for handling funds collected as a penalty assessment, the court is authorized to retain two percent (2%) of such monies and may also retain all interest accrued thereon prior to the due date for deposits as provided in this subsection. The remainder of such monies shall be forwarded quarterly by the court clerk to the state treasury. Deposits shall be due July 15 for the preceding quarter ending June 30, October 15 for the preceding quarter ending September 30, January 15 for the preceding quarter ending December 31, and April 15 for the preceding quarter ending March 31.

C. As used in this section, "convicted" 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.

SECTION 6-134 **SENTENCING.**

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

B. The judge of the municipal court 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 probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Procedures relating to suspension of the judgment or costs or both shall be provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty.

C. The judge of the municipal court may continue or delay imposing judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the municipal attorney to amend the charge to a lesser offense.

D. If a deferred sentence is imposed, an administrative fee of not to exceed One Hundred Dollars (\$100.00) may be imposed as costs in the case. (Ord. No. 88-2).

CHAPTER 2

(RESERVED)

PART 7

FINANCE AND TAXATION

CHAPTER 1

FINANCE AND BUDGET ADMINISTRATION

Section 7-101	Depositories designated; funds to be deposited.
Section 7-102	Funds secured by Unit Collateral System.
Section 7-103	Purchases, how made.
Section 7-104	Budget, funding and accounting generally.
Section 7-105	Investments.
Section 7-106	Trustees and other officers; purchases, contracts.
Section 7-107	Bonds, issuance, sale.
Section 7-108	Financial books and records; examination and audit.
Section 7-109	Insurance.
Section 7-110	Claims.

CHAPTER 2

SALES TAX

Section 7-201	Citation and codification.
Section 7-202	Definitions.
Section 7-203	Tax collector defined.
Section 7-204	Classification of taxpayers.
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Section 7-206	Effective date.
Section 7-207	Purpose of revenues.
Section 7-208	Tax rate - sales subject to tax.
Section 7-209	Exemptions; sales subject to other tax.
Section 7-210	Exemptions; governmental and nonprofit entities.
Section 7-211	Exemptions; general.
Section 7-212	Exemptions; agriculture.
Section 7-213	Exemptions; manufacturers.
Section 7-214	Exemptions; corporations and partnerships.
Section 7-215	Tax due when; returns; records.
Section 7-216	Payment of tax; brackets.
Section 7-217	Tax constitutes debt.
Section 7-218	Vendor's duty to collect tax; penalties.
Section 7-219	Returns and remittances; discounts.
Section 7-220	Interest and penalties; delinquency.
Section 7-221	Waiver of interest and penalties.
Section 7-222	Erroneous payments; claim for refund.
Section 7-223	Fraudulent returns.

Section 7-224	Records confidential.
Section 7-225	Amendments.
Section 7-226	Provisions cumulative.

CHAPTER 3

TELEPHONE EXCHANGE FEE

Section 7-301	Fee levied on telephone exchanges.
Section 7-302	Fee to be in lieu of other fees, taxes.

CHAPTER 4

UTILITY TAX

Section 7-401	Utility tax levied.
Section 7-402	Not to apply to franchises.
Section 7-403	Payment of tax.
Section 7-404	Failure to pay tax.
Section 7-405	Tax constitutes lien.

CHAPTER 5

EXCISE TAX

Section 7-501	Excise tax on use, etc.
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CHAPTER 1

FINANCE AND BUDGET ADMINISTRATION

Section 7-101	Depositories designated; funds to be deposited.
Section 7-102	Funds secured by Unit Collateral System.
Section 7-103	Purchases, how made.
Section 7-104	Budget, funding and accounting generally.
Section 7-105	Investments.
Section 7-106	Trustees and other officers; purchases, contracts.
Section 7-107	Bonds, issuance, sale.
Section 7-108	Financial books and records; examination and audit.
Section 7-109	Insurance.
Section 7-110	Claims.

SECTION 7-101 **DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED.**

Banks and all savings and loan associations which are incorporated under federal or state law may be designated as depositories for the funds of the town. The town treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations.

State Law Reference: Deposits by treasurers, designation of depositories; 11 O.S Section 12-110.

SECTION 7-102 **FUNDS SECURED BY UNIT COLLATERAL SYSTEM.**

The deposits of the town shall be secured by the Unit Collateral System provided by the Oklahoma Statutes.

State Law Reference: Unit Collateral System, 62 O.S. Sections 516.1 et seq.

SECTION 7-103 **PURCHASES, HOW MADE.**

A. All purchases of supplies, materials, equipment and contractual services for the offices, departments and agencies of the town government, shall be made by the town board of trustees or by other town personnel in accordance with purchase authorizations issued by the town board of trustees and in accordance with applicable law.

B. The town board hereby authorizes the mayor as purchasing agent to make purchases on behalf of the town within guidelines established by the town board by motion, resolution or ordinance.

SECTION 7-104 **BUDGET, FUNDING AND ACCOUNTING GENERALLY.**

A. The revenues and other resources of the town shall be divided into funds as provided by state law and accounted for as provided thereby.

B. The treasurer shall keep the accounts of the town in a book to be kept for that purpose in compliance with state law.

C. The board of trustees of the town shall meet at the time and place prescribed by law and shall make in writing a financial statement showing the true fiscal conditions of the town as of the close of the previous fiscal year ending June 30, and an itemized statement of estimated needs and probable income from sources other than ad valorem taxes for the current fiscal year. The financial statement shall be in the form prescribed by law and shall be filed with the county excise board on or before July 15.

D. All monies shall be appropriated only for such objects and for defraying such expenses as will necessarily arise in the exercise of powers granted by the laws of the State of Oklahoma or by ordinances enacted under the laws by the town board of trustees. No appropriation shall be made, nor shall a transfer of unencumbered appropriations be made except as provided by law.

SECTION 7-105 **INVESTMENTS.**

A. It is the duty of the officers of the town to handle deposit, invest and use the money in the sinking fund of the town in the manner provided by state law.

B. The town treasurer shall deposit daily all uninvested sinking fund money in his hands in banks as provided by law.

C. Money deposited with the town as water meter deposits may be invested as provided by state law.

SECTION 7-106 **TRUSTEES AND OTHER OFFICERS; PURCHASES, CONTRACTS.**

A. No member of the board of trustees of the town may sell or furnish for a consideration, any materials or supplies for use of the town; and any member of the board voting for a consenting to, or being a party to, such contract or purchase is personally liable as provided by state law.

B. The board of trustees of the town shall not make any contract with any of its members, or in which any of its members shall be directly or indirectly interested, such contracts being prohibited by state law.

C. No officer of the town may become directly or indirectly interested individually in any sale, lease or contract which he is authorized to make, such being prohibited by state law.

SECTION 7-107 **BONDS, ISSUANCE, SALE.**

A. Bonds of the town shall be issued, sold, paid and handled in all respects as provided by state law.

B. The treasurer shall keep in a book for that purpose a complete list of every bond and coupon, showing the maturing date, to whom sold, the amount of the payment falling due, whether principal or interest, and showing also the date of redemption of any outstanding bond or interest coupon retired, as may be required by state law.

SECTION 7-108 **FINANCIAL BOOKS AND RECORDS; EXAMINATION AND AUDIT.**

A. The books of the town treasurer shall be subject to examination by the board of trustees of the town at all times, as provided by state law. Likewise the records of the town clerk and of all other officers and employees of the town, shall be subject to inspection by the board of trustees at all times.

B. The board of trustees shall designate a qualified public accountant as required by state law to audit the financial records and transactions of the town treasurer, the town clerk and all other personnel of the town who keep financial records and make financial transactions, as of the end of every fiscal year at least; and such accountant shall make such audit and shall report to the board of trustees.

C. Upon petition of a number of voters of the town equal at least to one fourth (1/4) of the number of people voting at the last general town election for the town office receiving the highest number of votes, the financial books and records of the town will be audited by the state examiner and inspector, as provided by state law.

D. The treasurer at the end of each month, shall report to the board a statement of the financial transactions of his office for the month then ended. This statement shall be in writing, under his oath, and shall set forth clearly and fully the following:

1. The balance in the treasury at the beginning and at the end of the month;
2. The amount received during the month, from whom, on what account received and to what fund applied.
3. The amount disbursed during the month, to whom, on what account disbursed and to what fund charged;
4. The amount of bonds and interest coupons redeemed during the month;
5. The amount that has been credited to the respective funds which are or may hereafter be provided by the board; and
6. The amount of interest, profit, compensation or money received by him or to be received by him for any person, bank or corporation for the use, control or deposit of the town funds in his charge, together with the amount of interest earned on warrants purchased with the sinking fund.

SECTION 7-109 **INSURANCE.**

A. The board of trustees may insure property of the town as authorized by state law.

B. The board of trustees may purchase insurance to pay damage to persons sustaining injuries or damages to property as a result of negligent operation of motor vehicles or motorized equipment of the town, as authorized by state law.

SECTION 7-110 **CLAIMS.**

Claims against the town may be made and processed as provided by state law.

CHAPTER 2

SALES TAX

Section 7-201	Citation and codification.
Section 7-202	Definitions.
Section 7-203	Tax collector defined.
Section 7-204	Classification of taxpayers.
Section 7-205	Subsisting state permits.
Section 7-206	Effective date.
Section 7-207	Purpose of revenues.
Section 7-208	Tax rate - sales subject to tax.
Section 7-209	Exemptions; sales subject to other tax.
Section 7-210	Exemptions; governmental and nonprofit entities.
Section 7-211	Exemptions; general.
Section 7-212	Exemptions; agriculture.
Section 7-213	Exemptions; manufacturers.
Section 7-214	Exemptions; corporations and partnerships.
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Section 7-220	Interest and penalties; delinquency.
Section 7-221	Waiver of interest and penalties.
Section 7-222	Erroneous payments; claim for refund.
Section 7-223	Fraudulent returns.
Section 7-224	Records confidential.
Section 7-225	Amendments.
Section 7-226	Provisions cumulative.

SECTION 7-201 **CITATION AND CODIFICATION.**

This chapter shall be known and may be cited as "**Town of Inola Sales Tax Ordinance.**"

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. Section 2701; State Sales Tax Code 68 O.S. Sections 1350 et seq.

SECTION 7-202 **DEFINITIONS.**

The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Section 1352 of Title 68 of the Oklahoma Statutes, and Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this chapter.

SECTION 7-203 **TAX COLLECTOR DEFINED.**

The term "**tax collector**" as used in this chapter means the department of the town or the official agency of the state duly designated according to law or contract, and authorized by law to administer the collection of the tax levied in this chapter.

SECTION 7-204 **CLASSIFICATION OF TAXPAYERS.**

For the purpose of this chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code.

SECTION 7-205 **SUBSISTING STATE PERMITS.**

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this chapter, hereby ratified, confirmed and adopted in lieu of any requirement for an additional town permit for the same purpose.

SECTION 7-206 **EFFECTIVE DATE.**

This chapter became effective as to each cent tax after approval of a majority of the registered voters of the town voting on the ordinance in the manner prescribed by Section 16-112 of Title 11 of the Oklahoma Statutes.

SECTION 7-207 **PURPOSE OF REVENUES.**

It is the purpose of the sales tax levied herein to provide revenues for the support of the functions of the municipal government of the town except as may be otherwise provided in the ordinance levying the tax.

SECTION 7-208 **TAX RATE - SALES SUBJECT TO TAX.**

There is hereby levied an excise tax of three percent (3%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code including but not exclusive of the following:

1. Tangible personal property;
2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this chapter;
3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, pullman car companies, airlines and all other means of transportation for hire;

4. Service by telephone and telegraph companies to subscribers or users, including transmission of messages, whether local or long distance. This shall include all services and rental charges having any connection with transmission of any message;
5. Printing or printed matter of all types, kinds, and characters and the service of printing or over-printing, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers;
6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house or tourist camps;
7. Service of furnishing storage or parking privileges by auto hotels and parking lots;
8. Selling, renting or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which prewritten programs have been coded, punched or otherwise recorded;
9. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere;
10. Advertising of all kinds, types and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this chapter;
11. Dues or fees to clubs including free or complimentary dues or fees which shall have the value equivalent to the charge that would have otherwise been made, including any fees paid for the use of facilities or services rendered at a health spa or club or any similar facility or business;
12. Sales of tickets, fees or other charges made for admission to or voluntary contributions made to places of amusement, sports entertainment, exhibition, display or other recreational events or activities, including free or complimentary admissions which shall have the value equivalent to the charge that would have otherwise been made;
13. Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged spectators, such as tennis, racket ball or hand ball courts;
14. Charges made for the privilege of using items for amusement, sports, entertainment or recreational activity such as trampolines or golf carts;
15. The rental of equipment for amusement, sports, entertainment or other recreational activities, such as bowling shoes, skates, golf carts, or other sports and athletic equipment;

16. The gross receipts from sales through any vending machine, without any deduction for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom;

17. Gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. Provided if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds;

18. Any licensing agreement, rental, lease or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performances or rights to receive images, pictures or performances for telecast by any method are transferred. Provided, persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed under this chapter shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons and scenes from copyrighted features and the sale or licensing of such films shall not be considered a sale within the purview of this chapter;

19. Flowers, plants, shrubs, trees and other floral items, whether or not same was produced by the vendor, sold by persons engaged in florist or nursery business in this state, including all orders taken by an Oklahoma business for delivery in another state. Provided, all orders taken outside this state for delivery within this state shall not be subject to the tax levied by this chapter;

20. Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this state will lose tax revenue due to the difficulty of enforcing this chapter because of:

- a. The operation of the business;
- b. The nature of the business;
- c. The turnover of independent contractors;
- d. The lack of place of business in which to display a permit or keep records;
- e. Lack of adequate records;
- f. The persons are minors or transients;
- g. The persons are engaged in service businesses; or
- h. Any other reasonable reason;

21. Any taxable services and tangible personal property including materials, supplies and equipment sold to contractors for the purpose of developing and improving real estate even though such real estate is intended for resale as real property are hereby declared to be sales to consumers or users and taxable; and

22. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, are hereby declared to be sales to consumers or users and taxable.

SECTION 7-209 **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 Oklahoma Sales Tax Code inclusive, but not exclusive of, and derived from the:

1. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by state law has been paid;
2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;
3. Sale of crude petroleum or natural or casing-head gas and other products subject to gross production tax under state law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this state; and
4. Sale of aircraft on which the tax levied pursuant to Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid. The provisions of this Paragraph 4 shall not become operative until July 1, 1984.

SECTION 7-210 **EXEMPTIONS, GOVERNMENTAL AND NONPROFIT ENTITIES.**

There are hereby specifically exempted from the tax levied by this chapter:

1. Sale of tangible personal property or services to the United States government or to the State of Oklahoma, any political subdivision of this state or any agency of a political subdivision of the state; provided, all sales to contractors in connection with the performance of any contract with the United States Government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this chapter, except as hereinafter provided;
2. Sales of property to agents appointed or contracted with by agencies or instrumentalities of the United States Government if ownership and possession of such property transfers immediately to the United States Government;
3. Sales made directly by county, district or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;
4. Sale of food in cafeterias or lunch rooms of elementary schools, high schools, colleges or universities which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

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

6. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

7. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to effect the capital improvements hereinbefore described;

8. Sales of tangible personal property or services to the council organizations or similar state supervisory organizations of the Boy Scouts of America, Girl Scouts of U.S.A. and the Campfire Girls shall be exempt from sales tax;

9. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above named subdivisions or agencies of this state has duly entered into a public contract pursuant to law, necessary for carrying out such public contract or to any subcontractor to such a public contract. Any person making purchases on behalf of such subdivision or agency of this state shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this state and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above named subdivision or agencies of this state or who otherwise violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both;

10. Sales of tangible personal property or services to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, including materials, supplies, and equipment used in the construction and improvement of buildings and other structures owned by the institutions and operated for educational purposes. Any person, firm, agency or entity making purchases on behalf of any institution, agency or subdivision in this state, shall certify in writing, on the copy

of the invoice of sales ticket the nature of the purchases, and violation of this act shall be a misdemeanor as set forth in Paragraph (9) of this section; and

11. Tuition and educational fees paid to private institutions of higher education and private elementary and secondary institutions of education accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs or accredited as defined by the Oklahoma State Regents for Higher Education which are exempt from taxation pursuant to the provisions of the Section 501(c)(3) of the Internal Revenue Code.

SECTION 7-211 EXEMPTIONS; GENERAL.

There are hereby specifically exempted from the tax levied by this chapter:

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar (\$1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;

3. Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not exceed seventy-five cents (\$0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;

4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the state, provided that such sales to residents of this state are made to persons to whom sales tax permits have been issued as provided in this chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;

5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;

6. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor;

7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as defined by Section 353.1 of Title 59 of the Oklahoma Statutes;

8. Transfers -of title or possession of empty, partially filled, or filled returnable oil drums to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil drums; and

9. Nothing herein shall be construed as limiting or prohibiting the city from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or commercial purposes. Any sales tax levied by the city on natural or artificial gas and electricity shall be in effect regardless of ordinance or contractual provisions referring to previously imposed state sales tax on such items.

SECTION 7-212 EXEMPTIONS; AGRICULTURE.

There are hereby specifically exempted from the tax levied by this chapter:

1. Sales of agricultural products produced in this state by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

- a. Farm, orchard or garden products;
- b. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;
- c. Livestock sold by the producer at a special livestock sale; or
- d. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Livestock, including cattle, horses, mules, or other domestic or draft animals, sold by the producer by private treaty or at a special livestock sale;

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

4. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

- a. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;

- b. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules or other domestic or draft animals used directly in the producing and marketing of agricultural products;
- c. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;
- d. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;
- e. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and
- f. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sales ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

5. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

- a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming or ranching and that the material purchased will be used only in such business;
- b. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming or ranching, and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;
- c. Sales of agricultural fertilizer, pharmaceuticals and biologicals to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this section, "agricultural fertilizer", "pharmaceuticals" and "biologicals" mean any

substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants or animals;

- d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming or ranching. This section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;
- e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming or ranching. For the purposes of this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacterial or other micro organisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and
- f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit; and

6. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permit.

SECTION 7-213 EXEMPTIONS; MANUFACTURERS.

There are hereby specifically exempted from the tax levied by this chapter:

1. Goods, wares, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling or preparing products for resale. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by state law;

3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this chapter. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

4. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling or otherwise transferring empty or filled containers shall be taxable under this code. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise; or

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

SECTION 7-214 **EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS.**

There are hereby specifically exempted from the tax levied in this chapter:

1. The transfer of tangible personal property, as follows:
 - a. From one corporation to another corporation pursuant to a reorganization. As used in this subparagraph the term "reorganization" means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;

- b. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;
- c. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the property prior to the transfer;
- d. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or
- e. From a partnership to the members thereof when made in kind in the dissolution of such partnership; or

2. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property.

SECTION 7-215 **TAX DUE WHEN: RETURNS; RECORDS.**

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

SECTION 7-216 **PAYMENT OF TAX; BRACKETS.**

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

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

SECTION 7-217 **TAX CONSTITUTES DEBT.**

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

SECTION 7-218 **VENDOR'S DUTY TO COLLECT TAX; PENALTIES.**

A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this town to collect from the consumer or user the full

amount of the tax levied by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

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

C. A vendor, as defined hereunder, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this chapter, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

D. Any sum or sums collected or required to be collected in accordance with this chapter shall be deemed to be held in trust for the town. Any person, firm, corporation, joint venture or association that willfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

SECTION 7-219 **RETURNS AND REMITTANCES; DISCOUNTS.**

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

SECTION 7-220 **INTEREST AND PENALTIES; DELINQUENCY.**

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this chapter. 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. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this chapter.

SECTION 7-221 **WAIVER OF INTEREST AND PENALTIES.**

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the town tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the state sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this section, the applicable provisions of Section 220 of Title 68 are hereby adopted by reference and made a part of this chapter.

SECTION 7-222 **ERRONEOUS PAYMENTS; CLAIM FOR REFUND.**

Refund of erroneous payment of the town sales tax herein levied may be made to any taxpayer making 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 Section 227 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this section, the applicable provisions of Section 227 of Title 68 are hereby adopted by reference and made a part of this chapter.

SECTION 7-223 **FRAUDULENT RETURNS.**

In addition to all civil penalties provided by this chapter, the willfull failure or refusal of any taxpayer to make reports and remittances herein required, or making of any false 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 subject to a fine as provided in Section 1-108 of this code.

SECTION 7-224 **RECORDS CONFIDENTIAL.**

The confidential and privileged nature of the records and files concerning the administration of the town sales tax is legislatively recognized and declared, and to protect the same the provisions of the State Tax Code, Section 205 of Title 68 of the Oklahoma Statutes, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax as if here set forth in full.

SECTION 7-225 **AMENDMENTS.**

The people of the town, by their approval of the sales tax ordinance hereby authorize the town board of trustees, by ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the town as provided by law.

SECTION 7-226 **PROVISIONS CUMULATIVE.**

The provisions of this chapter shall be cumulative and in addition to any or all other taxing provisions of town ordinances.

CHAPTER 3

TELEPHONE EXCHANGE FEE

Section 7-301	Fee levied on telephone exchanges.
Section 7-302	Fee to be in lieu of other fees, taxes.

SECTION 7-301 **FEE LEVIED ON TELEPHONE EXCHANGES.**

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the town in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the town to compensate the town for the expenses incurred and services rendered incident to the exercise of its police power, supervision, police regulations, and police control of the construction of lines and equipment of the telephone company in the town. The inspection fee and charge shall be due and payable to the town annually for each calendar year due on or before the tenth day of January of each year for the preceding year and shall be paid into and appropriated and expended from the general revenue fund of the town.

State Law Reference: Town powers to levy utility tax on gross receipts, 68 O.S. Sections 2601 et seq.

SECTION 7-302 **FEE TO BE IN LIEU OF OTHER FEES, TAXES.**

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the town is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police calls systems of the town.

CHAPTER 4

UTILITY TAX

Section 7-401	Utility tax levied.
Section 7-402	Not to apply to franchises.
Section 7-403	Payment of tax.
Section 7-404	Failure to pay tax.
Section 7-405	Tax constitutes lien.

SECTION 7-401 **UTILITY TAX LEVIED.**

There is hereby levied and assessed an annual tax of two percent (2%) upon the gross receipts from residential and commercial sales of gas or electricity in the town, which tax shall be in lieu of any other franchise, license, occupation, or excise tax levied by such town, all as provided by state law.

State Law Reference: Utility Tax authorized for municipalities, 68 O.S. Sections 2601 et seq.

SECTION 7-402 **NOT TO APPLY TO FRANCHISES.**

The tax levied under this chapter shall, when levied, apply to all persons, firms, associations, or corporations engaged in business of furnishing gas or electricity within the town limits, except it shall not apply to any person, firm, association, or corporation operating under a valid franchise from the town.

SECTION 7-403 **PAYMENT OF TAX.**

The tax levied under this chapter on gas or electricity receipts shall be levied for a term of not more than one year and shall be payable as required by the town board of trustees and placed in the general revenue fund of the town.

SECTION 7-404 **FAILURE TO PAY TAX.**

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 such town and 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.

SECTION 7-405 **TAX CONSTITUTES LIEN.**

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

CHAPTER 5

EXCISE TAX

Section 7-501 Excise tax on use.

SECTION 7-501 EXCISE TAX ON USE.

A. **Excise Tax on Storage, Use or Other Consumption of Tangible, Personal Property Levied.** There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the Town of Inola tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of three percent (3%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

B. **Exemptions.** The provisions of this Ordinance shall not apply:

1. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;
2. In respect to the use of tangible, personal property purchased for resale before being used;
3. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the Town of Inola Use Tax Ordinance, has been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other state or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the Town of Inola Use Tax measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the Town of Inola Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or

municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;

4. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations and generally recognized as such;
5. In respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the municipality;
6. In respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment;
7. In respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads; and,
8. In respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

C. **Time When Due--Returns--Payment.** The tax levied by this Ordinance is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

D. **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.

E. **Collection of Tax by Retailer or Vendor.** Every retailer or vendor maintaining places of business both within and without the State of Oklahoma, and making sales of tangible personal property from a place of business outside this state for use in this municipality shall at the time of making such sales collect the use tax levied by this Ordinance from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this Town.

F. **Collection of Tax by Retailer or Vendor Not Maintaining a Place of Business Within State or Both Within and Without State-Permits.** The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this state but who makes sales of tangible personal property for use in this municipality and by the out-of-state place of business of any

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

G. **Revoking Permits.** Whenever any retailer or vendor not maintaining a place of business in this state, or both within and without this state, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Ordinance or the Oklahoma Use Tax Code or any order, rules or regulations of the Tax Commission the Tax Commission may, upon notice and hearing as provided for in 68 O.S. 1981, Section 1408, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this state may, after notice and hearing above provided, cancel said corporation's license to do business in this state and shall issue a new license. only when such corporation has complied with the obligations under this Ordinance, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

H. **Remunerative Deductions Allowed Vendors or Retailers of Other States.** Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of State Use Taxes.

I. **Interest and Penalties--Delinquency.** Section 217 of Title 68 O.S. 1981 is hereby adopted and made a part of this Ordinance, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Ordinance. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this Ordinance shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Ordinance.

J. **Waiver of Interest and Penalties.** The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipality tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in 68 O.S. 1981, Section 220, and to accomplish the purposes of this section the applicable provisions of said Section 220 are hereby adopted by reference and made a part of this Ordinance.

K. **Erroneous Payments-Claim For. Refund.** Refund of erroneous payment the municipality Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in 68 O.S. 1981, Section 227, and to accomplish the purpose of this section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Ordinance.

L. **Fraudulent Returns.** In addition to all civil penalties provided by this Ordinance, 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 Ordinance shall be an offense, and upon conviction thereof the offending taxpayer shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day of noncompliance with this Ordinance shall constitute a separate offense.

M. **Records Confidential.** The confidential and privileged nature of the records and files concerning the administration of the municipality Use Tax is legislatively recognized and declared, and to protect the same the provisions of 68 O.S. 1981, Section 205 of the State Use Tax Code, and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipality Use Tax is herein set forth in full.

N. **Provisions Cumulative.** The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipality ordinances.

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

P. **Definitions.** The definitions of words, terms and phrases contained in the Oklahoma Use Tax Code, Section 1401, 68 O.S. 1981, are hereby adopted by reference and made a part of this Ordinance. In addition thereto, the following words and terms shall be defined as follows:

- (1) Town shall mean the Town of Inola, Oklahoma.
- (2) Transaction shall mean sale.

Q. **Tax Collector Defined.** The term "tax collector" as used herein means the department of the municipality government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied.

R. **Classification of Taxpayers.** For the purpose of this Ordinance, the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Use Tax Code.

S. **Subsisting State Permits.** All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this

Ordinance hereby ratified, confirmed and adopted in lieu of any requirement for an additional municipality permit for the same purpose.

T. **Purposes of Revenues.** It is hereby declared to be the purpose of this Ordinance to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

U. **Citation.** This Ordinance shall be known and may be cited as “Town of Inola” Use Tax Ordinance.

EFFECTIVE DATE May 1, 1994

PART 8

HEALTH AND SANITATION

CHAPTER 1

WEEDS AND TRASH

Section 8-101	Accumulation of trash or weeds, abandoned containers and vacant Buildings
Section 8-102	Definitions.
Section 8-103	Reports of accumulation of grass, weeds or trash on property.
Section 8-104	Receipt of report, hearing and notice.
Section 8-105	Right of entry, work done by employees or contract.
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CHAPTER I

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Section 8-113	Unlawful to litter from automobiles.
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Section 8-115	Penalty.

SECTION 8-101 **ACCUMULATION OF TRASH OR WEEDS,** **ABANDONED CONTAINERS AND VACANT BUILDINGS.**

A. 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 town to allow trash to accumulate or weeds to grow or stand upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

B. Any person, firm or corporation who abandons or discards, in any place accessible to children, any refrigerator, icebox, or ice chest, of a capacity of one and one-half (1½) cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be deemed negligent as a matter of law and shall be guilty of a misdemeanor.

C. The owner or other person having control of any building or any part thereof which becomes vacant or unoccupied, shall remove therefrom all wastepaper and other combustible waste materials accumulated therein and shall securely close and lock and keep closed and locked all doors, windows or other openings into such building or portion thereof while the same remains unoccupied.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-111.

SECTION 8-102 **DEFINITIONS.**

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Weeds" includes but is not limited to poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or own 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 property or otherwise interfere with the mowing of the weeds;
 - b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;
 - d. Gives off unpleasant or noxious odors;
 - e. Constitutes a fire or traffic hazard; or
 - f. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use;

2. "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; and

3. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

SECTION 8-103 **REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY.**

Any officer or employee of the town 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 town, shall report the condition to the town clerk 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 (2) or more of these conditions.

State Law Reference: Cleaning and mowing of property, procedures and powers 11 O.S. Section 22-111.

SECTION 8-104 **RECEIPT OF REPORT, HEARING AND NOTICE.**

A. Upon receiving the report provided for in Section 8-103 of this code, or upon receipt of equivalent information from any reliable source, the town clerk shall give written notice of the provisions of this section and that premises are in violation of Section 8-101 of this code by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the treasurer of the county in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of a hearing by the board of trustees or before it takes action.

B. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the town board shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the board determines that any of the conditions specified in Section 8-103 of this code exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:

1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or
2. Gives written consent authorizing the town to abate the trash or weeds, thereby waiving his right to a hearing.

SECTION 8-105 **RIGHT OF ENTRY, WORK DONE BY EMPLOYEES OR CONTRACT.**

A. Upon finding that the condition of the property constitutes a detriment or hazard as specified in Section 8-103, and that the property would be benefited by the removal of such conditions, the agents of the town are granted the right of entry on the property to remove trash, mow weeds or grass, and perform necessary duties as a governmental function.

B. The work ordered to be performed under Section 8-104 of this code may be done by the employees of this town under supervision of the town, or it may be let by contract in the manner for letting other contracts.

SECTION 8-106 **DETERMINATION AND ASSESSMENT OF COSTS.**

A. Upon the completion of the work ordered to be performed under Section 8-105 of this code, the town clerk shall report the cost thereof to the town board. Such report shall be itemized as to each tract of property involved as follows:

- (1) Total number of employees who worked on the project and the hours worked by each.
- (2) Equipment used to work on the project and the hours of use for each.
- (3) Cost of any rentals used on the project.
- (4) Cost of all materials and supplies used on the project.
- (5) The cost of any and all notice to the landowner, or others.
- (6) Any other costs incident or relating to the project.
- (7) Indirect costs of five percent (5%) of direct actual costs.

B. The Board may, from time-to-time, by resolution establish, adopt or amend a schedule setting forth reasonable hourly rates for employees, equipment, or other items worked or used in conjunction with the project.

C. The board shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The board shall direct the town clerk to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the treasurer of the county in which the property lies.

SECTION 8-107 **LIEN ON PROPERTY, CIVIL REMEDY.**

If the costs of the work performed under this chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by Section 8-106 hereof, the town clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property upon which the work was done is located, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of this state. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this section the town may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the town clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

SECTION 8-108 **BOARD MAY DESIGNATE OFFICER TO PERFORM DUTIES, APPEALS.**

The town board may designate an administrative officer to carry out the duties of the town board in Sections 8-102 to 8-107 of this code. The property owner shall have a right of appeal to the town board from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the town clerk within ten (10) days after the administrative hearing.

SECTION 8-109 UNLAWFUL TO DEPOSIT RUBBISH.

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this town.

SECTION 8 -110 BURNING RESTRICTIONS

A. **PURPOSE:** Burning must be controlled so that a traffic hazard is not created, and in no instance shall burning occur within two hundred feet (200') of any highway.

B. **BURNING RESTRICTED:** Outdoor burning, within residential, commercial, or industrial zoned areas in the corporate limits of the town, of refuse and trash is prohibited; provided, burning of limbs and leaves during the months of April, May, June, July, August and September is allowed subject to the rules set forth herein. Burning shall not occur within fifty feet (50') of any structure and shall occur within reach of an operable water outlet with a hose attached which shall extend to the point of burning.

C. **HOURS BURNING PERMITTED; ADDITIONAL FUEL PROHIBITED:** Initial burning may begin only between sunrise and sunset, and additional fuel may not be intentionally added to the fire before sunrise or after sunset. Burning shall not be initiated or fuel added at any time when the wind is blowing in excess of 15 miles per hour or any day designated as a red flag alert day.

D. **EXCEPTIONS WITH PERMISSION OF THE FIRE CHIEF AND NOTICE TO THE TOWN DISPATCH:** The acting Fire Chief, Assistant Fire Chief or any fireman designated by the Fire Chief of the Inola Fire Department shall have the right to authorize any controlled burning activities without regard to any of the limitations set forth above. The party in charge of the controlled burning activity shall, at least one (1) hour prior to initiating the controlled burn, (i) obtain permission from the acting Fire Chief, Assistant Fire Chief or any fireman designated by the Fire Chief of the Inola Fire Department **AND** (ii) call the Town of Inola dispatch to advise of the controlled burn. The phone call to the dispatch shall serve to provide evidence that the party has obtained the necessary permission and to afford notice to the dispatcher that the fire (if reported by other parties) is a controlled burn.

E. **PENALTY:** A fine as provided in section 1-108 of this code shall be imposed for each violation of this chapter. Each act of burning shall be a separate violation.

SECTION 8-111 REMOVAL OF DEAD ANIMALS.

The owner or any person having charge of any animal dying in this town, shall within twenty-four (24) hours after the death of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

SECTION 8-112 **UNLAWFUL TO LITTER.**

A. Littering is defined as throwing any trash, refuse, waste paper, tin can, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the town or upon any real property owned or occupied by another.

B. It is unlawful for any person to litter.

SECTION 8-113 **UNLAWFUL TO LITTER FROM AUTOMOBILES.**

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the town any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

SECTION 8-114 **LITTER NOT TO ACCUMULATE ON PROPERTY.**

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

SECTION 8-115 **PENALTY.**

Any person, firm or corporation found violating any provision of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

FOOD REGULATIONS

Section 8-201	Food service regulations adopted,
Section 8-202	Milk ordinance adopted.
Section 8-203	Grade requirements.
Section 8-204	Violation; penalty.

SECTION 8-201 **FOOD SERVICE REGULATIONS ADOPTED.**

A The latest edition of the "Oklahoma State Department of Health Rules and Regulations Pertaining to Food Establishments" is hereby adopted and incorporated in this code by reference. At least one copy of the rules and regulations shall be on file in the office of the town clerk. The rules and regulations shall govern the definitions; inspection of food service establishments; the issuance, suspension, and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this section.

B. Any person who violates any of the provisions of this section shall be guilty of misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation.

State Law Reference: State food regulations, 63 O.S. Sections 1-1101 et seq.

SECTION 8-202 **MILK ORDINANCE ADOPTED.**

Part 2 of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the town limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16 and 17 of the abridged ordinance shall be replaced, respectively by Sections 8-203 and 8-204 of this code.

State Law Reference: State laws regulating milk standards, 63 O.S. Sections 1-1301 et seq.; manufacture of milk, 2 O.S. Sections 7-1 et seq.

SECTION 8-203 **GRADE REQUIREMENTS.**

Only grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments; provided that in an emergency, ungraded milk or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

SECTION 8-204 **VIOLATION; PENALTY.**

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this code.

CHAPTER 3

NUISANCES

Section 8-301	Nuisance defined; public nuisances; private nuisances.
Section 8-302	Persons responsible.
Section 8-303	Time does not legalize.
Section 8-304	Remedies against public nuisances.
Section 8-305	Remedies against private nuisances.
Section 8-306	Town has power to define and summarily abate nuisances.
Section 8-307	Certain public nuisances in the town defined.
Section 8-308	Summary abatement of nuisances.
Section 8-309	Abatement by suit in district court.
Section 8-310	Nuisance unlawful.
Section 8-311	Health nuisances; abatement.
Section 8-312	Toilet facilities required; nuisance.
Section 8-313	Procedure cumulative.
Section 8-314	Definitions.
Section 8-315	Condemnation and abatement procedures.
Section 8-316	Boarding and securing dilapidated buildings.
Section 8-317	Restoration of premises.

SECTION 8-301 **NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES.**

A. A nuisance is unlawfully doing an act or omitting to perform a duty or is any thing or condition which either:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any public park, square, street or other public property; or
4. In any way renders other persons insecure in life or in the use of property.

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

C. Every nuisance not included in Subsection B above is a private nuisance.

State Law Reference: Nuisances defined, municipal powers to abate, 50 O.S. Sections 1 et seq.

SECTION 8-302 **PERSONS RESPONSIBLE.**

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

SECTION 8-303 **TIME DOES NOT LEGALIZE.**

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

SECTION 8-304 **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:
 - a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
 - b. By the town in accordance with law or ordinance,

SECTION 8-305 **REMEDIES AGAINST PRIVATE NUISANCES.**

The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
 - a. By person injured as provided in Sections 14 and 15 of Title 50 of the Oklahoma Statutes; or
 - b. By the town in accordance with law or ordinance.

SECTION 8-306 **TOWN HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES.**

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the town has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the

protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the town has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done.

SECTION 8-307 CERTAIN PUBLIC NUISANCES IN THE TOWN DEFINED.

In addition to other public nuisances declared by other sections of this code or law, the following are hereby declared to be public nuisances:

1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offerings are made;
2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the town; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinance of the town;
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 conduct or holding of public dances in violation of the ordinances of the town; or the keeping of a place where such dances are held;
8. The public exposure of a person having a contagious disease;
9. The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises;
10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;
11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;
12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;

13. 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;

14. 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;

15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;

16. Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety;

17. Any fire or explosion hazard which endangers the public safety;

18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;

19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; or

20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the town, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declared to be a nuisance.

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

SECTION 8-308 **SUMMARY ABATEMENT OF NUISANCES.**

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the mayor or other appropriate officer or agency of the town government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. The chief of the fire department, the chief of police, the town attorney, the building inspector, the electrical inspector, the plumbing inspector or any other officer subordinate to the mayor may submit through or with the consent of the mayor to the town board of trustees, a statement as to the existence of a nuisance as defined by the ordinances of the town or law, and a request or recommendation that it be abated. The mayor himself, the health officer and board of trustees or any resident or residents of the town may submit such a statement and request a recommendation to the board of trustees.

C. The board of trustees shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the board of trustees shall have power to subpoena and examine witnesses, books, papers and other effects. Before proceeding to abate the nuisance or have it abated, the board of trustees shall give notice of a hearing on the proposed abatement to the owner of any property concerned and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing by mail or by service by a police officer if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the town.

D. If the board of trustees finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the board of trustees shall direct the mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statutes. The town clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the town collectible as other debts to the town may be collected.

SECTION 8-309 **ABATEMENT BY SUIT IN DISTRICT COURT.**

In cases where it is deemed impractical summarily to abate a nuisance the town may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Title 50 of the Oklahoma Statutes.

SECTION 8-310 **NUISANCE UNLAWFUL.**

It is unlawful for any person, including but not limited to any owner, lessee, or other person to create or maintain a nuisance within the town or to permit a nuisance to remain on premises under his control within the town.

SECTION 8-311 **HEALTH NUISANCES; ABATEMENT.**

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the health officer shall have authority to order the owner or occupant of any private premises in the town 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 twenty-four (24) hours, or within such other time as may be directed in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a policeman or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may

be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town.

B. If the order is not complied with, the health officer may cause the order to be executed and complied with and the cost thereof shall be certified to the town clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other town utility bill of the owner or occupant if he is a user of water from the town water system or such other utility service. The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any town utility service, such cost, after certification to the town clerk, may be collected in any manner in which any other debt due the town may be collected.

SECTION 8-312 TOILET FACILITIES REQUIRED; NUISANCE.

A. For the purpose of this section, the following terms shall have the respective meanings ascribed to them herein:

1. "Human excrement" means the bowel and kidney discharge of human beings;
2. "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; and
3. "Sanitary pit privy" means a privy which is built, rebuilt or constructed so as to conform with the specifications approved by the state health department.

B. Every owner of a residence or other building in which humans reside, are employed or congregate within this town 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 two hundred (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.

C. All human excrement disposed of within this town 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 town to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the town in any other manner.

D. 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.

E. Use of any type of portable toilet is prohibited except as follows:

1. Portable toilets may be placed on a job site after the owner has obtained a building permit from the Town of Inola. The portable toilet(s) may remain on site until construction is complete. The issuance of a building permit shall constitute approval to place portable toilets in accordance with this Ordinance without the necessity of obtaining a separate permit.

2. Portable toilets may be placed for special events for a period not to exceed seven (7) days without a permit. Extensions of the seven (7) day period may be granted by the issuance of a temporary permit by the Board of Trustees of the Town of Inola. In the event the seven (7) day period expires prior to the next Board meeting and the owner is seeking an extension, the Mayor may approve a temporary extension valid until the next meeting of the Trustees.

3. Portable toilets may be placed for use by the employees and customers of businesses legally operating from a mobile facility (i.e. food trucks) for a period more than seven (7) days under the following conditions:

a. The owner of the business shall obtain a written permit from the Board of Trustees of the Town of Inola and pay a fee of \$50.00. The permit will be valid for one (1) year; and

b. The portable toilet must be placed on private property with the permission of the property owner.

All portable toilets shall be maintained in compliance with any rules and regulations of all municipal, county and state regulations, shall be cleaned, emptied and maintained no less often than once per week or more frequently as needed (under a written contract of maintenance). Portable toilets placed for a period more than thirty (30) days must be concealed from the public view by screening; provided, screening shall not be required for portable toilets placed on construction sites in accordance with E (1).

F. All facilities for the disposal of human excrement in a manner different from that required by this section and all privies, closets or portable toilets 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.

SECTION 8-313 PROCEDURE CUMULATIVE.

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative on to any other penalties or procedures authorized.

SECTION 8-314 DEFINITIONS.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ADMINISTRATIVE OFFICER:	The mayor or other person so designated by the town Board of Trustees.
BOARDING AND SECURING OR BOARDED AND SECURED:	The closing, boarding or locking of any or all exterior openings so as to prevent entry into the structure.
CLEANING OR CLEANED:	The removal of trash or weeds from the premises.
DILAPILATED BUILDING:	(A) A structure which, through neglect or injury, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public; (B) A structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health, safety, and welfare of the general public; (C) A structure which is determined by to be an “unsecured building”, as defined in this section, more than three (3) times within any twelve (12) month period; (D) A structure which has been “boarded and secured”, as defined in this section, for more than thirty-six (36) consecutive months; or (E) A structure declared to constitute a public nuisance.
OWNER:	The owner of record as shown by the most current tax rolls of the county treasurer.
UNFIT FOR HUMAN OCCUPANCY:	A structure that, due to lack of necessary repairs, is considered uninhabitable and is a hazard to the health, safety, and welfare of the general public.
UNSECURED BUILDING:	Any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways, unlocked basement

or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the structure.

SECTION 8-315 **CONDEMNATION AND ABATEMENT PROCEDURES.**

The administrative officer may cause dilapidated buildings within the city limits to be torn down and removed in accordance with the following procedures:

A. Notices: At least ten (10) days' notice that a building is to be torn down or removed shall be given to the owner of the property before the administrative officer holds a hearing. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the 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. 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 in a newspaper of general circulation in the city once not less than ten (10) days prior to any hearing or action by the city pursuant to the provisions of this section.

B. Hearing: A hearing shall be held by the administrative officer to determine if the property is dilapidated and has become detrimental to the health, safety, or welfare of the general public and the community, or if the property creates a fire hazard which is dangerous to other property.

C. Abatement by City; Notice of Lien: Pursuant to a finding that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by the removal of such conditions, the administrative officer may cause the dilapidated building to be torn down and removed. The administrative officer shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of dilapidation and lien with the county clerk describing the property, the findings of the city at the hearing, and stating that the city claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice. The agents of the city are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the city if the work is not performed by the property owner within dates fixed by the administrative officer. Any action to challenge the order of the administrative officer shall be filed within ten (10) days from the date of the order.

D. Notice of Determination of Costs: The administrative officer shall determine the actual cost of the dismantling and removal of dilapidated buildings and any other expenses that may be necessary in conjunction with the dismantling and removal of the buildings, including the cost of notice and mailing. The city clerk shall forward a statement of the actual cost attributable to the dismantling and removal of the buildings and a demand for payment of such costs, by mail, to the property owner. In addition, a copy of the statement shall be mailed to any mortgage holder at the address provided for in subsection A of this section. At the time of mailing of the statement of costs to any property owner or mortgage holder, the 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.

E. Payment of Costs; Failure to Pay:

1. 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 cost of the dismantling and removal of the buildings is not made within six (6) months from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of cost to the county treasurer of the county in which the property is located. Once certified to the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until finally paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date of the notice of dilapidation and lien is filed with the county clerk.

2. In addition, the cost and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid.

3. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county. If the county treasurer and the city agree that the county treasurer is unable to collect the assessment, the city may pursue a civil remedy for collection of the amount owing and interest thereon, including an action *in personam* against the property owner and an action *in rem* to foreclose its lien against the property. A mineral interest, if severed from the surface interest and not owned by the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the city clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

F. Appeals: The property owner shall have the right of appeal to the town council from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

G. Summary Abatement: Nothing in this section shall prevent the city from abating a dilapidated building as a nuisance or otherwise exercising its police power to protect the health, safety, or welfare of the general public.

H. Non-liability of City: The officers, employees or agents of the town shall not be liable for any damages or loss of property due to the removal of dilapidated buildings performed pursuant to the provisions of this section or as otherwise prescribed by law.

SECTION 8-316 **BOARDING AND SECURING DILAPIDATED BUILDINGS.**

A. After a building has been declared dilapidated, as provided in section 8-315 of this chapter, and before the commencement of the tearing and removal of a dilapidated building, the administrative officer may authorize that such a building be boarded and secured. However, if the dilapidated building is vacant and unfit for human occupancy, the administrative officer may authorize the structure to be demolished pursuant to section 8-315 of this chapter.

B. The administrative officer may cause the premises on which an unsecured building is located to be cleaned of trash and weeds in accordance with the provisions of this chapter.

C. The administrative officer may cause an unsecured building to be boarded and secured in accordance with the following procedures:

1. Notices: Before the administrative officer orders such action, at least ten (10) days' notice that such unsecured building is to be boarded and secured shall be given by mail to any property owners and mortgage holders as provided in section 8-315 of this chapter. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the 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 in a newspaper of general circulation in the city, one time, not less than ten (10) 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: a) that any subsequent need for boarding and securing the building within a six (6) month period after the initial boarding and securing of the building pursuant to such notice may be summarily boarded and secured by the administrative officer; b) that the costs of such boarding and securing shall be assessed against the owner; and c) that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner or mortgage holder.

2. Consent of Owner for Town to Board and Secure: The owner of the property may give written consent to the town authorizing the boarding and securing of such unsecured building and to the payment of any costs incurred thereby. By giving written consent, the owner waives any right the owner has to a hearing by the administrative officer.

3. Hearing; Decision and Action: If the property owner does not give written consent to such actions, a hearing may be held by the administrative officer to determine whether the boarding and securing of such unsecured building would promote and benefit the public health, safety or welfare. Such hearing may be held in conjunction with a hearing on the accumulation of trash or the growth of weeds or grass on the premises of such unsecured building held pursuant to the provisions of this chapter. 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 the required determination, the administrative officer may order the boarding and securing of the unsecured building.

4. Notice of Lien: 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 such building was determined to be unsecured, and stating that the city claims a lien on the property for the costs of boarding and securing such building and that such costs are the personal obligation of the property owner from and after the date of filing the notice.

5. Entry Powers to Board and Secure: 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. Costs: 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 8-315 of this chapter. At the time of mailing of the statement of costs to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. 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.

7. Payment of Costs; Failure to Pay:

a. When payment is made to the city for costs incurred, the city clerk shall file a release of lien, but if payment attributable to the actual costs of the boarding and securing of the unsecured building is not made within thirty (30) days from the date of the mailing of the statement to the owner of such property, the city clerk shall forward a certified statement of the amount of the costs to the county treasurer of the county in which the property is located. Once certified to the county treasurer, payment may only be made to the county treasurer except as otherwise provided for in this section. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property, and such fee shall be deposited to the general fund of the county. The costs shall be levied on the property and collected by the county treasurer as are other taxes authorized by law. Until fully paid, the costs and the interest thereon shall be the personal obligation of the property owner from and after the date the notice of unsecured building and lien is filed with the county clerk.

b. In addition, the costs and the interest thereon shall be a lien against the property from the date the notice of the lien is filed with the county clerk. The lien shall be coequal with the lien of ad valorem taxes and all other taxes and special assessments and shall be prior and superior to all other titles and liens against the property. The lien shall continue until the costs and interest are fully paid.

c. If the county treasurer and the city agree that the county treasurer is unable to collect the assessment, the city may pursue a civil remedy for collection of the amount owing and interest thereon by an action *in personam* against the property owner and an action *in rem* to foreclose its lien against the property. A mineral interest, if severed from the surface owner, shall not be subject to any tax or judgment lien created pursuant to this section. Upon receiving payment, the city clerk shall forward to the county treasurer a notice of such payment and shall direct discharge of the lien.

8. Appeals: The property owner or mortgage holder shall have a right of appeal to the city council from any order of the administrative officer. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

9. Summary Boarding and Securing:

a. If the administrative officer causes a structure within the town limits to be boarded and secured, any subsequent need for boarding and securing within a six (6) month period constitutes a public nuisance and may be summarily boarded and secured without further prior notice to the property owner or mortgage holder. At the time of each such summary boarding and securing, the town shall notify the property owner and mortgage holder of the boarding and securing and the costs thereof. The notice shall state that the property owner may request an appeal with the town clerk within ten (10) days after the mailing of the notice. The notice and hearing shall be as provided for in subsection C1 of this section. Unless otherwise determined at the hearing, the cost of such boarding and securing shall be determined and collected as provided for in subsections C6 and C7 of this section.

b. The administrative officer may determine that a building is unsecured and order that such building be boarded and secured in the manner provided for in this subsection even though such building has not been declared by the administrative officer to be dilapidated.

D. The provisions of this section shall not apply to any property zoned and used for agricultural purposes.

SECTION 8-317 RESTORATION OF PREMISES.

In cases in which: a) a house or building has been removed before the effective date hereof; or b) a house or building is torn down or demolished pursuant to order of the state fire marshal or one of his assistants or the county sheriff 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 materials 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 sewers have not been plugged to meet the requirements of the plumbing inspector and securely closed; and 5) the lot or lots have not been leveled and left entirely free from trash or the same be immediately done, then the owner or owners of the lot or 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 requirements done.

CHAPTER 4

ABANDONED, WRECKED VEHICLES

Section 8-401	Definitions.
Section 8-402	Nuisance declared; prohibited acts; exemptions.
Section 8-403	Abatement procedures.
Section 8-404	Reclamation by owner; disposition of vehicle.
Section 8-405	Collection of city costs.
Section 8-406	Penalty.

SECTION 8-401 **DEFINITIONS.**

The following words, terms and phrases, and their derivations, 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:	The mayor or other person so designated by the town Board of Trustees.
JUNK VEHICLE:	Any “motor vehicle” or “vehicle” as defined in this section, which is wrecked, dismantled, junked, abandoned or inoperable and includes the major parts thereof including bodies, engine, transmissions, frames, rear ends and old tires, wheels and upholstery.
MOTOR VEHICLE:	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, motor scooters, trucks, tractors, go-carts, and golf carts.
PRIVATE PROPERTY:	Any real property within the city which is not public property.
PUBLIC PROPERTY:	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:	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, automobile, truck-trailer, motorcycle, tractor, buggy and wagon.

**SECTION 8-402 NUISANCE DECLARED; PROHIBITED ACTS;
EXEMPTIONS**

A. Nuisance Declared; Duty to Abate: The accumulation or storage of one or more vehicles or parts thereof as described in this section and section 8-401 of this chapter shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It is the duty of the owner of such junk vehicles or parts thereof, or the owner of the private property, lessee or other person in possession or control of the property upon which such vehicle is located to remove the vehicle from such property or have the vehicle housed in a building where it will not be visible from the street or other private property.

B. Open Storage Prohibited: No person shall deposit, store, or keep, or permit to be deposited, stored or kept, in the open upon public or private property a junk vehicle or parts thereof or any vehicle legally or physically incapable of being operated, for a period exceeding forty eight (48) hours, unless such vehicle, or parts thereof, is completely enclosed within a building, or stored in connection with a business lawfully established pursuant to the zoning ordinances of the town, or stored on property lawfully designated under the zoning ordinances of the town as a place where such vehicles may be stored.

C. Exemptions: The provisions 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.

SECTION 8-403 ABATEMENT PROCEDURES

A. Presumption of Abandonment: A rebuttable presumption shall exist that vehicles have been abandoned 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 and the vehicle or boat displays an expired license;
3. Portions of the vehicle which are needed for its operation or control are missing;
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; or
5. Evidence exists that provisions of this code pertaining to zoning or to junkyards and salvage yards are being violated.

B. Public Property:

1. Notices To Remove; Citation; Failure To Remove: Whenever it comes to the attention of the administrative 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 him 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 forty-eight (48) 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 shall 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 of this code.

2. Responsibility for Removal Costs: 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.

C. Private Property:

1. Authority To Remove: Any police officer of the city or code enforcement officer of the city shall, under the circumstances hereinafter set forth, have the authority to remove or direct the removal of a dismantled, junked, abandoned or inoperable vehicle when same is found upon private property within the corporate limits of the city.

2. Notices To Remove: The police officer or code enforcement officer, as may be designated by the mayor, shall notify the owner, as evidenced by the records of the state department of public safety, of such abandoned, junked, unserviceable, inoperable or dismantled vehicle, either by certified mail, return receipt requested, or by personal service, or by attaching a copy of the notice in a conspicuous place on the property to be removed, and if there is a building located on the property, by attaching a copy of the notice to the main entranceway of the building in a conspicuous place thereon. Notice may also be given by service of same on a person in possession or control of the property as owner, lessee, custodian or licensee over the age of fifteen (15) years or upon any member of a household fifteen (15) years of age or older.

D. Time Limit for Removal; Hearing and Decision:

1. The nuisance must be abated within forty eight (48) hours after receipt of notice by certified mail or within forty eight (48) hours of posting of notice or upon personal service as hereinbefore provided;

2. The owner or person having control of the property upon which the nuisance is located may, within the forty eight (48) hour period provided for in the notice for removal, request, in writing, directed to the administrative officer or clerk of the town, a hearing before the town council. The failure to request a hearing within the time period shall cause an abatement order to be issued, and the same shall be removed by the proper

authorities, and all charges incidental and necessary to the removal thereof shall be charged to the owner or the person having control of the property;

3. If a hearing, as provided in subsection D2 of this section, is requested within the time provided, a hearing shall be set before the town council not less than five (5) days nor more than thirty (30) days from the request. At such hearing, the owner may appear and protest and show cause why such abatement order should not be issued; and

4. If the town council determines a nuisance exists and if the town council orders an abatement after the hearing provided herein, the same shall be removed by the town at the cost of the owner or person having control of the property upon which the nuisance is located, provided, the town shall allow the owner or person having control thereof seventy two (72) hours after such order within which to abate the nuisance.

E. Removal of Vehicles:

1. Upon failure of the owner of the vehicle or the owner, lessee or person having control of the property on which the vehicle is located to request a hearing within the time provided in subsection D of this section, or to remove the vehicle or to place it in an enclosed building, the town shall have the right to abate the nuisance forthwith without further notice or time being given.

2. If such owner, lessee or person in control of the property requests a hearing within the time provided and appears to protest at the hearing provided and is ordered to abate such nuisance at the hearing, then such owner, lessee or person having control of the property shall abate same within seventy two (72) hours of the ruling.

3. If same is not abated within seventy two (72) hours of the order of abatement, the mayor shall direct the administrative officer to cause the removal and abatement of such nuisance, and reasonable costs and charges for the removal of the nuisance shall be charged to the owner, lessee or person in control of the property upon which the vehicle is located in the manner as provided for in subsection B2 of this section.

SECTION 8-404 RECLAMATION BY OWNER; DISPOSITION OF VEHICLE.

A. The owner of any vehicle so removed may regain possession thereof by making application to the administrative officer, within thirty (30) days after removal and upon payment to the town of all reasonable costs of removal and storage which shall have accrued to such vehicle. If the vehicle is not so reclaimed within thirty (30) days, it may be sold without further notice in the manner prescribed by state statute. After payment of towing and storage costs, all funds remaining shall become the property of the town.

B. Upon removing a junk vehicle under the provisions of this chapter, the town shall, after ten (10) days, cause it to be appraised. If the vehicle or boat appraises at seventy five dollars (\$75.00) or less, the mayor or the administrative officer 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 this subsection, the town may summarily dispose of the vehicle or boat and execute a bill of sale. If the vehicle or boat is appraised at over seventy-five

dollars (\$75.00), notice of public sale shall be given not less than ten (10) days before the date of the proposed sale.

C. 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 town clerk of such sum as may be determined by the administrative officer and fixed as the actual and reasonable expense of removal, plus storage.

SECTION 8-405 COLLECTION OF CITY COSTS

A. Upon the failure of the owner or occupant of property on which junk vehicles have been removed by the town to pay the unrecovered expense incurred by the town 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.

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 town 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 town.

SECTION 8-406 PENALTY

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions of this chapter shall, upon conviction, be deemed guilty of an offense against the city. Each act in violation of any of the provisions of this chapter 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 of this code.

CHAPTER 5

ENFORCEMENT AND PENALTY

Section 8-501	County health department designated to enforce health ordinances.
Section 8-502	Obstructing health officer.
Section 8-503	Quarantine; violations.
Section 8-504	Penalty.

SECTION 8-501 **COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES.**

Anywhere in this chapter where the word or words "health officer" are used it shall be construed to mean the director of the county health department or his duly designated representative. It is the intent and purpose of the mayor and town board of trustees to delegate the enforcement of the health ordinances of this town as set out in this section and any such decisions rendered under this section shall be subject to review by the governing board upon an appeal from an offender.

SECTION 8-502 **OBSTRUCTING HEALTH OFFICER.**

It is unlawful for any person to willfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of this town.

SECTION 8-503 **QUARANTINE; VIOLATIONS.**

It is unlawful for any person to willfully violate or refuse or omit to comply with any lawful order, direction, prohibition, rule or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

SECTION 8-504 **PENALTY.**

Any person who violates any provision of this chapter or any law or code adopted by reference in this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. In addition thereto, such person may be enjoined from continuing such violations.

PART 9

LICENSING AND BUSINESS REGULATIONS

CHAPTER 1

OCCUPATIONAL LICENSE FEES

Section 9-101	License fee levied on certain occupations.
Section 9-102	Payment of license fee; issuance of license; expiration date.
Section 9-103	Separate licenses required.
Section 9-104	License to be displayed.
Section 9-105	License may be revoked.
Section 9-106	Transfer of license prohibited.
Section 9-107	Duplicate license.
Section 9-108	Penalty.

CHAPTER 2

ITINERANT VENDORS

Section 9-201	Definitions.
Section 9-202	License required; exemptions.
Section 9-203	Application; bond.
Section 9-204	License fee.
Section 9-205	Transfer.
Section 9-206	Going upon private residences.
Section 9-207	Penalty.

CHAPTER 3

UNLAWFUL WORKERS

Section 9-301	Illegal to employ unlawful workers.
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CHAPTER 1

OCCUPATIONAL LICENSE FEES

Section 9-101	License fee levied on certain occupations.
Section 9-102	Payment of license fee; issuance of license; expiration date.
Section 9-103	Separate licenses required.
Section 9-104	License to be displayed.
Section 9-105	License may be revoked.
Section 9-106	Transfer of license prohibited.
Section 9-107	Duplicate license.
Section 9-108	Penalty.

SECTION 9-101 **LICENSE FEE LEVIED ON CERTAIN OCCUPATIONS.**

A. A license fee is levied in accordance with state law on persons engaging in, exercising, or pursuing businesses, professions, trades, occupations, or privileges in this town, for an annual fee as may be set by the town board by ordinance, motion or resolution.

B. In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to this section is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the town and state. A copy of this permit shall be provided by the applicant for a license to the town clerk prior to issuance of the town license.

Cross Reference: Alcoholic beverage taxes, 3-102, 3-202.

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

SECTION 9-102 **PAYMENT OF LICENSE FEE; ISSUANCE OF LICENSE; EXPIRATION DATE.**

A. It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a license tax is levied by Section 9-101 of this code or by any other ordinance or ordinance provision without paying the license tax, and securing and possessing a valid license therefor. Upon making proper application to the town clerk, the payment of the license tax and fulfillment of any other condition which may be prescribed by law or ordinance, the town clerk shall issue a license therefor. Such license taxes shall be credited to the general fund of the town.

B. Annual licenses shall expire on April 30th of each year, with the tax due on or before the first day of May. When an annual license is issued after May 1 for the remainder of the year to a person just beginning to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, the tax collected shall be a fractional part of the annual tax equal to the fraction of the year remaining, with a minimum as set by the town.

SECTION 9-103 **SEPARATE LICENSES REQUIRED.**

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

SECTION 9-104 **LICENSE TO BE DISPLAYED.**

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

SECTION 9-105 **LICENSE MAY BE REVOKED.**

Any license issued by the town to any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege, may be revoked by the board of trustees after adequate opportunity for a hearing, for either of the following reasons:

1. The licensee is engaging in, exercising, or pursuing the business, profession, trade, occupation, or privilege in such a manner that he has created or is creating a public nuisance as defined by state law or local ordinance; or
2. Serious or repeated violation of the law or ordinances.

SECTION 9-106 **TRANSFER OF LICENSE PROHIBITED.**

The assignment or transfer of licenses shall not be permitted in this town.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

SECTION 9-107 **DUPLICATE LICENSE.**

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the town clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make, and file with the town clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or

connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the town clerk, shall be set by the town board.

SECTION 9-108 **PENALTY.**

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this chapter, without a valid license as thereby required, or who shall violate any provision of this chapter, shall be guilty of an offense, and upon conviction, shall be fined as provided in Section 1-108 of this code. Violation of this chapter shall also be grounds for revocation or suspension of license granted.

CHAPTER 2

ITINERANT VENDORS

Section 9-201	Definitions.
Section 9-202	License required; exemptions.
Section 9-203	Application; bond.
Section 9-204	License fee.
Section 9-205	Transfer.
Section 9-206	Going upon private residences.
Section 9-207	Penalty.

SECTION 9-201 **DEFINITIONS.**

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Itinerant vendor" means and includes all persons, firms or corporations, as well as their agents and employees who engage in the temporary or transient business in the town of selling or offering for sale any goods or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the town in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

2. "Temporary" as used in Paragraph 1 hereof means any such business transacted or conducted in the town for which definite arrangements have not been made for the hire, rental or lease of premises for at least one hundred (100) days, in or upon which such business is to be operated or conducted; and

3. "Transient" as used in Paragraph 1 as used hereof means any such business of any such itinerant vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the town or who have fixed places of business in places other than the town or who move stocks of goods or merchandise or samples thereof into the town with the purpose or intention of removing them, or the unsold portion thereof, away from the town before the expiration of one hundred (100) days.

Anyone engaged in interstate commerce or anyone upon which the provisions of this chapter would impose a direct and unlawful burden on interstate commerce may appeal to the judge of the municipal court for a determination of the applicability of these provisions.

SECTION 9-202 **LICENSE REQUIRED: EXEMPTIONS.**

(A) Individual License. Except as otherwise provided herein, any itinerant vendor shall obtain an Individual License from the Town of Inola to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the Town. The town clerk shall issue the Individual License after such itinerant vendor shall have

fully complied with all provisions of this chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the town for the services herein required of it and to enable the town to partially defray the expenses of enforcing the provisions of this chapter.

(B) Blanket License. Owners or lessees of property upon which itinerant vendors operate or locate may obtain a Blanket License covering all itinerant vendors who will be established in the building or upon the property owned or controlled by the owner or lessee. In the event the owner or lessee obtains a Blanket License, the itinerant vendors operating upon said property shall not be required to obtain an Individual License (unless operating in locations other than the property controlled by the owner or lessee and described in the Blanket License).

(C) Exemptions. The following are exempt from the license requirements of this Chapter:

1. Farmers' markets wherein the vendors are offering for sale, exhibiting for sale or exhibiting for the purpose of taking orders for the sale thereof farm products produced and raised by the farmers or gardeners offering the products.

2. Needy ex-service persons holding a certificate duly issued by a District Judge having jurisdiction as provided by law.

SECTION 9-203 APPLICATION; BOND.

(A) Individual License. The itinerant vendor shall make application to the Town Clerk prior to the date of his contemplated sale or exhibit. The application shall be in the form of an affidavit, stating the full name and address of the itinerant vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor be a firm. The application thereof must be accompanied by:

1. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited; and

2. A statement showing the places within the proper zoning classification where the business is proposed to be conducted and the length of time during which it is proposed to be conducted; and

3. 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 acknowledges that a copy of the Application will be provided to the Oklahoma Tax Commission; and

4. Current state sales tax permit number; and

5. Copy of its permit or authority to do business in the state if the itinerant vendor be a corporation, incorporated under the laws of some state other than Oklahoma.

(B) Blanket License. The Owners or lessees of property upon which multiple itinerant vendors will operate who desire to obtain a Blanket License shall make application to the Town Clerk prior to the date of the contemplated sale or exhibit. The application shall be in the form

of an affidavit, stating the full name and address of the person or persons having the management or supervision of the property on which the itinerant vendors will operate (or the location of his or its principal office and place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such owner or lessee be a firm). The application thereof shall be accompanied by:

1. Description of property upon which the vendors will operate; and
2. Statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale or exhibited; and
3. Statement that the owner or lessee shall establish the following controls over each itinerant vendor operating upon the property and shall maintain records concerning each itinerant vendor for one year after the engagement dates involving that itinerant vendor ends:
 - (a) The name and address of each itinerant vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor be a firm; and
 - (b) Owner/lessee shall inform each vendor of the requirement to pay state and city sales taxes and shall forward the name, product involved and the dates of the vendor's engagement to the local office of the Oklahoma Tax Commission. Owner/lessee further agrees to provide each vendor with one copy of a state sales tax report and require him to certify that he will submit a sales tax report as required by law; and
 - (c) Owner/lessee shall provide a list of all itinerant vendors operating on his property; and
 - (d) Owner/lessee shall provide proof of general liability insurance covering the premises in the amount of \$25,000.00.

(C) Bond. Prior to the issuance of an Individual License or Blanket License, the applicant shall submit a bond in the sum of not less than Five Hundred Dollars (\$500.00), executed by the applicant as principal, with some surety company authorized to do business in the state as surety, which bond shall be payable to the town for the use and benefit of any person or persons entitled thereto and conditioned that the principal and surety will pay all damages to person, or persons, caused by or arising from, or growing out of the wrongful or illegal conduct of the applicant while conducting the sale or exhibit in the town. The bond shall remain in full force and effect for the entire duration of the license permit as provided herein, and two (2) years thereafter.

SECTION 9-204 LICENSE FEE.

The license fee for Individual Licenses shall be \$25.00 for six (6) months and for Blanket Licenses shall be \$ NA. The fees may be modified at any time by resolution adopted by the Board of Trustees.

The fees may be waived for educational, charitable or religious groups qualifying as 501(c)(3) organizations.

SECTION 9-205 **TRANSFER.**

The licenses provided for herein shall not be transferable. Individual Licenses shall not give authority to more than one person to conduct a business as an itinerant vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business.

SECTION 9-206 **GOING UPON PRIVATE RESIDENCES.**

In the exercise of the authority conferred upon the Town by state law, the practice of going to, in or upon the premises of any private residence in the town by door-to-door salespersons, solicitors, peddlers and order takers, without the express consent, request or invitation of the owner or the occupant of such private residence, for the purpose of soliciting orders for the purchase or for the sale of goods, wares, or publications or merchandise of any description, or the purpose of peddling, or hawking the same, or for the purpose of soliciting subscriptions thereto, is hereby prohibited.

SECTION 9-207 **PENALTY.**

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this chapter, without a valid license as thereby required, or who shall violate any provision of this chapter, shall be guilty of an offense, and upon conviction, shall be fined as provided in Section 1-108 of this code. Violation of this chapter shall also be grounds for revocation or suspension of license granted.

CHAPTER 3

UNLAWFUL WORKERS

Section 9-301 Illegal to Employ Unlawful Workers

SECTION 9-301 **ILLEGAL TO EMPLOY UNLAWFUL WORKERS.**

Section 1: Definitions. When used in this chapter, the following words, terms, and phrases shall have the meanings ascribed to them herein, and shall be construed so as to be consistent with State and Federal laws, including Federal immigration law:

A. “Business entity” means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage or livelihood, whether for profit or not for profit.

(1) The term business entity shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors.

(2) The term business entity shall include any business entity that possesses a business permit, any business entity that is exempt by law from obtaining such a business permit, and any business entity that is operating unlawfully without such a business permit.

B. “Town” means the Town of Inola, Oklahoma.

C. “Contractor” means a person, employer, subcontractor or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a subcontractor, contract employee, or a recruiting or staffing entity.

D. “Illegal Alien” means an alien who is not lawfully present in the United States, according to the terms of United States Code Title 8, Section 1101 et seq. The Town can not conclude that a person is an illegal alien unless and until an authorized representative of the Town has verified with the federal government, pursuant to United States Code Title 8, subsection 1373(c), that the person is an alien who is not lawfully present in the United States.

E. “Unlawful worker” means a person who does not have the legal right or authorization to work due to an impediment in any provision of federal, state or local law, including but not limited to a minor disqualified by nonage, or an unauthorized alien as defined by United State Code Title 8, subsection 1324a(h)(3).

F. “Work” means any job, task, employment, labor, personal service, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

G. “Basic Pilot Program” means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L.

104-208, Division C., Section 403(a); United States Code Title 8, subsection 1324a, and operated by the United States Department of Homeland Security (or a successor program established by the federal government.)

Section 2: Business Permits, Contracts, or Grants.

A. It is unlawful for any business entity to recruit, hire for employment, or continue to employ, or to permit, dispatch, or instruct any person who is an unlawful worker to perform work in whole or part within the Town. Every business entity that applies for a business permit to engage in any type of work in the Town shall sign an Affidavit, prepared by the Town Clerk, affirming that they do not knowingly utilize the services or hire any person who is an unlawful worker.

B. Enforcement: The Inola Police Department shall enforce the requirements of this section.

(1) An enforcement action shall be initiated by means of a written signed complaint to the Inola Police Department submitted by any Town official, business entity, or Town resident. A valid complaint shall include an allegation which describes the alleged violator(s) as well as the actions constituting the violation, and the date and location where such actions occurred.

(2) A complaint which alleges a violation solely or primarily on the basis of national origin, ethnicity, or race shall be deemed invalid and shall not be enforced.

(3) Upon receipt of a valid complaint, the Inola Town Clerk shall, within three (3) business days, request identity information from the business entity regarding any persons alleged to be unlawful workers. The Inola Town Clerk shall suspend the business permit of any business entity which fails, within three (3) business days after receipt of the request, to provide such information. In instances where an unlawful worker is alleged to be an unauthorized alien, as defined in United States Code Title 8, subsection 1324a (h) (3), the Inola Town Clerk shall submit identity data required by the federal government to verify, pursuant to United States Code Title 8, section 1373, the immigration status of such person(s), and shall provide the business entity with written confirmation of that verification.

(4) The Inola Town Clerk shall suspend the business permit of any business entity which fails to correct a violation of this section within three (3) business days after notification of the violation by the Inola Town Clerk.

(5) The Inola Town Clerk shall not suspend the business permit of a business entity if, prior to the date of the violation, the business entity had verified the work authorization of the alleged unlawful worker(s) using the Basic Pilot Program.

(6) The suspension shall terminate one business day after a legal representative of the business entity submits, at the Town office designated by the Town Clerk, a sworn affidavit stating that the violation has ended.

Licensing and Business Regulations

(a) The affidavit shall include a description of the specific measures and actions taken by the business entity to end the violation, and shall include the name, address and other adequate identifying information of the unlawful workers related to the complaint.

(b) Where two or more of the unlawful workers were verified by the federal government to be unauthorized aliens, the legal representative of the business entity shall submit to the Inola Town Clerk, in addition to the prescribed affidavit, documentation acceptable to the Inola Town Clerk which confirms that the business entity has enrolled in and will participate in the Basic Pilot Program for the duration of the validity of the business permit granted to the business entity.

(7) For a second or subsequent violation, the Inola Town Clerk shall suspend the business permit of a business entity for a period of twenty days. After the end of the suspension period, and upon receipt of the prescribed affidavit, the Inola Town Clerk shall reinstate the business permit. The Inola Town Clerk shall forward the affidavit, complaint, and associated documents to the appropriate federal enforcement agency, pursuant to United States Code Title 8, section 1373. In the case of an unlawful worker disqualified by state law not related to immigration, the Inola Town Clerk shall forward the affidavit, complaint, and associated documents to the appropriate state enforcement agency.

C. All agencies of the Town shall enroll and participate in the Basic Pilot Program.

D. As a condition for the award of any Town contract or grant to a business entity for which the value of employment, labor or, personal services shall exceed \$10,000, the business entity shall provide documentation confirming its enrollment and participation in the Basic Pilot Program.

Section 3: Penalty. Any Business entity convicted of violating this ordinance shall be punished by a maximum fine of \$200.00 and court costs. Violation of this ordinance shall also subject this business entity to a suspension of its business permit. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the town shall not bar the use of any other remedy for the purpose of enforcing the provisions of this ordinance. Each day's violation shall be considered a separate offense.

Section 4: Construction and Severability.

A. The requirements and obligations of this section shall be implemented in a manner fully consistent with federal law regulating immigration and protecting the civil rights of all citizens and aliens.

B. The Town shall not construe this Ordinance to prohibit the rendering of emergency medical care, emergency assistance, or legal assistance to any person.

C. If any part or provision of this section is in conflict or inconsistent with applicable provisions of federal and state statutes or is otherwise held to be invalid or enforceable by any court of competent jurisdiction, such part or provision shall be suspended and suspended by such applicable laws or regulations, and the remainder of this Ordinance shall not be affected thereby.

PART 10

OFFENSES AND CRIMES

CHAPTER 1

OFFENSES IN GENERAL

Section 10-101	Attempts to commit an offense.
Section 10-102	Aiding in an offense.

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201	Petit larceny prohibited.
Section 10-202	Injuring automobiles and other vehicles.
Section 10-203	Destroying or injuring buildings and other property.
Section 10-204	Placing signs on property of another.
Section 10-205	Throwing or shooting at persons or property.
Section 10-206	Tampering with or damaging public utilities.
Section 10-207	Unlawful intrusion upon land.
Section 10-208	Illegal entrance.
Section 10-209	Throwing advertising on street, prohibited.
Section 10-210	Throwing injurious substances.
Section 10-211	Injury to plants and trees.
Section 10-212	Public streets and trees.
Section 10-213	Trespass prohibited.
Section 10-214	Parking on property of another.
Section 10-215	Interference with fire hydrants.

CHAPTER 3

OFFENSES AGAINST THE PUBLIC

Section 10-301	Disturbing the peace, unlawful assembly.
Section 10-302	Insulting signs; literature or language.
Section 10-303	Fireworks regulated.
Section 10-304	Storing or keeping explosives.
Section 10-305	Carrying weapons; exceptions.
Section 10-306	Reckless conduct.
Section 10-307	Discharging firearms; exceptions.
Section 10-308	Loud noise or music prohibited; amplified sound.
Section 10-309	Unlawful picketing of religious events.

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	Public intoxication and drinking prohibited.
Section 10-402	Possession; transportation of intoxicating and non intoxicating beverages.
Section 10-403	Intoxicating liquors.
Section 10-404	Narcotics and marijuana prohibited.
Section 10-405	Prostitution.
Section 10-406	Disorderly house.
Section 10-407	Maintaining or leasing a disorderly house.
Section 10-408	Residents and visitors to disorderly house.
Section 10-409	Nudity; improper dress; indecent exposure.
Section 10-410	Definitions, obscenity regulations.
Section 10-411	Prohibited obscene conduct.
Section 10-412	Vagrancy defined for specific acts, offenses.
Section 10-413	Curfew for children.
Section 10-414	Sleeping in public.
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Section 10-416	Gambling prohibited.
Section 10-417	Being about place where gambling is going on.
Section 10-418	Harmful deception.
Section 10-419	False or bogus checks.
Section 10-420	Swindling unlawful.
Section 10-421	Definitions.
Section 10-422	Prohibited conduct.
Section 10-423	Required signs.
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Section 10-425	Statutory construction and severability.

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501	Assault and battery prohibited.
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CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Resisting an officer.
Section 10-602	Ref using or failing to assist an officer.
Section 10-603	Assault or battery upon police or other law officer.
Section 10-604	Rescuing prisoners.
Section 10-605	Escape of prisoners.
Section 10-606	Impersonating an officer or employee.

Section 10-607	False alarms.
Section 10-608	False representation to an officer.
Section 10-609	Removal of barricades.
Section 10-610	Resisting public officials.

CHAPTER 7

PENALTIES

Section 10-701	General penalties.
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CHAPTER 1

OFFENSES IN GENERAL

Section 10-101 Attempts to commit an offense.

Section 10-102 Aiding in an offense.

SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE.

Every person who attempts to commit an offense against the ordinances of the town, and in such attempt does any act toward the commission of such offense, but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself.

SECTION 10-102 AIDING IN AN OFFENSE.

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender.

Ordinance 85-7 is incorporated in this Part 10 as follows:

1. Marijuana, Sec. 10-404;
2. False alarms, Sec. 10-607;
3. Fighting, Sec. 10-301, 10-302; and
4. Assault, battery on police officer, Sec. 10-603.

CHAPTER 2

OFFENSES AGAINST PROPERTY

Section 10-201	Petit larceny prohibited.
Section 10-202	Injuring automobiles and other vehicles.
Section 10-203	Destroying or injuring buildings and other property.
Section 10-204	Placing signs on property of another.
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Section 10-210	Throwing injurious substances.
Section 10-211	Injury to plants and trees.
Section 10-212	Public streets and trees.
Section 10-213	Trespass prohibited.
Section 10-214	Parking on property of another.
Section 10-215	Interference with fire hydrants.

SECTION 10-201 PETIT LARCENY PROHIBITED.

A. Petit larceny is the taking of personal property of value not exceeding Fifty Dollars (\$50.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

B. Petit larceny is unlawful, and any person who commits larceny shall be guilty of a misdemeanor.

C. Any written evidence of debt, and written order or promise for the payment of money or delivery of goods, public security or passage ticket though the same has never been issued or delivered by the makers thereof to any person or purchaser, and any personal property are subjects of larceny within the meaning of this section.

D. Any fixture or part of realty, the instant it is severed from realty becomes a personal property and when the same is of the value of Fifty Dollars (\$50.00) or less, is the subject of larceny within the meaning of this section.

E. One who finds lost property of the value of Fifty Dollars (\$50.00) or less, under circumstances which give 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 petit larceny.

F. It is unlawful for any person to buy, receive, or bring into the municipality any property which he knows has been stolen.

State Law Reference: Petit larceny defined, 21 O.S. Sections 1704, 1706.

SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES.

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, loiter in, or injure any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof.

**SECTION 10-203 DESTROYING OR INJURING BUILDINGS AND
OTHER PROPERTY.**

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

SECTION 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER.

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle or other property of another, without the consent of the owner or person in charge thereof.

SECTION 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY.

It is unlawful for any person to throw or shoot any stone, shot or other object into or across any street or alley, or in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property.

SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES.

It is unlawful for any person to connect or attach any kind of pipe, wire or other contrivance to any pipe, line, wire or other conductor carrying gas, water or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water or electricity without it passing through the meter or any other way so as to evade payment therefor. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.

SECTION 10-207 UNLAWFUL INTRUSION UPON LAND.

It is unlawful for any person to intrude or squat upon any lot or piece of land within the town without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the town, any hut, shanty, hovel, or other structure without authority of law or ordinance.

SECTION 10-208 ILLEGAL ENTRANCE.

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or any notice or when the property, area or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.

Cross Reference: See also trespass, Section 10-213 of this code.

SECTION 10-209 THROWING ADVERTISING ON STREET, PROHIBITED.

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

Cross Reference: For provision prohibiting placing signs on property of another without consent, etc., see Section 10-204 of this code.

SECTION 10-210 THROWING INJURIOUS SUBSTANCES.

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal.

SECTION 10-211 INJURY TO PLANTS AND TREES.

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the town, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground; any person violating this section, upon conviction, shall be deemed guilty of an offense.

SECTION 10-212 PUBLIC STREETS AND TREES.

It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys or public places within the town;
2. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;

3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the town;

4. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the town; or to cut, break or otherwise injure any pavement, curb or gutter therein; or

5. Connect any driveway to any street or other public place without first securing permission from the town inspector so to do.

Any such digging, removing, or driveway connection shall be done under the supervision of the street superintendent or town engineer.

SECTION 10-213 TRESPASS PROHIBITED.

A. For the purpose of this section, the following terms shall be defined as follows:

1. "Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;

2. "Private property" means any property other than public property; and

3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this paragraph shall not apply to persons, including employees, whose presence upon such premises is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this subsection.

B. It is unlawful for any person to trespass on private property.

Cross Reference: For provisions on illegal entrance, see Section 10-208 of this code.

SECTION 10-214 PARKING ON PROPERTY OF ANOTHER.

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge or by authority of law or ordinance.

SECTION 10-215 INTERFERENCE WITH FIRE HYDRANTS.

A. It is unlawful for any person except one duly authorized by the town utility personnel or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stop cock belonging to the town.

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner obstructing access to a fire hydrant.

CHAPTER 3

OFFENSES AGAINST THE PUBLIC

Section 10-301	Disturbing the peace, unlawful assembly.
Section 10-302	Insulting signs; literature or language.
Section 10-303	Fireworks regulated.
Section 10-304	Storing or keeping explosives.
Section 10-305	Carrying weapons; exceptions.
Section 10-306	Reckless conduct.
Section 10-307	Discharging firearms; exceptions.
Section 10-308	Loud noise or music prohibited; amplified sound.
Section 10-309	Unlawful picketing of religious events.

SECTION 10-301 DISTURBING THE PEACE, UNLAWFUL ASSEMBLY.

A. It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in Subsection B of this section.

B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peace of another or others:

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;

2. 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 person or persons either in anger or otherwise;

6. Holding an unlawful assembly of two (2) 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. Making unnecessarily loud, offensive noises;

9. 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

10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

SECTION 10-302 INSULTING SIGNS; LITERATURE OR LANGUAGE.

A. It is unlawful for any person, firm or corporation within the town to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the town, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.

B. It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:

1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or

2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

SECTION 10-303 FIREWORKS REGULATED.

A. The sale or discharge of fireworks shall be unlawful within the City, except as provided herein;

B. The discharge of any fireworks by any individual under the age of eighteen (18) years shall be unlawful within the City, unless under the immediate and direct supervision of a parent, guardian, or other responsible adult in possession of a current permit issued under this Ordinance and the fireworks are “permissible fireworks” as defined herein.

C. Permissible fireworks shall mean: composition or device for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and which is defined as common or special fireworks by the United States Department of Transportation and as specifically defined in 68 O.S. Section 1622.

D. Fireworks sales shall be limited to be only from June 15th until July 5th of each year and shall be conducted in accordance with applicable state law. 68 O.S. Section 1621 et. Seq.

E. **Persons within the city limits may use or otherwise discharge permissible fireworks only from 3:00 p.m. to 11:00 p.m. on July 1st- July 4th, provided the following conditions are met:**

i. Such fireworks must be discharged on a non-combustible surface of sufficient size to contain the entire ground portion of the display and not closer than 25 feet to any permanent structure.

ii. The adult person shall obtain a permit from the City at a cost of \$20.00, said permit identifying the adult in charge of this use by name and address, and also identifying the proposed location on or near the permit holder's property. Applications for said permits shall be made available during normal business hours from April 1 through July 3 of any given year and permits are valid only for the year of issuance.

iii. The adult permit holder in charge of the use must be physically present for any household member to use the fireworks and within 100 feet of the point of display, and have the permit available for examination by any law enforcement officer.

iv. Private persons may not use or discharge fireworks within any city or county park, nor on any highway, turnpike, arterial street, or collector street.

(F) Any person who desires to discharge fireworks on any day other than July 1st-July 4th shall submit a request to the Board of Trustees. If approved by the Board, a permit may be issued in accordance with the procedures and conditions set forth above.

(G) Any sale or use of fireworks in violation of this ordinance shall be punished by a fine of \$100.00 plus costs. Any use of fireworks between the hours of 11:00 p.m. and 7:00 a.m. shall be punished upon conviction by a fine up to double the fine set forth herein.

State Law Reference: Bottle Rockets prohibited by state law, 68 O.S. Section 1624; state fireworks licenses required, 68 O.S. Sections 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101.

SECTION 10-304 STORING OR KEEPING EXPLOSIVES.

It is unlawful for any person to store or keep within the town any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance of any kind without having first complied with the laws of the state for the purpose of selling, storing or keeping such items.

SECTION 10-305 CARRYING WEAPONS; EXCEPTIONS.

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, bowie knife, dirk knife, switch blade knife, spring type knife, metal knuckle, or any other dangerous or deadly weapon or firearm except that this section shall not prohibit:

(A) The proper use of guns and knives for hunting, fishing, educational, or recreational purposes.

(B) The carrying or use of weapons in a manner otherwise permitted by state law or authorized by the state Self-Defense Act, 21 O.S. §§ 1290.1 et seq.

(C) The carrying, possession, and use of any weapon by a peace officer in the performance of official duties and in compliance with the rules of the employing agency.

SECTION 10-306 RECKLESS CONDUCT.

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person.

SECTION 10-307 DISCHARGING FIREARMS; EXCEPTIONS.

A. For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

AIR RIFLE. Any instrument in which the propelling force is a spring or air.

FIREARM. Any pistol, rifle, shotgun or other instrument using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to cause lethal injury, but shall not include archery equipment, underwater fishing guns , air rifles, flare guns or blank pistols.

PISTOL. Any firearm with a barrel or barrels less than 16 inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to cause lethal injury, but shall not include flare guns or blank pistols.

RIFLE. Any firearm with a barrel or barrels more than 16 inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to cause lethal injury.

SHOTGUN. Any firearm with a barrel or barrels more than 18 inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a series of projectiles of any material which may reasonably be expected to cause lethal injury. Any shotgun capable of firing single projectiles but primarily designed to fire multiple projectiles such as shot will be regarded as a SHOTGUN.

B. It shall be unlawful for any person to fire or discharge any firearm within the corporate limits of the town.

C. It shall be unlawful for any person to fire or discharge any loaded air rifle within the corporate limits of the town.

D. It shall be unlawful for any person to discharge any firearm or air rifle in any circumstance while intoxicated, under the influence of or impaired to any discernible degree by the consumption of any intoxicating liquor, intoxicating substance, intoxicating compound, hallucinogenic, or from the inhalation of glue, paint or other intoxicating substances.

E. It shall be unlawful for any person to discharge any firearm or air rifle while failing to exercise the care which a reasonable and prudent person would use under the same or similar circumstances to avoid injury to any person or property. .

F. It shall be unlawful for any person to maliciously discharge any firearm or air rifle with the specific intent to intimidate or harass another person. .

G. It shall not be violation of parts B or C to discharge a firearm or air rifle:

(i) When done by any peace officer in the performance of any legal duty or by any person assisting such officer or acting at such officer's direction;

(ii) When resisting any attempt to murder or to commit any felony upon any person or upon any dwelling occupied by any person;

(iii) When discharged in the lawful defense of any person when there are reasonable grounds to apprehend an individual attempting to commit a felony or to do some great personal injury and there is imminent danger of such design or injury being accomplished;

(iv) When necessarily discharged in an attempt, by lawful means, to arrest any person for any felony committed, in the suppression of any riot, or lawfully keeping or preserving the peace;

(v) When discharged by an unforeseeable accident or misfortune, while doing any lawful act, by lawful means, using ordinary care, without unlawful intent;

(vi) When done by military personnel in the performance of any lawful duty at a military function of federal or state armed forces, including but not limited to the Oklahoma Army or Air National Guard, Federal Military Reserve or other active military forces;

(vii) When discharged by persons authorized or hired by the Town of Inola to manage or otherwise eliminate wild or domestic animals and reptiles which pose a threat to humans, domestic animals and or property;

(viii) When air rifles are discharged on Inola School property in conjunction with any Inola school certified and authorized shooting sports program and under the supervision of school personnel.

(ix) When lawfully hunting with a shotgun (using birdshot only – no slugs) on a tract which is at least ten (10) acres in size. Provided, hunting is prohibited within four hundred forty (440) yards of any residential structure, school, church or other structure designed for human occupancy.

(x) When air rifles, shotguns (using bird shot only – no slugs) or .22 caliber firearms (using birdshot ammo only) are discharged: (a) in the lawful defense of any person or property when an individual has reasonable grounds to believe there

is a threat from the presence of what they believe to be a “vicious dog” as defined in Chapter 4 or other dangerous or deadly wild or domestic animal, (b) to prevent any “vicious dog” or other wild or domestic animal from causing destruction or harm to an individual or property, (c) to prevent the spread or potential spread of diseases by an infected or potentially infected domestic or wild animal or (d) when any “vicious dog” or other domestic or wild animal enters an individual’s private property and has the potential to cause damage or poses any type of threat to an individual, livestock or pets on said private property. Provided, it SHALL BE UNLAWFUL to discharge any firearm under the exception contained in this sub part (x) in the following locations:

1. Within 100 yards of a building devoted to human occupancy while on lands you do not own without permission of the owner of the building or property; or
2. Across or within 50 feet of the center line of any federal, state, county, or town highway, road or street or railroad right of way; or
3. In any public place, or in any place where there is any person to be endangered thereby, as prohibited by 21 Okla. Stat. § 1364.

H. Any individual discharging a firearm within the municipal limits, not associated with a legal hunting activity, should contact the Inola Police Department at the first opportunity and report the discharge, location and approximate time of discharge as well as the number of shots fired, caliber of the weapon and reason.

I. Each separate discharge of a firearm or air rifle made unlawful under any provision of this section shall constitute and be punishable as a separate offense.

SECTION 10-308 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND.

It is unlawful for any person to disturb the peace and quietude of any part of the town by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

SECTION 10-309 UNLAWFUL PICKETING OF RELIGIOUS EVENTS.

A. **Definitions.** The following words and phrases, when used in this section, shall have the following meanings:

Announced religious event means a religious event regarding which the public has been provided notice of the beginning time and of the duration or ending time of such event by the conspicuous posting of a sign on the property where the event is to be held or by announcement in a newspaper regularly circulated or printed on at least a weekly basis within the town.

Focused picketing means standing or sitting or walking in a repeated manner past or around a cemetery, mortuary or house of worship by one or more persons while (i) carrying a banner, placard, or sign or (ii) protesting.

Funeral means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.

House of worship means any church, synagogue, mosque, or other structure that is regularly used for the exercise of religious beliefs.

Protesting means the act of declaring disapproval or objection issued by a concerned person, group, or organization or an individual or collective gesture or display of disapproval.

Religious event means any scheduled worship service, funeral, memorial service for the dead, or other observance of a religious sacrament, ritual, ceremony or celebration that takes place at a house of worship, cemetery or mortuary or on the property where a house of worship, cemetery or mortuary is situated.

B. Unlawful acts. It is unlawful for any person to engage in focused picketing, during the time period from one hour prior to the beginning of time of an announced religious event until two hours after the ending time of the event, on public property at any of the following locations:

(1) On the sidewalk adjoining the property on which a house of worship, cemetery or mortuary is situated; or

(2) In the street or roadway adjoining or adjacent to the property on which a house of worship, cemetery or mortuary is situated; or

(3) On the public area between the house of worship, cemetery or mortuary and an adjoining or adjacent street or roadway, including but not limited to the curb, drainage, or area between the street and sidewalk (if sidewalk exists); or

(4) On any public property within 500 feet of the property line on which a house of worship, cemetery or mortuary is situated, if any entrance to the house of worship, cemetery or mortuary is located on that side of the property.

C. Penalty. Any person violating this section may be punished by:

(1) A fine of not more than \$500.00

(2) Imprisonment in jail for no more than 179 days;

(3) Both such fine and imprisonment not to exceed the limits set forth herein.

D. Purposes. The Board of Trustees finds:

- (1) It is generally recognized that families have a substantial interest in organizing and attending religious events for deceased relatives; and
- (2) The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when religious events are targeted for picketing and other public demonstrations; and
- (3) Picketing of religious events causes emotional disturbance and distress to grieving families who participate in the event; and
- (4) Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than within one hour prior to, during and two hours following the commencement of religious events.

CHAPTER 4

OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	Public intoxication and drinking prohibited.
Section 10-402	Possession; transportation of intoxicating and non intoxicating beverages.
Section 10-403	Intoxicating liquors.
Section 10-404	Marijuana prohibited.
Section 10-405	Prostitution.
Section 10-406	Disorderly house.
Section 10-407	Maintaining or leasing a disorderly house.
Section 10-408	Residents and visitors to disorderly house.
Section 10-409	Nudity; improper dress; indecent exposure.
Section 10-410	Definitions, obscenity regulations.
Section 10-411	Prohibited obscene conduct.
Section 10-412	Vagrancy defined for specific acts, offenses.
Section 10-413	Curfew for children.
Section 10-414	Sleeping in public.
Section 10-415	Begging prohibited.
Section 10-416	Gambling prohibited.
Section 10-417	Being about place where gambling is going on.
Section 10-418	Harmful deception.
Section 10-419	False or bogus checks.
Section 10-420	Swindling unlawful.

SECTION 10-401 PUBLIC INTOXICATION AND DRINKING PROHIBITED.

A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the town in a state of intoxication.

B. For the purposes of this section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, non intoxicating, spirituous, vinous or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

SECTION 10-402 POSSESSION; TRANSPORTATION OF INTOXICATING AND NON INTOXICATING BEVERAGES.

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or non intoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the town limits.

B. It is unlawful for any parent or guardian of a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

C. It is unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating or non intoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed unless the opened container be in the rear trunk or rear compartment. The rear trunk or compartment 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.

D. For the purpose of this section "intoxicating beverage" and "non intoxicating beverage" shall be as defined in Sections 3-101 and 3-201 et seq. of this code.

SECTION 10-403 INTOXICATING LIQUORS.

It is unlawful:

1. For any person to barter, sell, give away or otherwise furnish to another any intoxicating or non intoxicating liquor or beverage of any kind except as permitted by law;

2. To have in possession or under control any intoxicating or non intoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the town any intoxicating or non intoxicating liquor or beverage except as permitted by law;

3. To loiter in a place where intoxicating or non intoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or

4. To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating or non intoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.

SECTION 10-404 NARCOTICS AND MARIJUANA PROHIBITED.

A. It is unlawful for any person knowingly to:

(1) To appear or be upon or in any street, alley, place of business, or other public place while under the influence of marijuana, opium, or other narcotic;

(2) To use, have, or possess marijuana, opium, or other narcotic upon or in any street, alley, place of business, or other public place within the city;

(3) To use marijuana, opium, or other narcotic in any place within the city except as legally prescribed by a physician licensed to practice in the state;

(4) To loiter about a place where marijuana, opium, or any other narcotic is sold or furnished illegally; or

(5) To sell or furnish illegally to another person marijuana, opium, or any other narcotic; or

(6) Use or possess drug paraphernalia or to deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person.

B. For the purpose of this section, NARCOTIC shall have the same meaning as “controlled dangerous substance” as defined in the Controlled Dangerous Substances Act, 63 O.S. § 2-101. For the purpose of this section, "marijuana" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes. "Drug paraphernalia" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes, including the factors to determine in Section 2-101.1 of Title 63.

C. This section shall not apply to any marijuana lawfully obtained or authorized in accordance with the Medical Marijuana Act.

State Law Reference: See 63 O.S. §§ 2-101 and 420A et seq.

SECTION 10-405 PROSTITUTION.

A. It is unlawful for any person to:

1. Be a prostitute;
2. Solicit, entice, or procure another to commit or engage in any act of prostitution;
3. Engage in any act of prostitution;
4. Knowingly let premises for purposes of prostitution;
5. Conduct a business or premises for prostitution; or
6. Be a party to an act of prostitution or solicitation of prostitution in the limits of town.

B. For the purposes of this section:

1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or money;
2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and
3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

SECTION 10-406 DISORDERLY HOUSE.

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 this town or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages or non intoxicating beverages;
3. The performance of any sexual act declared unlawful by state statute or town ordinance including, but not limited to, soliciting for purposes of prostitution; or
4. The violation of any state statute or town ordinance prohibiting gambling.

SECTION 10-407 MAINTAINING OR LEASING A DISORDERLY HOUSE.

A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease 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.

SECTION 10-408 RESIDENTS AND VISITORS TO DISORDERLY HOUSE.

No person shall knowingly reside in, enter into, or remain in a disorderly house. In any prosecution for violation of this section, the town 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.

SECTION 10-409 NUDITY; IMPROPER DRESS; INDECENT EXPOSURE.

It is unlawful for any person to:

1. Appear in any public place in the town in a state of nudity;
2. Appear in any public place in the town in any offensive, indecent or lewd dress;

or

3. Make an indecent public exposure of his or her person.

SECTION 10-410 DEFINITIONS; OBSCENITY REGULATIONS.

The following terms when used in the chapter shall have the meaning respectively ascribed to them in this section:

1. "Obscene" means that to the average person applying contemporary community standards:
 - a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;
 - b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and,
 - c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;
2. "Material" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;
3. "Person" means any individual, partnership, firm, association, corporation or other legal entity;
4. "Disseminate" means to transfer possession of, with or without consideration;
5. "Knowingly" means being aware of the character and the content of the material;
6. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;
7. "Performance" means any preview, play, show, skit, film, dance or other exhibition performed before an audience;
8. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;
9. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hosting, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining; and

10. "Promote" means to cause, permit, procure, counsel or assist.

SECTION 10-411 PROHIBITED OBSCENE CONDUCT.

A. It is unlawful for any person to:

1. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material; or

2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or

3. Knowingly engage or participate in any obscene performance made available to the public; or

4. Provide service to patrons in such a manner as to expose to public view:

a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

c. Any portion of the female breast at or below the areola thereof; or

d. Knowingly promote the commission of any of the above listed unlawful acts.

B. Each complete or partial display or other material exhibition of any motion picture film or other material shall be deemed to constitute a separate offense. The provisions of Sections 10-410 and 10-411 shall not apply to a projectionist, assistant projectionist, usher or cashier provided such person has no financial interest in the motion picture theatre so long as that person is not acting as director or manager of the theatre.

SECTION 10-412 VAGRANCY DEFINED FOR SPECIFIC ACTS, OFFENSES.

It is unlawful to be a vagrant in the limits of the town. For the purposes of this section, a vagrant means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;

2. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;

3. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;

4. For the purpose of injuring, destroying, molesting or defacing any property of another;

5. For the purpose of assaulting any person;

6. For the purpose of begging or soliciting alms, provided that this section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or

7. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

SECTION 10-413 CURFEW FOR CHILDREN.

A. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Minor" is any person under the age of (18) eighteen years;

2. "Parent" is the natural or adoptive parent of a minor;

3. "Guardian" is any person other than a parent who has legal guardianship of a minor;

4. "Custodian" is any person over the age of twenty-one (21) years who is in loco parent is to a minor; and

5. 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.

B. It is unlawful for any minor to remain, wander, stroll or play in any public place on foot or to cruise about without a set destination in any vehicle in, about or upon any public place in the town between the hours of 12:00 A.M. midnight and 5:00 A.M. on any day unless:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor;

2. The minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor; or

3. Where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

C. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew designated in Subsection B of this section.

D. It is unlawful for any parent, guardian, custodian or other adult person having custody or control of any minor to suffer or permit or by inefficient control to allow such person to be on any public place within the town between the hours of curfew designated in Subsection B of this section. The provisions of this section do not apply if:

1. The minor is accompanied by a parent, guardian, custodian or other adult person having the care, custody or control of the minor;

2. The minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor; or

3. The parent, guardian or other adult person herein has made a missing person notification to the town police department.

E. The board of trustees may permit by resolution or motion procedures for advance notice or registration with the town of special events or functions sponsored by churches, schools, clubs or other organizations which require minors to be out at a later time. The board of trustees may also prescribe the procedures for taking into custody minors found in violation of this section.

SECTION 10-414 SLEEPING IN PUBLIC.

A. It is unlawful for any person, between the hours of 12:00 A.M. midnight and 6:00 A.M., to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.

B. It is unlawful for a person to loiter on or about the premises of any public or private school or other public building, or in or about a depot of a public carrier.

SECTION 10-415 BEGGING PROHIBITED.

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

SECTION 10-416 GAMBLING PROHIBITED.

A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:

1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;

2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played, when the act of playing the same might result in a gain or loss to the party playing;

3. To gamble knowingly in any other manner; or

4. To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this section.

B. It is unlawful and an offense against the town for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.

State Law Reference: Authority to prohibit gambling, 11 O.S. Section 22-108.

SECTION 10-417 BEING ABOUT PLACE WHERE GAMBLING IS GOING ON.

It is unlawful for any person to be about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

SECTION 10-418 HARMFUL DECEPTION.

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party, or results in or contributes to the benefit of the deceiver.

SECTION 10-419 FALSE OR BOGUS CHECKS.

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of Fifty Dollars (\$50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 10-420 SWINDLING UNLAWFUL.

It is unlawful to get money or property from any other person or persons or businesses under false pretences, deception, cheating or by any other fraudulent act.

SECTION 10-421 DEFINITIONS.

The following words and phrases, whenever used in this Chapter 10, Part 4, shall have the meanings defined in this section unless the context clearly requires otherwise:

Indoor Area means any enclosed area used or visited by employees or the public, at all times, regardless of whether work is being performed. Indoor Area includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, as well as all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like.

Municipal Property means all buildings, Indoor Areas, and Outdoor Areas, including but not limited to recreational areas, and other property, or portions thereof, owned or operated by the Town of Inola, Rogers County, including but not limited to vehicles and equipment owned by the municipality.

Outdoor Area means any area that is not an Indoor Area, and includes outdoor recreational areas.

Smoking means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

Tobacco Product means any product that contains tobacco and is intended for human consumption. Tobacco Product does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product.

Vapor Product means any noncombustible product, that may or may not contain nicotine, that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor Product shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, or electronic device.

SECTION 10-422 PROHIBITED CONDUCT.

a. Smoking Tobacco Products is prohibited in all places in which Smoking Tobacco Products is prohibited by Oklahoma state law.

b. Using Tobacco Products and Vapor Products is prohibited on all Municipal Property, indoor and outdoor, including parks and recreational areas.

c. Nothing in this Chapter 10, Part 4, prohibits any person or entity from prohibiting the use of Tobacco Products or Vapor Products on their property, even if the use of Tobacco Products or Vapor Products is not otherwise prohibited in that area.

d. No person or entity shall knowingly permit the use of Tobacco Products or Vapor Products in an area that is under the control of that person or entity and in which the use of Tobacco Products or Vapor Products is prohibited by law.

e. No person or entity shall permit the placement of ash receptacles, such as ash trays or ash cans, within an area under the control of that person or entity and in which Smoking is prohibited by law. However, the presence of ash receptacles shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any provision of Chapter 10, Part 4.

f. No person shall dispose of Tobacco Product or Vapor Product waste within an area in which the use of Tobacco Products or Vapor Products is prohibited.

g. No person or entity shall intimidate, threaten, or otherwise retaliate against another person or entity that seeks to attain compliance with this Chapter 10, Part 4.

SECTION 10-423 REQUIRED SIGNS.

a. The person or entity that has legal or de facto control of an area in which the use of Tobacco Products or Vapor Products is prohibited by this Chapter 10, Part 4, shall post a clear, conspicuous, and unambiguous sign at each point of entry to the area, and in at least one other conspicuous point within the area.

b. For restrictions on the use of Tobacco Products or Vapor Products in Indoor Areas, the sign or decal shall be at least 4 inches by 2 inches in size and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided. For restrictions on the use of Tobacco Products or Vapor Products in Outdoor Areas, signs shall be weather-resistant, at least 15 inches by 15 inches in size, with lettering of at least 1 inch, and shall clearly state that smoking or tobacco use is prohibited or that a tobacco-free environment is provided.

c. For purposes of this section, the Town Administrator (or the Town Clerk if that position is vacant) or his/her designee shall be responsible for the posting of signs on Municipal Property, both indoor and outdoor.

d. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of the use of Tobacco Products or Vapor Products in violation of any other provision of this Chapter 10, Part 4.

SECTION 10-424. PENALTIES AND ENFORCEMENT.

a. Enforcement of this chapter shall be the responsibility of the Town of Inola Police Department. In addition, any peace officer or code enforcement official may enforce this chapter.

b. Any person who knowingly violates this Chapter 10, Part 4 shall be punished by a citation and fine of not less than \$10.00 and not more than \$100.00 in accordance with the Town of Inola Municipal Code.

c. The possession of a lighted Tobacco Product in violation of this Chapter 10, Part 4 is a nuisance.

d. The remedies provided by this Chapter 10, Part 4 are cumulative and in addition to any other remedies available at law or in equity.

e. Each instance of Tobacco Product or Vapor Product use in violation of this Chapter 10, Part 4 shall constitute a separate violation.

f. The use of a Vapor Product in violation of this Chapter 10, Part 4 is a nuisance.

g. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter 10, Part 4 regarding Tobacco Product or Vapor Product use shall also constitute a violation of this Chapter 10, Part 4.

h. In addition to other remedies provided by this Chapter 10, Part 4 or by other law, any violation of this Chapter 10, Part 4 regarding Tobacco Product or Vapor Product use may be remedied by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, criminal code enforcement proceedings and suits for injunctive relief as directed by the Town Board of Trustees.

SECTION 10-425 STATUTORY CONSTRUCTION AND SEVERABILITY.

It is the intent of the Board of Trustees of the Town of Inola, Rogers County to supplement applicable state and federal law and not to duplicate or contradict such law. The provisions of this ordinance are severable, and the invalidity of any provision of the ordinance shall not affect other provisions of the ordinance, which can be given effect without the invalid provision. Existing sections 10-426 and 10-427 are repealed as duplicative of the provisions set forth above.

CHAPTER 5

OFFENSES AGAINST PERSONS

Section 10-501 Assault and battery prohibited.

SECTION 10-501 ASSAULT AND BATTERY PROHIBITED.

A. An assault is any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

B. A battery is any intentional, willful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.

C. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the town. Any person committing an assault or an assault and battery within the jurisdiction of the town, shall be guilty of an offense.

CHAPTER 6

OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	Resisting an officer.
Section 10-602	Refusing or failing to assist an officer.
Section 10-603	Assault or battery upon police or other law officer.
Section 10-604	Rescuing prisoners.
Section 10-605	Escape of prisoners.
Section 10-606	Impersonating an officer or employee.
Section 10-607	False alarms.
Section 10-608	False representation to an officer.
Section 10-609	Removal of barricades.
Section 10-610	Resisting public officials.

SECTION 10-601 RESISTING AN OFFICER.

A. It is unlawful to resist, oppose or assault, or in any way interfere with a police officer or any person duty authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the town.

B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

D. The words "obstruction of" shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

2. Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is under arrest; or

3. Refusal by the arrested party to give his name and make his identity known to the arresting officer.

SECTION 10-602 REFUSING OR FAILING TO ASSIST AN OFFICER.

A. An officer of the town making or about to make an arrest, or executing or about to execute a warrant or other process, in accordance with the ordinances of the town or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call

upon person or persons to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly.

B. It is unlawful for any person lawfully called upon thus to assist an officer of the town to refuse or fail to do so.

SECTION 10-603 **ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER.**

It is unlawful for any person to knowingly commit any assault, battery or assault and battery upon the person of a police officer or other officer of the law while in the performance of his duties.

SECTION 10-604 **RESCUING PRISONERS**

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner or prisoners, from any officer or employee of the town having legal custody of the same or from the town jail or other place of confinement by the town, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement.

SECTION 10-605 **ESCAPE OF PRISONERS.**

It is unlawful for any person confined in the town jail or other place of confinement by the town, or working upon the streets or other public places of the town in pursuance of any judgment, or otherwise held in legal custody by authority of the town, to escape or attempt to escape from any such jail, prison or custody.

SECTION 10-606 **IMPERSONATING AN OFFICER OR EMPLOYEE.**

It is unlawful for any person to impersonate any officer or employee of the town, falsely represent himself to be an officer or employee of the town, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the town without being duly authorized to do so.

SECTION 10-607 **FALSE ALARMS.**

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the fire department or police department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the fire department or police department or its officers or employees to make a useless run.

SECTION 10-608 **FALSE REPRESENTATION TO AN OFFICER.**

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any officer, employee or agency of the

town government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or officer of the town.

SECTION 10-609 REMOVAL OF BARRICADES.

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the town to keep traffic off any pavement, street, curb, sidewalk or other area.

SECTION 10-610 RESISTING PUBLIC OFFICIALS.

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the chief of police, any other police officer, the municipal judge, or any other officer or employee of the town in the discharge of his official duties;
2. Threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties; or
3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

CHAPTER 7

PENALTIES

Section 10-701 General penalties.

SECTION 10-701 GENERAL PENALTIES.

Any violation of the provisions of this part is punishable as provided in Section 1-108 of this code.

PART 11

PARKS, RECREATION AND CEMETERY

CHAPTER 1

GENERAL PROVISIONS

Section 11-101	Board of trustees to make rules for recreational facilities.
Section 11-102	Fees to be determined.
Section 11-103	Penalty.

CHAPTER 2

LIBRARY

Section 11-201	Purpose.
Section 11-202	Library established.
Section 11-203	Board of directors.
Section 11-204	Term, vacancies.
Section 11-205	Removal.
Section 11-206	Officers.
Section 11-207	Librarian.
Section 11-208	Funds.
Section 11-209	Annual report.
Section 11-210	Appropriation of funds.

CHAPTER 3

CEMETERY

Section 11-301	Board of cemetery trustees, appointment and creation.
Section 11-302	Powers and duties of cemetery trustees.
Section 11-303	Cemetery expenses and collections.
Section 11-304	Cemetery care fund, purchase of lands, investment of fund.
Section 11-305	Reports of the cemetery board of trustees.
Section 11-306	Lien on cemetery lots for upkeep charges, enforcement.
Section 11-307	Removal or remains to other gravesites, unmarked graves.
Section 11-308	Penalty.
Section 11-309	Cemetery board – rules and regulations.

CHAPTER 1

GENERAL PROVISIONS

Section 11-101	Board of trustees to make rules for recreational facilities.
Section 11-102	Fees to be determined.
Section 11-103	Penalty.

SECTION 11-101 **BOARD OF TRUSTEES TO MAKE RULES FOR RECREATIONAL FACILITIES.**

The board of trustees shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the town.

SECTION 11-102 **FEES TO BE DETERMINED.**

The town shall provide by rules, from time to time, the fees charged for any such park or recreational privileges on any property or facility for recreational purposes owned or operated by the town.

SECTION 11-103 **PENALTY.**

It is unlawful for any person to use any of the park or recreational facilities without having complied with the rules and regulations promulgated by the board of trustees in connection therewith. Anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and on conviction thereof, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

LIBRARY

Section 11-201	Purpose.
Section 11-202	Library established.
Section 11-203	Board of directors.
Section 11-204	Term, vacancies.
Section 11-205	Removal.
Section 11-206	Officers.
Section 11-207	Librarian.
Section 11-208	Funds.
Section 11-209	Annual report.
Section 11-210	Appropriation of funds.

SECTION 11-201 **PURPOSE.**

It is the desire and intent of the governing body of the town to provide free public library service to the residents of the town for the benefit of the town, the state, and the nation.

State Law Reference: Municipal libraries, 11 O.S. Sec. 31-101 et seq.

SECTION 11-202 **LIBRARY ESTABLISHED.**

The town public library is hereby established.

SECTION 11-203 **BOARD OF DIRECTORS.**

The public library shall be governed by a board of directors consisting of six (6) members selected from the residents of the town with reference to their fitness for such office by the mayor and town board of trustees. All library board directors shall serve thereon without compensation.

SECTION 11-204 **TERM, VACANCIES.**

The board of directors shall hold office for a term of five (5) years from the first day of May following their appointment. At the first regular meeting of the board, the directors shall cast lots for respective terms of one year, two (2) years and three (3) years; thereafter the terms of all directors shall be for three (3) years. Vacancies in the library board of directors shall be filled in the same manner as original appointments.

SECTION 11-205 **REMOVAL.**

Any member of the board of directors may be removed by the appointing authority for misconduct or neglect of duty or in accordance with applicable law.

SECTION 11-206 OFFICERS.

Immediately after the initial appointment, the board of directors shall meet and organize by electing one director as president, one director as secretary, and by electing such other officers as the board may deem necessary. The board shall adopt such rules and regulations for its own guidance and for the governance and operation of the library as may be expedient and not inconsistent with this chapter and laws of the state, subject to approval of the mayor and town board of trustees.

SECTION 11-207 LIBRARIAN.

The board may, with the approval of the mayor and the town board of trustees, appoint a suitable librarian and assistants and set their compensation. The board may recommend an annual budget to the town board of trustees. The board may set the policy of the library, control the expenditure of all moneys collected and placed to the credit of the library, supervise and care for the grounds, rooms, or buildings constructed, leased or set aside for the library, all with approval of the town board of trustees.

SECTION 11-208 FUNDS.

All moneys received by the board on account of the operation of the library shall be paid to the town treasurer, who shall deposit the same in the town treasury in a special and separate account designated the "library account." Such moneys shall be paid out only upon warrants authorized by the library board of directors.

SECTION 11-209 ANNUAL REPORT.

The library board of directors shall make, on or before the thirty-first day of July in each year, an annual report to the mayor and the town board of trustees. Such report shall include the condition of its trust on the thirtieth day of June; the various sums of money and property received by the library and how such moneys have been expended; the budget for the library for the next fiscal year; and statistics on the general character and number of books and periodicals which are on hand, are lost, have been added, have been loaned out; and the number of persons making use of the library during the year. A similar report shall be filed at that time with the State Department of Libraries on forms supplied by that department.

SECTION 11-210 APPROPRIATION OF FUNDS.

The mayor and town board of trustees shall annually appropriate to the library board of directors from funds available to the town such moneys as are deemed necessary to operate and maintain the public library for the education and cultural enrichment of the citizens of the town.

CHAPTER 3

CEMETERY

Section 11-301	Board of cemetery trustees, appointment and creation.
Section 11-302	Powers and duties of cemetery trustees.
Section 11-303	Cemetery expenses and collections.
Section 11-304	Cemetery care fund, purchase of lands, investment of fund.
Section 11-305	Reports of the cemetery board of trustees.
Section 11-306	Lien on cemetery lots for upkeep charges, enforcement.
Section 11-307	Removal or remains to other gravesites, unmarked graves.
Section 11-308	Penalty.
Section 11-309	Cemetery board – rules and regulations.

SECTION 11-301 BOARD OF CEMETERY TRUSTEES, APPOINTMENT AND CREATION.

Where a cemetery is owned by a municipality, the governing body may provide for the creation and appointment of a board of cemetery trustees. The board of cemetery trustees shall consist of three (3) members. The term of each member shall be six (6) years, except that when the board is first appointed, one member shall serve a term of two (2) years, one member shall serve a term of four (4) years, and one member shall serve a term of six (6) years.

State Law Reference: Municipal cemeteries, 11 O.S. Sec. 26-101 et seq.

SECTION 11-302 POWERS AND DUTIES OF CEMETERY TRUSTEES.

The board of cemetery trustees shall have charge of and control of the municipal cemetery, and shall be authorized to:

1. Make rules and regulations governing the management, improvement and establishment of the cemetery;
2. Fix the price for which lots shall be sold or for which an interment shall be made; and;
3. Appoint all officers necessary for the control and management of cemeteries, including a cemetery superintendent, subject to the approval of the municipal governing body.

SECTION 11-303 CEMETERY EXPENSES AND COLLECTIONS.

All money received by the board of cemetery trustees from the sale of lots or from interments, or from any other source, shall be paid to the municipal treasurer, who shall deposit the same in the municipal treasury. Expenses incurred by reason of the upkeep, repair and adornment of the municipal cemetery may be paid by the municipal treasurer upon proper warrants authorized by the board.

SECTION 11-304 **CEMETERY CARE FUND, PURCHASE OF LANDS,
INVESTMENT OF FUND.**

In all municipally-owned cemeteries where lots are sold or charges made for interments, not less than twenty-five percent (25%) of all moneys received from the sale of lots and interments shall be segregated and set aside as a permanent fund to be known as the "Cemetery Care Fund". The cemetery care fund shall be expended in purchasing lands for cemeteries and for making capital improvements when necessary. the balance of the fund may be invested, without approval of any court, by the body having control of the cemeteries, in the manner provided by Section 348.1 of Title 62 of the Oklahoma Statutes for investment of municipal funds. Only the interest from the investments shall be used in improving, caring for and embellishing the lots, walks, drives, parks and other necessary improvements on such cemeteries.

SECTION 11-305 **REPORTS OF THE CEMETERY BOARD OF TRUSTEES.**

The board of cemetery trustees shall, on the first Mondays in January and July of each year, make a full report to the municipal governing body of all lots sold, interments made, and all moneys received and expended by the board on and about the cemetery.

SECTION 11-306 **LIEN ON CEMETERY LOTS FOR UPKEEP
CHARGES, ENFORCEMENT.**

A. Any municipality which owns a cemetery, or any board of cemetery trustees of a cemetery owned by an association incorporated for cemetery purposes under the laws of the state, shall have a lien on any unused lot when a written contract provides for upkeep payments on such lot and the upkeep payments have been unpaid for a continuous period of five (5) years. Where more than one lot has been purchased in a group of lots, and at least one of the lots has been used in that group of lots, the provisions of this section shall not apply.

B. After filing the lien with the clerk of the district court in the county in which the cemetery lot is situated, the lien may be enforced by civil action. The practice, pleading and proceedings for foreclosure in such action shall conform to the rules prescribed by the code of civil procedure as far as they may be applicable.

SECTION 11-307 **REMOVAL OR REMAINS TO OTHER GRAVESITES,
UNMARKED GRAVES.**

When the bodily remains of an unknown person are discovered in an unidentified and unmarked grave of a municipally owned and operated cemetery, the remains may be removed to some other gravesite within the cemetery, at the expense of the municipality, if no record exists as to a sale or conveyance of the lot and the municipality is without knowledge that a body had been buried in the gravesite, in the event the lot is sold to another person. An application for approval of the disinterment and removal of the bodily remains shall be first filed with, and approval obtained from the State Health Department.

SECTION 11-308 PENALTY.

Any person who violates any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be a nuisance, an offense, or misdemeanor thereby, or who shall fail to do any act required by any such provision or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, or who shall violate any legal order or regulation made pursuant to this chapter, is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which any such violation continues, shall constitute a separate offense.

SECTION 11-309 CEMETERY BOARD - RULES AND REGULATIONS.

The Cemetery Board's duly adopted Rules and Regulations, as they may be amended from time-to-time, are adopted as the Rules and Regulations governing the operation and management of all cemeteries under the ownership and control of the Town of Inola, Oklahoma.

A copy of the duly adopted Rules and Regulations of the Cemetery Board as ratified by Ordinance 12-03 are made a part of the Appendix and incorporated by reference.

PART 12

PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1

PLANNING COMMISSION

Section 12-101	Created; membership.
Section 12-102	Organization; meetings; officers and employees.
Section 12-103	Powers and duties.
Section 12-104	To have power of a zoning commission.

CHAPTER 2

ZONING REGULATIONS

Section 12-201	Zoning regulations adopted by reference, penalty.
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CHAPTER 3

SUBDIVISION REGULATIONS

Section 12-301	Subdivision regulations adopted by reference, penalty.
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CHAPTER 4

FLOOD PLAIN MANAGEMENT REGULATIONS

Section 12-401	Statutory authorization.
Section 12-402	Statement of purpose.
Section 12-403	Findings of fact.
Section 12-404	Methods of reducing flood losses.
Section 12-405	Définitions.
Section 12-406	General provisions.
Section 12-407	Designation of the floodplain administrator.
Section 12-408	Duties and responsibilities of the floodplain administrator.
Section 12-409	Permit procedures.
Section 12-410	Variances.
Section 12-411	General standards for flood hazard reduction.
Section 12-412	Specific standards for flood hazard reduction..
Section 12-413	Standards for subdivisions.
Section 12-414	Floodways.
Section 12-415	Severability.

Section 12-416	Floodplain management fee schedule.
Section 12-417	Penalties for noncompliance.
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CHAPTER 5

GRADING AND EARTH CHANGES

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CHAPTER 1

PLANNING COMMISSION

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SECTION 12-101 **CREATED; MEMBERSHIP.**

A town planning commission is hereby established for the town. It shall consist of five (5) appointive members, all of whom shall be residents of the town, and the chairman of the town board of trustees and the town engineer (if any) as ex officio members. The appointive members shall be nominated by the mayor and appointed by the board of trustees and shall serve for terms of three (3) years. Of the original appointive members, one shall serve for a term of one year; two (2) shall serve for a term of two (2) years; and two (2) shall serve for a term of three (3) years. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The town board of trustees may remove members of the town planning commission for cause.

State Law Reference: Municipal planning commissions, 11 O.S. Sections 45-101 to 45-105.

SECTION 12-102 **ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES.**

The town planning commission shall elect a chairman, a vice chairman, and secretary, who shall serve until the first Monday of the next May after their election. The secretary need not be a member of the commission. The commission shall determine the time and place of its regular meetings; and the chairman or any three (3) members may call special meetings of the commission. The commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the town board of trustees. Their salaries and compensation shall be fixed by the board, and shall be paid out of the town treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the town treasury as other legal expenses of the town government are paid.

SECTION 12-103 **POWERS AND DUTIES.**

The town planning commission shall have all the powers and duties prescribed for it by state law and all other powers and duties now or hereafter prescribed for it by any other provision of ordinance or law.

SECTION 12-104 **TO HAVE POWER OF A ZONING COMMISSION.**

A. The town planning commission is hereby appointed the zoning commission of the town, and the town planning commission shall have the powers of a zoning commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one board known as the town planning commission.

B. Exercising the powers of a zoning commission, the town planning commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by state law and all powers which now or in the future may be granted by applicable state law to such authorities.

CHAPTER 2

ZONING REGULATIONS

Section 12-201 Zoning regulations adopted by reference, penalty.

**SECTION 12-201 ZONING REGULATIONS ADOPTED BY
REFERENCE, PENALTY.**

Ordinance Number 80-6, adopted May 5, 1980, containing Zoning Regulations for the Town of Inola, and all amendments thereto are hereby adopted and incorporated herein by reference, fully applicable in the town as if set out at length herein. At least one copy of the regulations and amendments shall be kept on file in the office of the town clerk. Any violation of the regulations, as amended, is punishable as provided in Section 1-108 of this code.

CHAPTER 3

SUBDIVISION REGULATIONS

Section 12-301 Subdivision regulations adopted by reference, penalty.

**SECTION 12-301 SUBDIVISION REGULATIONS ADOPTED BY
REFERENCE, PENALTY.**

The Subdivision Regulations of the Town of Inola, adopted June, 1986, and all amendments thereto, are hereby adopted and incorporated herein by reference, fully applicable in the town as if set out at length herein. At least one copy of the regulations and amendments shall be kept on file in the office of the town clerk. Any violation of the regulations, as amended, is punishable as provided in Section 1-108 of this code.

CHAPTER 4

FLOODPLAIN MANAGEMENT REGULATIONS

Section 12-401	Statutory Authorization.
Section 12-402	Statement of purpose.
Section 12-403	Findings of fact.
Section 12-404	Methods of reducing flood losses.
Section 12-405	Definitions.
Section 12-406	General Provisions.
Section 12-407	Designation of the Floodplain Administrator.
Section 12-408	Duties and Responsibilities of the Floodplain Administrator.
Section 12-409	Permit Procedures.
Section 12-410	Variances.
Section 12-411	General Standards for Flood Hazard Reduction.
Section 12-412	Specific Standards for Flood Hazard Reduction.
Section 12-413	Standards for Subdivisions.
Section 12-414	Floodways.
Section 12-415	Severability.
Section 12-416	Floodplain Management Fee Schedule.
Section 12-417	Penalties for Noncompliance.
Section 12-418	Certification and Declaration of Emergency.

SECTION 12-401 **STATUTORY AUTHORIZATION.**

The Legislature of the State of Oklahoma has in 11 O.S. §§ 41-47, as amended, delegated the responsibility to local governmental units to adopt ordinances designed to minimize flood losses. Therefore, the Town of Inola, Oklahoma ordains the following, to become effective immediately:

SECTION 12-402 **STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure the potential buyers are notified that property is in a flood area.

SECTION 12-403 FINDINGS OF FACT.

The flood hazard areas of the Town of Inola are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare. These flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

SECTION 12-404 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION 12-405 DEFINITIONS.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application:

1. "Accessory Structure" – means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures include, but are not limited to, garages and storage sheds;
2. "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year;

3. "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;
4. "Base Flood Elevation" means the elevation in feet above mean sea level of the base flood or 1% chance flood;
5. "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides;
6. "BFE" means base flood elevation;
7. "CFR" - means Code of Federal Regulations;
8. "Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised;
9. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials;
10. "Development Permit" means a permit issued by the Town of Inola Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this chapter;
11. "Elevated building" means a non-basement building:
 - a. Built, in the case of a building in Zones AE, A, and X to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood;
 - b. Also, in the case of Zones AE, A, and X, "elevated building" includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters;
12. "Existing construction" means for the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures;
13. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 4, 1972;

14. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads);

15. "FEMA" means the Federal Emergency Management Agency;

16. "FIRM" means Flood Insurance Rate Map;

17. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation of runoff of surface waters from any source;

18. "Flood Insurance Rate Map (FIRM)" means an official map of the Town of Inola, on which the Federal Emergency Management Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the town;

19. "Flood insurance study" means the official report provided by FEMA for the Town of Inola which contains flood profiles, the water surface elevation of the base flood, as well as the floodway width, section area and mean velocity;

20. "Floodplain Administrator" means a person accredited by the OWRB and designated by the Inola Board of Trustees of the Town of Inola to administer and implement laws, ordinances and regulations relating to the management of floodplains;

21. "Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding);

22. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations;

23. "Floodplain management regulations" means zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide for the purpose of flood damage prevention and reduction;

24. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards;

25. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. A floodway is located within areas of special flood hazard established in Section 12-406 (2). A floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles;

26. "Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities;

27. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure;

28. "Historic structure" means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs;

29. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding;

30. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices;

31. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of Title 44 CFR;

32. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle;

33. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale;

34. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on the Town of Inola's Flood Insurance Rate Map are referenced;

35. "New construction" means, for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by the Inola Board of Trustees of the Town of Inola and includes and subsequent improvements to such structures;

36. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Inola Board of Trustees of the Town of Inola;

37. "No Rise" means that no structure or construction activities shall increase the water surface elevation of the base flood by more than 0.01 feet, unless otherwise approved by the Floodplain Administrator by means of a variance;

38. "OWRB" means the Oklahoma Water Resources Board;

39. "Recreational vehicle" means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and

- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;

40. "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building;

41. "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home;

42. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred;

43. "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- b. Any alteration of a historic structure provided that the alteration would not preclude the structure's continued designation as a historic structure;

44. "Variance" means a grant of relief by the Inola Board of Trustees of the Town of Inola to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the chapter (for full requirements see Section 60.6 of Title 44 CFR);

45. "Violation" means the failure of a structure or other development to be fully compliant with this chapter; and

46. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

SECTION 12-406 GENERAL PROVISIONS.

1. This flood damage prevention chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Inola, Oklahoma.

2. The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Rogers County, Oklahoma and Incorporated Areas" dated April 3, 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted on April 3, 2012, by reference and declared to be a part of this chapter. However, until this date the current effective flood maps for the Town of Inola, dated September 16, 1998, shall be used for this purpose until April 3, 2012.

3. A Development Permit shall be required to ensure conformance with the provisions of this floodplain management ordinance.

4. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

5. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

7. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Inola or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**SECTION 12-407 DESIGNATION OF THE FLOODPLAIN
ADMINISTRATOR.**

The Inola Board of Trustees of the Town of Inola designates the Town Engineer as Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of National Flood Insurance Program regulations in Title 44 CFR pertaining to floodplain management.

**SECTION 12-408 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN
ADMINISTRATOR.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1618, as amended;
2. Review permit applications to determine whether the proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;
3. Review, approve or deny all applications for Development Permits required by this chapter;
4. Review proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval are required;
5. Make the necessary interpretation, where interpretation is needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);
6. Notify, in riverine situations, adjacent communities and the OWRB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
8. Shall require the developer/applicant to determine and provide the base flood elevation on a FEMA Elevation Certificate as well as other data as required in order to administer the provisions of Section 12-411 through Section 12-415;
9. When a floodway has not been designated the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE as delineated on the Rogers County and Incorporated Areas FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 0.01 feet at any point within the Town of Inola;

10. After a disaster or other type of damage occurrence to structures in the Town of Inola, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement;

11. Maintain a record of all actions involving an appeal from a decision of the Inola Board of Trustees; and

12. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

SECTION 12-409 PERMIT PROCEDURES.

1. An Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures; and
- b. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- j. The relationship of the proposed use to the comprehensive plan for that area.

3. The Floodplain Administrator or Inola Board of Trustees, as applicable, may approve certain development in Zones A or AE delineated on the Rogers County and Incorporated Areas FIRM which increases the water surface elevation of the base flood by more than 0.01 feet, provided that the applicant for the Development Permit in that case first complies with 44 CFR Section 65.12.

4. Any structure or construction activity shall not increase the water surface elevation of the base flood by more than 0.01 feet or modify the existing floodplain boundaries that exist on the latest publication of the FIRM unless the appropriate map revisions/amendments are approved by FEMA (e.g. Letter of Map Revision LOMR, or Letter of Map Amendment, LOMA). The owner of such structure or construction activity shall have full responsibility for obtaining any such map revisions/amendments.

5. The Floodplain Administrator or Inola Board of Trustees may require applicable FEMA approval for any structure or construction activity within a floodplain prior to issuance of a development permit.

SECTION 12-410 VARIANCES.

- 1. General provisions.
 - a. The Inola Board of Trustees of the Town of Inola may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this chapter, if the applicant for the variance presents adequate proof that (i) compliance with this ordinance will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this Section 12-410. However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards;
 - b. Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state;
 - c. In no case shall variances be effective for a period longer than twenty (20) years;

- d. Any person seeking a variance shall file a petition with the Inola Board of Trustees, accompanied by a filing fee of Twenty-five Dollars (\$25.00);
- e. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 12-409(2) and provisions of Section 12-410 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases;
- f. Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the Inola Board of Trustees which states that (i) the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation, and (ii) such construction below the base flood level increases risks to life and property;
- g. At such time as the Inola Board of Trustees deems the petition ready for notification to the public, the Inola Board of Trustees shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Rogers County at least thirty (30) days prior to the hearing;
- h. The Inola Board of Trustees shall conduct the hearing and make determinations in accordance with the applicable provisions of this Section 12-410. The Inola Board of Trustees shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted;
- i. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances; and
 - (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

- j. Upon consideration of the factors stated in this Section 12-410 and the intent of this chapter, the Inola Board of Trustees may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in Section 12-402 of this chapter; and
 - k. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance; and a copy of any variance issued by the Floodplain Board shall be sent by the Floodplain Administrator to the OWRB and FEMA within fifteen (15) days after issuance of the variance.
2. Special provisions.
- a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance;
 - b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;
 - c. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; and
 - d. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria of Section 12-410(1)(e); Section 12-410(1)(i); Section 12-410(2)(b); and Section 12-410(2)(c) of this chapter are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION 12-411 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-412 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazards the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least two (2) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied;
2. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at least two (2) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is satisfied;
3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

- b. The bottom of all openings shall be no higher than one foot above grade; and
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

4. **Manufactured Homes.** Require that all manufactured homes to be placed anywhere within the community in Flood Zones A and/or AE on the Rogers County and Incorporated Areas FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least two (2) foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home;

5. **Recreational Vehicles -** Require that recreational vehicles placed on sites within Zones A and AE on the Rogers County and Incorporated Areas FIRM either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements of Section 12-409, and the elevation and anchoring requirements for "manufactured homes" in Section 12-412(4). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. **Accessory Structure –** Accessory structures to be placed on sites within Zones A and AE on the Rogers County and Incorporated Areas FIRM shall comply with the following:

- a. The structure shall be unfinished on the interior;
- b. The structure shall be used only for parking and limited storage;
- c. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
- d. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
- e. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

- f. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
- g. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
- h. Floodway requirements must be met in the construction of the structure;
- i. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
- j. The structure shall be located so as not to cause damage to adjacent and nearby structures.

SECTION 12-413 **STANDARDS FOR SUBDIVISIONS.**

1. The applicant for a Development Permit for any subdivision located in Zones A and AE shall generate the base flood elevation data for that subdivision.

2. All subdivisions including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

3. All subdivisions including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 12-414 **FLOODWAYS.**

The following provisions shall apply to floodways:

1. Encroachments, including but not limited to fill, new construction, substantial improvements and other development are prohibited within the adopted floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Town of Inola during the occurrence of the base flood discharge.

2. If Section 12-414(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 12-411 through 12-415.

3. The Town of Inola may permit encroachments within the adopted floodway that would result in an increase less than 0.01 feet in base flood elevations, provided that the applicant for the Development Permit complies with all of 44 CFR Section 65.12.

SECTION 12-415 **SEVERABILITY.**

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 12-416 FLOODPLAIN MANAGEMENT FEE SCHEDULE.

The Town of Inola establishes the following fee schedule not to exceed \$650 for any one service:

1. Notice of Intent Fee - \$25.00
2. Floodplain Development Permit Application Review Fee - \$500.00
3. Floodplain Development Permit Fee - \$ 25.00
4. Inspection Fee – per inspection - \$25.00

SECTION 12-417 PENALTIES FOR NONCOMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. A structure or other development without the elevation certificate or other certifications required in this chapter is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Inola Board of Trustees of the Town of Inola or its Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 12-418 CERTIFICATION AND DECLARATION OF EMERGENCY.

It is hereby found and declared by the Inola Board of Trustees of the Town of Inola that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval. However, the special flood hazards that are described in the current Flood Map for Town of Inola dated September 16, 1998, shall continue to be used until April 3, 2012, and on and after that date the April 3, 2012, Flood Insurance Study and Flood Insurance Rate Map for Rogers County and Incorporated Areas shall apply to this ordinance and shall supersede any previous floodplain management ordinance applicable to the Town of Inola.

CHAPTER 5

GRADING AND EARTH CHANGES

Section 12-501	Statement of purpose
Section 12-502	Definitions
Section 12-503	General provisions – rules for interpretation
Section 12-504	Earth change permit
Section 12-505	Permit expiration and review
Section 12-506	Application for earth change permit
Section 12-507	Earth change policies and standards
Section 12-508	Earth change exemptions
Section 12-509	Administrative procedures
Section 12-510	Enforcement and penalties

SECTION 12-501 STATEMENT OF PURPOSE.

(1) This chapter is enacted for the purpose of protecting the general health, safety and welfare of the citizens of the Town of Inola from the hazards and danger of flooding and inadequate or improper drainage by imposing standards and conditions upon the excavation, grading, regarding, land filling, berming, and diking of land within the Town of Inola.

(2) The provisions of this chapter shall apply to and be binding upon every person, firm or corporation, and the Town of Inola, who seeks to develop, redevelop, grade, regrade, excavate, landfill, berm or dike land within the Town of Inola.

SECTION 12-502 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

(1) “Inola Appeal Board” means the Inola Town Council or a separate board established by the Inola Town Council to hear and render judgment on requests for administrative appeals or variances from this chapter.

(2) “*Town*” means the Town of Inola, Oklahoma.

(3) “*Town Administrator*” means the town administrator for the Town of Inola or his authorized representative.

(4) “*Town Engineer*” means the town engineer for the Town of Inola or his authorized representative.

(5) “*Earth change*” means excavating, grading, regrading, land filling, berming, or diking of land within the Town of Inola. Earth change will also include the clearing or removal of more than six (6) healthy trees on a parcel, or activities commonly called clearing and grubbing within the boundaries of the regulatory floodplain.

(6) “*Earth Change Permit*” means a permit issued by the Town of Inola authorizing excavation, grading, regrading, land filling, berming or diking of property, or the clearing of trees and undergrowth within the boundaries of the regulatory floodplain.

(7) “*Tract*” means any parcel of land subject to the provisions of this chapter.

SECTION 12-503 GENERAL PROVISIONS - RULES FOR INTERPRETATION.

(1) “*Lands to which this chapter applies.*” This chapter shall apply to all lands within the jurisdiction of the Town of Inola, Oklahoma.

(2) “*Compliance.*” No land shall hereafter be developed, redeveloped, graded, regraded, excavated, filled, bermed, diked, or cleared of its trees and undergrowth without full compliance with the terms of this chapter and other applicable regulations.

(3) “*Abrogation and greater restrictions.*” It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter implies greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of their inconsistency only.

(4) “*Interpretation.*” In the interpretation and application, the provisions of this chapter shall be considered as minimum requirements as determined by the Town of Inola; and shall be deemed neither to limit or repeal any of the other powers granted under state statutes.

(5) “*Warning and disclaimer of liability.*” The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study and computations. This chapter does not imply that land uses permitted will be free from hydraulic or wind erosion, or flooding. This chapter shall not create liability on the part of the Town of Inola, Oklahoma or any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(6) “*Severability.*” If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(7) “*Plans to be prepared by professionals.*” All plans prepared and submitted by any person proposing development shall be prepared under the supervision of a registered professional engineer registered in the State of Oklahoma.

SECTION 12-504 EARTH CHANGE PERMIT.

(1) Unless specifically exempted under section 12-508, an earth change permit, as defined and regulated by this chapter, shall be obtained from the Town administrator prior to the commencement of any excavating, grading, regrading, land filling, berming or diking of any property within the Town of Inola. Unless specifically exempt, an earth change permit shall be required prior to the clearing of land, including the removal of more than six (6) healthy trees

within the regulatory floodplain or performing any other work constituting an earth change under this chapter. A separate permit shall be required for each separate noncontiguous tract, and no permit shall be transferable without the prior written consent of the town administrator.

(2) Prior to granting any earth change permit, the town administrator shall attach such conditions thereto as may be deemed necessary to prevent hazards to public or private property resulting from the blockage, obstruction, alteration or impairment of any storm sewer drain or surface water course and to prevent the work thereby authorized from being conducted in a manner hazardous to life or property, or otherwise likely to create a public nuisance. Such public nuisances should be deemed to include, but not be limited to, erosion, avulsion, or siltation anywhere within the storm sewer system or surface water system of the Town of Inola. Conditions attached to the permit may include, but are not limited to: submission of a drainage plan, drawings specified to finish grade land contours, installation of retaining walls, drains, detention facilities, other drainage facilities, specified erosion control measures, the furnishing of any necessary public easements; and a specified methodology for performing the authorized work, and the disposition of waste generated.

SECTION 12-505 PERMIT EXPIRATION AND REVIEW.

(1) An earth change permit shall expire at one (1) year after it is issued if substantial progress has not been made toward proposed development. Permits on ongoing projects shall be reviewed each two (2) years for compliance.

SECTION 12-506 APPLICATION FOR EARTH CHANGE PERMIT.

(1) *“General requirements.”* Unless excepted by the provisions of this chapter, any person desiring to effect an earth change shall file a written application for an earth change permit with the town administrator. Application shall be in such form and content as the town administrator shall establish, and shall be accompanied by the payment of a permit fee. The amount of the permit fee shall be \$75.00. The amount may be revised upon recommendation of the town administrator and approval by the town council of the Town of Inola. The site plan and design standards established by the applicant and approved by the town engineer, or imposed by the town engineer, shall become conditions upon the issuance of the earth change permit; no changes in an approved plan or design standard shall be made without prior written approval of the town engineer.

(2) *“Contents of permit application.”* Each earth change permit application shall contain the following information:

(a) The name and address of the legal owner of the property for which the permit is requested;

(b) A vicinity sketch of the site for which a permit is requested, including a legal description of such property, and a boundary line survey as may be required by the town engineer.

(c) Site drawings indicating each separate land area to be excavated, filled, graded, or leveled, the finished depth of each separate land cut or fill the present and future (as completed) points of entry and discharge for surface water on the subject property, and identification of all

temporary or permanent structures or other devices to be erected or established for the purpose of controlling or regulating surface water and erosion of such property.

(d) The applicant's plans for controlling on-site erosion and off-site sedimentation for the purpose of minimizing the deposit of sediment from the tract under application upon any other off-site public or private property or watercourse during all phases of project construction.

(e) The applicant's plans for receipt of surface water on his property and discharge of surface water from his property during periods of construction, and a statement specifying the anticipated time period for the completion of all drainage improvements. Provided, however, that if the city administrator is unable to determine from the application submitted that it meets the policies and standards governing the issuance of the requested permit, the town administrator shall request the applicant in writing to furnish such additional information which may be essential to such determination.

(3) *"Duplication of information."* The contents of this section governing the contents of permit applications shall not require the resubmission of any documents, drawings, or other information, which were previously submitted by the applicant in conjunction with the processing of any drainage plan previously approved by the town.

SECTION 12-507 EARTH CHANGE POLICIES AND STANDARDS.

(1) *"Policies."* The issuance of the earth change permits shall be governed by the following policies of the Town of Inola.

(a) No earth change shall be permitted which creates a public hazard upon any property within the Town of Inola through the obstruction, impairment, sedimentation, blockage or alteration, except as allowed by the engineering design criteria, of any storm sewer drain or any existing surface water course.

(b) No earth change shall be permitted which will channelize, obstruct, or impede any water course in a manner which is inconsistent with accepted engineering practices and/or the adopted drainage standards of the Town of Inola.

(c) All earth changes shall be designed, constructed and completed in a manner which minimizes the time of exposure of bare earth to the elements.

(d) Construction activity on individual tracts shall be conducted only if appropriate sedimentation facilities are installed and maintained throughout the construction period to minimize sediment from any such tract being deposited upon any off-site public or private property or water course during all phases of project construction.

(e) As may be applicable to any tract of land for which an approved drainage plan exists, the requirements and conditions of the drainage plan shall be incorporated as a condition upon the issuance of any earth change permit.

(f) The redesign of any drainage structures required and presently existing as a result of the previous processing of an approved drainage plan shall not be required as an incident or

condition for the subsequent issuance of an earth change permit unless the proposed earth change materially alters the character of the approved drainage plan.

(2) *“Standards established.”* The policies governing earth changes shall be implemented by the adopted town drainage standards which shall specifically regulate the following considerations:

(a) The adopted town engineering design criteria shall regulate the design, installation and utilization of all detention and drainage, facilities and structures.

(b) The adopted town drainage standards shall regulate the design, installation, maintenance and removal of sedimentation and erosion control procedures; facilities and structures and shall establish acceptable methods and practices for controlling soil sedimentation and erosion.

SECTION 12-508 EARTH CHANGE EXEMPTIONS.

An earth change permit shall not be required for the following activities:

(1) Bona fide agricultural and farming operations which constitute the principal use of a tract of ground in the Town of Inola and which meet the requirements of the zoning code of the Town of Inola.

(2) Home gardening.

(3) Excavating and/or grading, and/or leveling, and/or land filling requiring less than twelve (12) inches of cut or fill at any one point.

(4) Any tract of land of record whose size does not exceed one (1) acre.

(5) The removal of trees outside of the channel of any floodway, or outside the mapped boundaries of any floodplain, as to tree removal only.

(6) The common or routine maintenance and clearing of a floodplain which does not expose the earth or ground to erosion.

Provided, however, that exemptions (3) and (4) are not applicable to:

(a) Such activities when occurring upon any tract of record regardless of size or depth of cut or fill, located within the regulatory flood area; or

(b) Such activities when occurring upon any tract of record, regardless of size or depth of cut or fill, when such tract contains any natural or manmade watercourse with a drainage area of over ten (10) acres.

(c) Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health, or property, and which are made under such circumstances where it would be impossible or impracticable to obtain an earth change permit.

(d) Temporary excavation for the purpose of maintaining or repairing any public street, public utility, or any service lines related thereto.

SECTION 12-509 ADMINISTRATIVE PROCEDURE.

(1) *Processing by town administrator.* Within ten (10) working days after receipt of a properly completed earth change permit application, the town administrator shall either approve or disapprove the submitted permit application. Earth change permit applications which are consistent with the policies and which meet the standards established by this chapter shall be approved. If the required findings cannot be made based upon the information contained in the permit application, the general nature of such additional information as is required by the town administrator to make such determination will be identified. Within twenty (20) working days after receipt of such additional information as may have been required by the town administrator, or as may have been determined to be necessary during a conference with an applicant, a final decision shall be made by the town administrator to either approve or disapprove the submitted permit application; if disapproved, the submitting permit applicant shall be advised in writing and additional conferences scheduled as appropriate.

(2) *Administrative appeals.* All rulings, requirements, decisions or interpretations of the town administrator shall be final and binding upon all parties thereto unless appealed to the Inola Board. Any person aggrieved thereby shall perfect an appeal by filing a written notice of appeal with the office of the town administrator of the Town of Inola within ten (10) days from the date of the action complained of. All notices of appeal shall specify the facts which the aggrieved party deems material to his appeal. A hearing on the appeal shall be heard by the Inola Appeal Board not later than thirty (30) days from the date of filing the required notice of appeal.

(3) *Stay of proceedings.* An appeal to the Inola Appeal Board shall stay the enforcement of any ruling, decision or requirement of the town administrator, unless the town administrator certifies to the town council that by reason of the facts stated in the certificate of the town engineer, a stay would, in his opinion cause an immediate public hazard or impair life or property; in such case, enforcement shall not be stayed other than by a restraining order issued by a court of competent jurisdiction upon due and sufficient cause shown.

(4) *Variance by procedures.* The Inola Appeal Board may grant in a particular instance such a variance or modification of the terms of this chapter or town engineering design criteria adopted pursuant thereto as will not cause detriment to the public good, safety or welfare, or be contrary to the spirit, purpose and intent of this chapter where, by reason of unique and exceptional physical circumstance or condition of a particular property, the literal enforcement of the adopted town drainage standards or the requirements of this chapter will result in an unreasonable hardship.

(5) *Appeal to Board of Adjustments.* Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision to the Board of Adjustments.

SECTION 12-510 ENFORCEMENT AND PENALTIES.

(1) *Notification of noncompliance.* If at any time the work being performed in accordance with an earth change permit does not conform to the approved permit, including conditions and approved modifications thereof, a written notice to comply shall be given to the permit holder by the town administrator stating the nature and location of the alleged noncompliance, and specifying what remedial steps are necessary to bring the project into compliance. The permit holder shall have such time as may be allowed in writing by the town administrator to correct all noted deficiencies; the time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

(2) *Temporary suspension of earth change permit.* An earth change permit may be temporarily suspended by the town administrator upon the existence of any condition or the doing of any act constituting or creating a condition which endangers human life or may cause severe property damage to others. The town administrator may issue an immediate stop work order as provided in subsection (3) herein. The town administrator shall, upon issuance of a temporary suspension, give the permit holder written notices specifying the grounds for such temporary suspension and advising the permit holder of his right of appeal.

(3) *Revocation or suspension of earth change permit.* An earth change permit may be revoked or suspended by the town council after a public hearing. The permit holder shall be given ten (10) calendar days advance written notice specifying the grounds for such contemplated revocation or suspension, and advising the property owner of the date, place and time of the hearing before the town council. An earth change permit may be revoked or suspended upon the occurrence of any one of the following events:

- (a) Violation of any material condition of the permit; or
- (b) Violation of any provision of this chapter or any other applicable law, rule or regulation pertaining to the earth change permit; or
- (c) Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or property of others.

Upon the revocation of an earth change permit by the town council, or as may be specifically directed by the town council in cases where an earth change permit is suspended, the town administrator shall issue a stop work order on all construction activity on the permit holder's property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the Town of Inola; such order may order a work stoppage on all construction activity on buildings or structures and all appurtenances thereto, including building, electrical, plumbing, mechanical, and street work, storm sewers, sanitary sewers, gas lines, and all utilities including gas, electric telephone and cable TV. Notices and orders required by this subsection shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting party (ies) or permit holder at the address given on the permit application filed with the town.

(4) *Fine imposed.* Any person, firm or corporation, or other legal entity, violating the requirements of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be

fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both, for each and every violation, and each day's violation thereof shall constitute a separate offense.

(5) *Fine not exclusive penalty.* In addition to fine or imprisonment, the town may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this chapter or adopted town drainage standards or to correct violations thereof, and, if applicable and appropriate, the town may institute appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work.

CHAPTER 6

WELL DRILLING OPERATIONS

Section 12-601 Well Drilling Operations Standards

SECTION 12-601 WELL DRILLING OPERATIONS STANDARDS.

Any oil and gas well drilling operation shall be subject to the following standards:

- A. No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within five hundred (500) feet of the nearest property line of any Industrial Facility (as hereinafter defined).
- B. No well, or any rig, platform, tower, equipment, device, trailer, structure, tank, pit, chemical, or substance used for drilling, completion, production, re-drilling, re-completion, maintenance, or storage of or from the well, shall be located within five hundred (500) feet of the nearest outside wall of any Industrial Facility (as hereinafter defined) located on the same parcel as the well.
- C. For purposes of this Ordinance, "Industrial Facility" shall include, without limitation, the following: warehouse and/or distribution facilities, manufacturing facilities, refrigeration and cold storage facilities, paper and tissue processing, conversion and manufacturing facilities, utility facilities, and telecom and/or data hosting centers. The term "Industrial Facility" shall also include, without limitation, any proposed facility with respect to which the Oklahoma Department of Commerce has executed a memorandum of understanding regarding the construction and operation of such facility
- D. For purposes of this Ordinance, the term "Industrial Facility" shall be limited to facilities that initially employ a minimum of one hundred (100) individuals.

PART 13

PUBLIC SAFETY

CHAPTER 1

FIRE PREVENTION CODE

Section 13-101	Adoption of fire prevention code.
Section 13-102	Enforcement.
Section 13-103	Definition.
Section 13-104	Limits for storage of flammable liquids, bulk storage of liquefied petroleum gases, explosives and blasting agents.
Section 13-105	Modifications.
Section 13-106	Appeals.
Section 13-107	Penalty.

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

Section 13-201	Fire department.
Section 13-202	Duties of the fire chief.
Section 13-203	Duties of the assistant chief.
Section 13-204	Company officers.
Section 13-205	The secretary - treasurer.
Section 13-206	New members.
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Section 13-208	Rules and regulations.
Section 13-209	Use of fire equipment; inventory and repair.
Section 13-210	Contracts authorized outside town limits.
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Section 13-212	Authority to answer calls.
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Section 13-214	Department considered agent of state.
Section 13-215	Additional Fire Protection Services.

CHAPTER 3

POLICE DEPARTMENT

Section 13-301	Police department created; chief.
Section 13-302	Duties.
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CHAPTER 4

CIVIL DEFENSE

Section 13-401	Purpose of civil defense organization.
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CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501	Complete record required.
Section 13-502	Disposition of property generally.
Section 13-503	Registration and disposition of lost and found property.
Section 13-504	Disposition of unclaimed property.
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Section 13-508	Disposition of personal property of deceased persons.
Section 13-509	Refunds of purchase price.

CHAPTER 6

AMBULANCE SERVICES

Section 13-601	Definitions.
Section 13-602	Certificate required.
Section 13-603	Application for certificate of public convenience and necessity.
Section 13-604	Investigation of applicants and delivery of certificate.
Section 13-605	Duration, alteration, suspension, revocation and non-transferability of certificates.
Section 13-606	Insurance policies required.
Section 13-607	Duties of the Board.
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Section 13-609	Registration of ambulance drivers and attendants.
Section 13-610	Application for registration.
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CHAPTER 1

FIRE PREVENTION CODE

Section 13-101	Adoption of fire prevention code.
Section 13-102	Enforcement.
Section 13-103	Definition.
Section 13-104	Limits for storage of flammable liquids, bulk storage of liquefied petroleum gases, explosives and blasting agents.
Section 13-105	Modifications.
Section 13-106	Appeals.
Section 13-107	Penalty.

SECTION 13-101 **ADOPTION OF FIRE PREVENTION CODE.**

There is hereby adopted by the town board of trustees for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the National Fire Protection Association, being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Not less than one copy of the code has been filed in the office of the clerk of the town and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions of The Fire Prevention Code shall be controlling within the limits of the town.

SECTION 13-102 **ENFORCEMENT.**

The code hereby adopted shall be enforced by the chief of the fire department.

SECTION 13-103 **DEFINITION.**

Wherever the word "municipality" is used in the Fire Prevention Code hereby adopted it shall be held to mean the town.

SECTION 13-104 **LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS.**

The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside above-ground tanks is prohibited, the limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited, are hereby established as the fire limits provided in Part 5 of this code.

SECTION 13-105 **MODIFICATIONS.**

The chief of the fire department shall have power to modify any of the provisions of the code hereby adopted in his own discretion or upon application in writing by the owner or lessee,

or his duly authorized agent, when there are practical difficulties in the way of carrying out the 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 or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and for applications requesting change, a signed copy shall be furnished the applicant.

SECTION 13-106 APPEALS.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town board of trustees within thirty (30) days from the date of the decision appealed.

SECTION 13-107 PENALTY.

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

FIRE DEPARTMENT AND SERVICE

Section 13-201	Fire department.
Section 13-202	Duties of the fire chief.
Section 13-203	Duties of the assistant chief.
Section 13-204	Company officers.
Section 13-205	The secretary - treasurer.
Section 13-206	New members.
Section 13-207	Bylaws.
Section 13-208	Rules and regulations.
Section 13-209	Use of fire equipment; inventory and repair.
Section 13-210	Contracts authorized outside town limits.
Section 13-211	Contract terms, fees for service.
Section 13-212	Authority to answer calls.
Section 13-213	Firefighters serving in regular line of duty.
Section 13-214	Department considered agent of state.

SECTION 13-201 **FIRE DEPARTMENT.**

A. There shall be a fire department, the head of which shall be the chief of the fire department.

B. The term "volunteer firefighter" means one who is enrolled as a member of the fire department of the town and who serves in that capacity without receiving a regular salary. The size of the volunteer fire department of the town shall be composed of not less than six (6) nor more than twenty-five (25) members.

C. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings.

State Law References: Volunteer fire departments, provisions, and requirements, 11 O.S. Sections 29-201 et. seq.

Cross Reference: Fireworks regulations, See Section 10-303 of this code.

SECTION 13-202 **DUTIES OF THE FIRE CHIEF.**

The chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the town, and the rules and regulations adopted in this chapter. The chief shall have the following powers and duties, and he may assign duties to other members of the department:

1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the town board;

2. The chief may inspect or cause to be inspected by members of the department, the fire hydrants, cistern and other sources of water supply at least twice each year;

3. The chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;

4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;

5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

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

7. The chief, or any officer designated by the chief, is authorized to enter any building or premise in the town at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and

8. The chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the town board as it may require. The chief shall keep the board of trustees informed regarding the fire department and its needs.

State Law Reference: Duties of fire chief generally, 11 O.S. Section 20-102; investigations of fires, report to state fire marshal, 74 O.S. Section 314.

SECTION 13-203 DUTIES OF THE ASSISTANT CHIEF.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the fire department.

SECTION 13-204 COMPANY OFFICERS.

Company officers shall be selected by the chief based upon the following criteria:

1. Knowledge of fire fighting;
2. Leadership ability; and

3. Knowledge of fire fighting equipment.

SECTION 13-205 THE SECRETARY - TREASURER.

One member elected by the members of the fire department shall be a secretary treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting; and
3. Collecting any money due the department by the members.

SECTION 13-206 NEW MEMBERS.

New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the fire department and the town board.

SECTION 13-207 BYLAWS

The bylaws of the department shall include the following:

1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;
2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;
3. At least one regular business meeting of the members shall be held each month;
4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;
5. Any member leaving the town for an extended period of time is required to notify the chief;
6. Any member refusing to attend training classes provided for members of the department will be dropped; and
7. Any member of the fire department may be dropped from the rolls for the following offenses:
 - a. Conduct unbecoming a firefighter;

- b. Any act of insubordination;
- c. Neglect of duty;
- d. Any violation of rules and regulations governing the fire department;
- e. Conviction of a felony; or
- f. By majority vote of the members of the company and approval of the town board of trustees.

SECTION 13-208 **RULES AND REGULATIONS.**

The town board of trustees by motion or resolution may adopt and change regulations relating to the fire department, its organization, operation and compensation.

SECTION 13-209 **USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR.**

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.

SECTION 13-210 **CONTRACTS AUTHORIZED OUTSIDE TOWN LIMITS.**

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

State Law Reference: Fire calls outside limits, 11 O.S. Section 29-108.

SECTION 13-211 **CONTRACT TERMS, FEES FOR SERVICE.**

Any contract entered into by the town with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the town for such fire apparatus and personnel at the rate per call as set by the town board. All monies received from the calls shall go into the general fund.

SECTION 13-212 **AUTHORITY TO ANSWER CALLS.**

The fire department of the town is hereby authorized and directed to answer all outside calls outside the corporate town limits in the discretion of the fire chief. The fire department may not answer such outside calls if, in the opinion of the fire chief, it is inexpedient to do so on

account of another fire in the town, broken apparatus, impassable or dangerous highways, or other physical conditions.

SECTION 13-213 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All volunteer firefighters of the fire department of the town attending and serving at fires or doing fire prevention work, or other duties relating to fire prevention, public safety or rescue work outside the corporate limits of the town, 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 town. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the fire fighting or fire prevention work or other work was being done within the corporate limits of the town. Compensation of firefighters shall be as provided by the board of trustees by ordinance or resolution.

SECTION 13-214 DEPARTMENT CONSIDERED AGENT OF STATE.

The fire department of the town answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the town shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of Sections 13-210 to 13-214 of this code.

SECTION 13-215 ADDITIONAL FIRE PROTECTION SERVICES.

A. In so far as Section 13-210 is in conflict with this Section, the same is hereby repealed.

B. The Town of Inola, by and through its Fire Department, is hereby authorized to furnish Fire Protection Service to property and persons outside its corporate limits and located within the area described as follows:

Beginning at the Southeast corner of Section 36, Twp 19 N Rge 17 E; thence in a northerly direction along the easterly Rogers County line to the Northeast Corner of Section 25, Twp 20 N Rge 17 E; thence in a westerly direction to the Verdigris River; thence in a Southerly direction along said Verdigris River to a point where the River intersects the southerly boundary of Section 36 Twp 19 N Rge 16 E; thence in an easterly direction along the County Line to the point of beginning at the Southeast Corner of Section 36, Twp 19N Rge 17 E all in Rogers County, Oklahoma

and

Sections 1, 2, 3, 4, 8, 9, 10 and that part of Section 6 lying East of the Verdigris River all in Twp 18 N Rge 17 E

and

That part of Section 1 Twp 18 N Rge 16 E lying east of the Verdigris River all in Wagoner County, Oklahoma empowered to enter into contracts or agreements with individuals or other entities to provide Fire Protection Service outside its Corporate limits and within the area above described. The Application for Fire Protection Service shall be reviewed by the Fire Chief who will inspect the property to be protected and shall recommend acceptance or rejection of the Application for service to the Town Board of Trustees. The Town Board of Trustees shall thereupon vote to accept or deny the application for fire service.

C. Town Board of Trustees hereby establish and assess the following rate for Fire Protection for that area outside the limits of the Town but within the service area described herein:

For approved and accepted Applicants for Fire Protection Service the sum of Seventy Five Dollars (\$75.00) per year for Residential Protection; the sum of One Hundred Dollars (\$100.00) per year for Commercial Protection and the sum of One Hundred Fifty Dollars (\$150.00) per year for Industrial Protection

For special Fire Protection Service rendered the rate that all parties agree to and as set forth in a special contract.

For Fire Protection Service that is not under annual contract the Town shall assess the minimum sum of Seven Hundred Fifty Dollars (\$750.00) per fire run plus the sum of One Hundred Fifty Dollars (\$150.00) per hour for all time in excess of two hours and which shall include travel time.

The rates set forth herein for annual contracts shall become effective January 1, 2020.

D. Town Board of Trustees may contract with other Municipalities, Fire Districts or private entities to jointly provide Fire Protection. The terms and payment for outside service shall be agreed upon and approved by Town Board of Trustees.

E. Whether fire protection service is provided by this Ordinance or pursuant to individual contract at all times the Town of Inola reserves its immunity status as provided by law. At all times the fireman and the Town of Inola shall be considered as an agent of the State of Oklahoma, and acting solely in a governmental capacity and neither the firemen or the Town of Inola shall be liable in damages for any act of commission or omission or negligence while traveling to or from or attending to or fighting any fire, or reported fire or doing any other safety or prevention work under and by virtue of their duties and responsibility under Ordinance or State Statute.

F. All motorized equipment of the fire department of the Town of Inola shall have the right of way over all other vehicles.

G. All other Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed.

CHAPTER 3

POLICE DEPARTMENT

Section 13-301	Police department created; chief.
Section 13-302	Duties.
Section 13-303	Police officers.

SECTION 13-301 **POLICE DEPARTMENT CREATED; CHIEF.**

There shall be a police department, the head of which is the chief of police, or police chief, appointed by the town board of trustees and removable by the board. The chief of police is an officer of the town, and has supervision and control of the police department. All police officers are officers of the town.

State Law Reference: Police department and duties, 11 O.S. Sections 34-101 et seq.

SECTION 13-302 **DUTIES.**

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the town; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the town jail.

SECTION 13-303 **POLICE OFFICERS.**

Police officers shall be appointed subject to approval of the town board of trustees. Police officers who shall perform such duties as shall be required of them by the chief of police, town ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace.

CHAPTER 4

CIVIL DEFENSE

Section 13-401	Purpose of civil defense organization.
Section 13-402	Department established.
Section 13-403	Duties of director.
Section 13-404	Powers of director in emergencies.
Section 13-405	Compensation of members.

SECTION 13-401 **PURPOSE OF CIVIL DEFENSE ORGANIZATION.**

A civil defense organization is created for the town to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the town. The duties of the civil defense organization are the protection of the lives and health of the citizens and of property and property rights, both private and public, and performance of all functions necessary and incident thereto.

State Law Reference: Local civil defense organizations, 63 O.S. Section 683.11.

SECTION 13-402 **DEPARTMENT ESTABLISHED.**

There is hereby established under the executive branch of the government a department of civil defense which shall consist of:

1. A director of civil defense who shall be appointed and may be removed with or without cause by the mayor; and
2. A civil defense advisory committee. This committee shall consist of the mayor as chairman and five (5) members appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. It shall hold such meetings as are directed by the mayor and its function shall be to act in an advisory capacity as needed or requested by the mayor or the director of civil defense.

SECTION 13-403 **DUTIES OF DIRECTOR.**

The director of civil defense shall be the executive head of the department of the civil defense and shall be responsible for carrying out the civil defense program of the town. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the director of civil defense as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this chapter and he shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all civil defense agencies of other governmental units, including the state and the federal government. The director of civil defense is further authorized to formulate written plans and gather information and keep written record thereof to govern the functions of the civil defense organization.

SECTION 13-404 POWERS OF DIRECTOR IN EMERGENCIES.

A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the director of civil defense after due authorization from the mayor shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or civil defense organizations. If required by the mayor, the director shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the town.

B. The director of civil defense and other members of the civil defense organization created by him shall have the power and authority to enforce the laws of the state and ordinances of the town during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances.

SECTION 13-405 COMPENSATION OF MEMBERS.

All members of the civil defense organization created in this chapter shall serve without compensation. The town shall not be liable for any personal or bodily injury received by any member of such organization while acting in the line of duty.

CHAPTER 5

UNCLAIMED PROPERTY

Section 13-501	Complete record required.
Section 13-502	Disposition of property generally.
Section 13-503	Registration and disposition of lost and found property.
Section 13-504	Disposition of unclaimed property.
Section 13-505	Destruction of unclaimed property
Section 13-506	Disposition or destruction of illegal or unsafe weapons or contraband
Section 13-507	Disposition of money or legal tender
Section 13-508	Disposition of personal property of deceased persons.
Section 13-509	Refunds of purchase price.

SECTION 13-501 **COMPLETE RECORD REQUIRED.**

(a) All personal property which has come into the possession of any police officer in any manner and is not known to belong to some person laying claim thereto shall be delivered to the Chief of Police by the police officer who came into possession of the personal property. The Chief of Police shall make a permanent record in a record book to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found.

(b) The personal property record provided for in Subsection (a) shall disclose the subsequent disposal thereof giving the date of sale, name and address of the purchaser and the amount for which it was sold: or the date of delivery to a city department, the name of the department and the name of the supervisor of the department; or the date, place and method of its destruction and the name of the officers witnessing the destruction; or the date of delivery to the next of kin or legally appointed representative of a deceased person, and the name and address of the next of kin or legal representative.

STATE LAW REFERENCE: Disposition of seasonal property by the Police Chief, procedures, application to destroy, 11OS., Section 34-104; Uniform unclaimed property disposition act 60 OS Section 655 relating to finders of lost goods, 15 OS Sections 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 OS Sections 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 OS Sections 1261 et seq.; alcoholic beverages seized in violation of law, 37 OS 539.

SECTION 13-502 **DISPOSITION OF PROPERTY GENERALLY**

When personal property in the custody of the Inola Police Department remains unclaimed, the Chief of Police is authorized to make application to the District Court of Rogers County to dispose of the personal property (other than money or legal tender of the United States) by sale, trade donation or destruction as provided by Okla. Stat. tit. 11 § 34-104(A) if:

(a) The property or any part of property thereof is no longer needed as evidence or for any other purpose in connection with any litigation; and

(b) The owner of the personal property is unknown and/or the property remains unclaimed; and

(c) The property has been in the possession of the Chief of Police for at least six (6) months.

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.

The Town Manager or Mayor shall have authority to designate any of the unclaimed personal property to the Chief of Police for use in other city departments if the property conforms with the above provision. The Town Manager or Mayor shall instruct the Chief of Police in writing of the designation of property designated to that city department and make a permanent record of its disposition.

SECTION 13-503 REGISTRATION AND DISPOSITION OF LOST AND FOUND PROPERTY.

Any person, other than a public official or employee who finds personal property shall have the right to register the property with the Chief of Police. The Chief of Police shall register the property in the record book and shall include the information set forth in Section 13-501. At the time of registration, the finder of the property shall have the option of relinquishing any future claim to the property. If the finder of the property relinquishes any claim to the found property, possession of the property shall be surrendered to the police or other agent of the Town and the property will be stored by the Chief of Police. If the finder of the property is unwilling to relinquish his claim to the found property, the finder, after registering its description and the finder's identity with the Chief of Police, shall retain possession of the property and the Chief of Police will have no obligation to store the property.

If the finder of the lost property relinquishes any claim to the found property and the property is ultimately disposed of in accordance with this chapter, the finder shall be entitled to payment of a finder's fee in an amount equal to 10% of the net proceeds received from the sale if any. The finder's fee shall be paid within a reasonable time after the net proceeds are deposited into the municipal general fund.

SECTION 13-504 DISPOSITION OF UNCLAIMED PROPERTY.

When personal property in the custody of the Inola Police Department remains unclaimed and all of the provisions of Section 13-502 are satisfied, the Chief of Police may dispose of the property in the following manner:

(a) The Chief of Police shall file an application with the District Court of Rogers County requesting the authority of said court to conduct the sale of personal property or money

or legal tender, which has a fair market value of more than its face value. The Chief of Police shall attach to the application a list describing such property or money or legal tender including any identifying marks or numbers. the date said property or money or legal tender came into the possession of the Police Department and the name and address of the owner and the person in last possession, if different, and the address of such persons, if known. The district court shall set the application for hearing not less than ten (10) days nor more than twenty (20) days after filing of the application.

(b) In any instance where the property has an actual or apparent value of more than \$25.00, at least ten (10) days prior to the date of the hearing, notice of the hearing shall be sent by certified mail to each owner at his address as listed in the application. If the owner of any property is unable to be served notice by Certified Mail, notice shall be provided by one (1) publication in a newspaper of general circulation in the county where the property is in custody. The notice shall contain a brief description of the property and the place and date of the hearing. The notice shall be posted at the assigned place for the posting of municipal notices and at two (2) other public places in the Town.

(c) If no owner appears and establishes ownership to the property at the hearing, the court shall enter an order authoring the Chief of Police to donate the property having value of less than \$500.00 to a not-for-profit corporation as defined in Title 18 of the Oklahoma statutes for use by needy families or to sell the personal property for cash to the highest bidder, after at least five (5) days notice of the sale has been published. The notice shall contain a brief description of the property and the place and time of the sale. 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 municipal general fund.

(d) Unless otherwise provided by state or federal law, the Chief of Police may utilize the same procedure to dispose of guns which satisfy the requirements of Section 13-502.

SECTION 13-505 DESTRUCTION OF UNCLAIMED PROPERTY

(a) Any unclaimed personal property, other than animals, which remains in the possession of the Chief of Police and is property that constitutes or would constitute a health hazard if stored for a long period, or is a partially filled container of liquor or beer, or cannot be sold, or cannot be used by a city department shall be destroyed on the order of the Chief of Police.

(b) Any unclaimed personal property, which is considered trivial in value as declared by the Chief of Police and which remains in the possession of the Chief of Police for six (6) months or more, may be destroyed by order of the Chief of Police. Trivial value shall be defined as any personal property of less than \$25.00 market value.

(c) At least ten (10) days before the destruction of such unclaimed property, the Chief of Police shall post a notice at the assigned place for the posting of municipal notices, at the front

door of the police station and at least two (2) places in the Town setting forth a brief description of the property to be destroyed and the time, place and manner of the destruction.

(d) The destruction of any personal property under the provisions of this section shall be witnessed by at least three employees of the Police Department, one of which must be a commissioned officer, and these witnesses must sign a certificate of destruction which shall list all property destroyed, a general description of the same, and the date, time, place and manner of destruction. Said certificate shall remain on the file in the property room of the police station for a period of five years.

SECTION 13-506 DISPOSITION OR DESTRUCTION OF ILLEGAL OR UNSAFE WEAPONS OR CONTRABAND.

Unless otherwise provided by state or federal law, if the chief of a police or police department comes into possession of 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, the Chief of Police may file an application in the District Court of Rogers County requesting authority to dispose of said property. Any such property shall be destroyed or sold or disposed of pursuant to the express conditions set forth in the order of the District Court.

SECTION 13-507 DISPOSITION OF MONEY OR LEGAL TENDER

(a) All money or legal tender of the United States which has come into the possession of the Chief of Police pursuant to circumstances provided for in Section 13-502 shall be transferred by the Chief of Police to the Town Treasurer for deposit in the general fund of the Town.

(b) Prior to this transfer, the Chief of Police shall file an application in the district court, requesting the court to enter an order authorizing him to transfer said money for deposit in the general fund of the Town.

(c) 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 the address of the owner, if known.

(d) Upon filing the application, a hearing shall be set not less than ten days nor more than twenty days from the filing of the application.

(e) Notice of the hearing shall be given as provided for in Section 13-504. Notice shall also state that upon failure of anyone to appear and prove ownership to the money or legal tender, the court shall order the same to be deposited in the municipal general fund. The notice may be combined with a notice to sell property as provided for in Section 13-504.

SECTION 13-508 DISPOSITION OF PERSONAL 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 or her 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 or she is the person entitled to possession of said property; the affidavit shall be deemed sufficient authority to support the claim. If personal property of a deceased person remains unclaimed for a period of at least six (6) months and satisfies the provisions of Section 13-502, the property shall be disposed of in accordance with the provisions of this chapter.

SECTION 13-509 REFUNDS OF PURCHASE PRICE.

If any property shall be sold as provided in this chapter and the rightful owner thereof shall later legally recover possession of the property from the purchaser, the purchaser may submit a verified claim for reimbursement of the amounts paid to the Town. The claim shall be considered by the Board of Trustees and the Trustees may either deny their claim, issue a full refund of the total purchase price or issue a refund of the purchase price less the costs of the sale.

CHAPTER 6

AMBULANCE SERVICES

Section 13-601	Definitions.
Section 13-602	Certificate required.
Section 13-603	Application for certificate of public convenience and necessity.
Section 13-604	Investigation of applicants and delivery of certificate.
Section 13-605	Duration, alteration, suspension, revocation and non-transferability of certificates.
Section 13-606	Insurance policies required.
Section 13-607	Duties of the Board.
Section 13-608	Permits.
Section 13-609	Registration of ambulance drivers and attendants.
Section 13-610	Application for registration.
Section 13-611	Accessibility of registration cards.

SECTION 13-601 **DEFINITIONS**

For the purpose of this chapter, the following terms, phrases, words and their derivations, shall have the meaning given in this section. The word "shall" is always mandatory and not merely directory, "TOWN" means all areas within the territorial limits of the TOWN:

1. "Ambulance" means any motor vehicle equipped with facilities therein to convey infirm or injured persons, which meets State Health Department requirements and is permitted by the State Health Department.
2. "Certificate" means a certificate of public convenience and necessity issued by the Town Council of the town licensing an operator as hereinafter defined;
3. "Town Board" means the town board of trustees of the town;
4. "Board" means the Emergency Medical Services Board as herein established;
5. "Clerk" means the town clerk of the town, or a designated representative;
6. "Operator" means any person, firm or corporation, engaged in business as the owner or proprietor of ambulances;
7. "Person" means and includes any individual, firm, association, partnership, corporation, or other group or combination acting as a unit;
8. "Driver" means every individual who shall drive an ambulance as herein defined and who has a commercial chauffeur's license issued by the State Department of Public Safety, and who is registered with the town;
9. "Attendant" means any person who has the duty of caring for a sick, ill or injured person in an ambulance, and who is registered with the city;

10. "Permit" means the operating permit which an operator is required to obtain annually for each and every motor vehicle operated as an ambulance.

11. "Registration" means the registration of drivers and attendants by the town.

SECTION 13-602 CERTIFICATE REQUIRED

A. On or after July 30, 1999 it shall be unlawful for any person to operate or cause to be operated an ambulance within the Town without first having obtained a certificate of public convenience and necessity from the Town council of the Town. No such certificate shall be required for any person operating an ambulance or other vehicle who:

1. Renders assistance during any catastrophe or major emergency when the ambulances authorized to operate in the Town by certificate are insufficient in number or for any other reason inadequate;

2. Operates from a location outside the Town and transports any patient from a point of origin outside the Town to a destination inside then Town;

3. Operates from a location outside the Town and transports any patient from a point of origin within the Town to a destination outside the Town;

4. Municipal service agencies, including police and fire rescue units; or

5. Private companies operating an ambulance solely for the transportation of their employees for illness or injuries sustained while performing their work.

6. Any ambulance owned or operated by, or under contract to perform ambulance transport service for the Federal or State government or any agency thereof.

7. Any ambulance owned and operated by a hospital and in use to transport a patient of the owner-hospital, which patient has been admitted to and not been discharged from the owner-hospital, to or from another hospital or medical rare facility at which the patient receives a diagnostic or therapeutic procedure not available at the owner-hospital.

8. Any ambulance engaged in a routine transport call to transport patient from a hospital, nursing home, or displays center located within the municipality to any location outside the municipality.

9. Any ambulance engaged in the interstate transport of a patient.

B. Any person having been issued a certificate shall comply with all provisions of this ordinance and that standards, rules and regulations adopted hereunder, as well as all other applicable local, state and federal laws.

C. Operators in business in the town on after July 30, 1999 shall, upon application to the council be issued a certificate covering the number of ambulances presently being operated. These operators shall be granted sixty (60) days to comply with any and all rules, regulations and standards adopted under this chapter.

SECTION 13-603 **APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Application for a certificate shall be filed with the clerk on forms provided by that officer. Each application shall be signed and sworn to by the applicant and shall contain at least the following:

1. The name and address of the applicant,
2. That trade name under which the applicant does or proposes to do business;
3. If the applicant is an individual, the name, age and address of the applicant, and the length of time the applicant has resided in the **TOWN**;
4. If a partnership or association, the business name thereof, and the name, age, and address of each partner, and the length of time each partner has resided in the **TOWN**;
5. If a corporation, the names and addresses of all officers and directors of such corporation;
6. The number of ambulances for which the certificate is requested;
7. The locations at which the ambulances are to be stationed;
8. Whether or not the applicant or any employee who is a licensed emergency medical personnel has been finally convicted of any felony or other offense involving moral turpitude;
9. Whether or not the applicant has any claims or judgments against him for damages resulting from the negligent operation of an ambulance;
10. The financial ability and responsibility of the applicant, and such other information as the clerk may require in order to evaluate the applicant;
11. A copy of the license issued by the Oklahoma State Department of Health.

SECTION 13-604 **INVESTIGATION OF APPLICANTS AND DELIVERY OF CERTIFICATE.**

Upon receipt of an application for a certificate, the clerk shall, forward a copy to the chief of police who will conduct an investigation to be made of the applicant and the proposed application shall be referred regarding the accuracy of the information provided. Upon completion of his investigation, the chief of police shall refer the application and the results of his investigation to the board for evaluation and recommendation. The recommendations of the board shall then be submitted to the council for review. If the council approves the application, a certificate shall be issued by the clerk upon payment of a fee of Fifty Dollars (\$50.00). A copy of every certificate shall be filed with the town clerk.

SECTION 13-605 **DURATION, ALTERATION, SUSPENSION, REVOCATION, AND NONTRANSFERABILITY OF CERTIFICATES.**

A certificate shall be issued for a period of two years, subject, however, to annual renewal fee of Two Hundred Dollars (\$200.00) and an annual review by the board and council every two (2) years. It may be suspended or revoked by the council only for a good cause. It may, however, be altered or amended by the council on recommendation of the board. A certificate shall not be transferable to any other person without the approval of the council.

SECTION 13-606 **INSURANCE POLICIES REQUIRED.**

Every operator shall carry general and auto liability and Property damage insurance with solvent and responsible insurers authorized to transact business in the state, to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the operator's motor vehicles. Each vehicle shall be insured in the amounts required by the Oklahoma State Health Department for the issuance of an ambulance license. Proof of such insurance shall be filed with the town clerk. Certificates of insurance shall provide for a thirty (30) day cancellation notice to the licensing officer.

SECTION 13-607 **DUTIES OF THE BOARD.**

There is hereby created an Emergency Medical Services Board consisting of five members. The Town Board of Trustees shall appoint a five member Emergency Medical Services Board who shall serve a term of one year or until their successor has been duly appointed and qualified. Except for the first appointment, which shall be accomplished when this ordinance becomes effective, each position thereafter shall be filled by appointment by the Town Board of Trustees at the first Town Board meeting in the month of May of each year following appointment. The Emergency Medical Services Board shall perform the duties prescribed herein or which may hereafter be prescribed by Resolution of the Town Board.

The Board shall evaluate all applications to determine if the applicant has been properly licensed by the State Health Department pursuant to the rules and regulations promulgated by the State Health Department as provided for under the Oklahoma Emergency Medical Services Act; and further to review the investigation of the chief of police as it relates to the ability of the applicant or the applicant's employee to comply with the State Emergency Medical Services Act or the Town of Inola Ambulance Service Regulations.

SECTION 13-608 **PERMITS.**

After an operator has secured a certificate hereunder, no vehicle shall be operated under authority of such certificate until that operator has made application to the clerk on forms provided by that officer, for a permit for each motor vehicle desired to be operated under said certificate. Every application for a permit shall be in writing, verified by the operator holding the certificate, and shall contain the names and address of the manufacturer, motor number, serial number and state license number of each vehicle. A fee of Ten Dollars (\$10.00) for each permit shall accompany the application. After the filing of the application, the clerk shall forward a copy of the application to the chief of police who shall cause an inspection of each vehicle to be made to determine if it can conform to the standards, requirements and regulations under this ordinance has been properly permitted pursuant to Rule 310: 641-3-22 of the rules of the

Oklahoma Department of Public Health, and is road worthy. If the vehicle displays a current class "A", "B" or "C" State Health Department permit it will be presumed to comply with Oklahoma State Health Department Rule 310:641-3-22. The clerk shall issue permits to those ambulances found to be in compliance provided that the number of permits issued to any operator shall not exceed the number designated in his certificate or amended certificate.

On or before July 1st of each year all operators shall file a schedule containing description of each vehicle in service, the vehicle identification number and a listing of the type of State Health Department permit which the vehicle bears.

SECTION 13-609 **REGISTRATION OF AMBULANCE DRIVERS
AND ATTENDANTS**

No persons shall be employed to perform emergency medical personnel service unless such person shall have been properly licensed by the Oklahoma State Health Department. On or before July 1st of each year all operators shall file a schedule containing list of the names and addresses of all emergency personnel employed by the operator. In addition, said list will contain the Oklahoma State Health Department license designation given to the employee along with the expiration date of said license.

SECTION 13-610 **APPLICATION FOR REGISTRATION.**

Application for registration of emergency medical personnel-shall be made in writing to the clerk on forms provided by that office. Each application shall be accompanied by a fee of Five Dollars (\$5.00). The application shall contain the full name and street address of the applicant and such other information as may be required by the clerk to properly identify the applicant and disclose any information as to his characters or reputation, as well as information showing the type of emergency medical personnel license issued by the Oklahoma State Health Department and its expiration date. The clerk shall be responsible for forward the application to the chief of police who shall conduct an investigation of the qualifications of the applicant-. The department will and investigate the police and traffic record of the applicant. Once the chief of police has completed his investigation-they shall file a report with the clerk. The clerk shall issue a registration card to those applicants found qualified.

SECTION 13-611 **ACCESSIBILITY OF REGISTRATION CARDS.**

The registration card of each driver and attendant shall be carried on the person of such driver or attendant or shall be immediately available in the central office of the operator at all times while the emergency medical personnel is on duty. The registration card shall be shown, upon request, to the clerk, police, or other legal authority.

PART 14

STREETS, SIDEWALKS AND PUBLIC WORKS

CHAPTER 1

USE AND OBSTRUCTION OF STREETS

Section 14-101	Trees and shrubbery to be trimmed.
Section 14-102	Unlawful to injure trees and shrubbery.
Section 14-103	Unlawful to obstruct sidewalks, parkways, streets and alleys with merchandise.
Section 14-104	Unlawful to obstruct unduly sidewalks and streets.
Section 14-105	Unlawful to deposit trash upon streets or sidewalks.
Section 14-106	Unlawful to play on streets.
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Section 14-108	Owner or occupant not to permit sidewalk or sidewalk area to become a hazard.
Section 14-109	Street not to be obstructed so as to interfere with drainage.
Section 14-110	Signs not to be over street; exception.
Section 14-111	Excavations on street guarded.
Section 14-112	Penalty.

CHAPTER 2

(RESERVED)

CHAPTER 1

USE AND OBSTRUCTION OF STREETS

Section 14-101	Trees and shrubbery to be trimmed.
Section 14-102	Unlawful to injure trees and shrubbery.
Section 14-103	Unlawful to obstruct sidewalks, parkways, streets and alleys with merchandise.
Section 14-104	Unlawful to obstruct unduly sidewalks and streets.
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Section 14-110	Signs not to be over street; exception.
Section 14-111	Excavations on street guarded.
Section 14-112	Penalty.

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

A. The owner of any premises abutting on any street of this town 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 and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Subsection A of this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the town. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

**SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS,
STREETS AND ALLEYS WITH MERCHANDISE.**

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the town any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

**SECTION 14-104 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS
AND STREETS.**

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon.

**SECTION 14-105 UNLAWFUL TO DEPOSIT TRASH UPON STREETS
OR SIDEWALKS.**

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the town any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

SECTION 14-106 UNLAWFUL TO PLAY ON STREETS.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town, except as may be authorized by ordinance.

SECTION 14-107 WATER FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

**SECTION 14-108 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR
SIDE-WALK AREA TO BECOME A HAZARD.**

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

**SECTION 14-109 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE
WITH DRAINAGE.**

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will

obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-110 SIGNS NOT TO BE OVER STREET; EXCEPTION.

It is unlawful and an offense for any person or persons to stretch any sign or other thing on, over or across any street or alley within the corporate limits of the town, except as may be authorized by franchise or permit duly granted by the board of trustees.

SECTION 14-111 EXCAVATIONS ON STREET GUARDED.

All excavations upon the front or side of any lot adjoining the street, avenue or alley or under any sidewalk in the town shall be securely and properly guarded and protected by the person or persons having charge of the same, so as to prevent the same being or becoming dangerous to life or limb. Failure to do so shall be an offense.

SECTION 14-112 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

(RESERVED)

PART 15

TRAFFIC AND VEHICLES

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Section 15-119	Issuance of citation tags.
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CHAPTER 1

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Section 15-117	Duty of police.
Section 15-118	Accidents, duty to stop, leaving scene of accident.
Section 15-119	Issuance of citation tags.
Section 15-120	Failure to obey citation.
Section 15-121	Failure to comply with traffic citations attached to parked vehicle.
Section 15-122	Illegal cancellation of traffic citations.
Section 15-123	Disposition and records of traffic citations, warrants, and complaints.
Section 15-124	Court records, abstract to be sent to state department of public safety.
Section 15-125	Eluding police officer prohibited.
Section 15-126	Adoption of state traffic code.
Section 15-127	Insurance or certificate required.

SECTION 15-101 **DEFINITIONS.**

For the purposes of this part the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part:

1. "Alley" means a public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;
2. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty (20) inches in diameter;

3. "Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property;
4. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;
5. "Driver" means every person who drives or is in actual physical control of a vehicle;
6. "Emergency vehicles" means vehicles of fire departments, police vehicles and ambulances;
7. "Intersection" means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;
8. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;
9. "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 (3) wheels in contact with the ground, but excluding a tractor;
10. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;
11. "Official time standard" means that whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this town;
12. "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;
13. "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;
14. "Pedestrian" means any person afoot;
15. "Police officer" means any officer of the town police department or any other officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;
16. "Private road or roadway" 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;

17. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

18. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

19. "Right-of-way" means the privilege of the immediate use of the roadway;

20. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

21. "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;

22. "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;

23. "Stop" means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

24. "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;

25. "Through street" means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part;

26. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel;

27. "Traffic-control signal" means any device, whether manually, electrically or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and

28. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

29. "Golf Cart" means a vehicle powered by battery which does not exceed twenty (20) miles per hour.

30. “All-Terrain Vehicle” means a vehicle powered by an internal combustion engine manufactured for off-highway use, traveling on four or more low-pressure tires, having a seat designed to be straddled by the operator and which is steered by the use of handlebars.

31. “Utility Vehicle” means a vehicle powered by an internal combustion engine, manufactured for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels.

State Law Reference: Definitions, state traffic laws, 47 O.S. Sections 1-101 et seq.

SECTION 15-102 APPLICATION OF REGULATIONS.

The provisions of this part shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, every other public way either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate, including but not limited to:

1. Those dedicated to or acquired by the public for public use;
2. Those upon land owned by the town;
3. Those upon land owned by any other governmental unit, but the regulation of the use of which has been given to the town;
4. Those upon private property, the regulation of the use of which has been given to the town.

SECTION 15-103 VEHICLE EQUIPMENT GENERALLY.

Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

1. Operate a vehicle upon a street of the town which is not equipped as required by law;
2. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or
3. Operate a vehicle which has equipment prohibited by law upon a street in the town.

State Law Reference: Equipment of vehicles, 47 O.S. Sections 12-101 et seq.

SECTION 15-104 SIZE, WEIGHT OF VEHICLES.

No person shall drive on 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: Size, weight, load of vehicles, 47 O.S. Sections 14-101 et seq.

SECTION 15-105 SECURING LOADS.

A. No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or salt may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any street or alley 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 streets or alleys.

C. This section shall not apply to trucks loaded only with livestock, poultry or agricultural products except baled agricultural products but any such truck shall be constructed or loaded as to prevent the livestock or poultry from escaping therefrom.

SECTION 15-106 INSPECTION OF VEHICLES BY OFFICERS.

Police officers have authority to inspect and test any vehicle upon the streets of the town at any time to determine whether it is safe, whether it is properly equipped, and whether its equipment is in proper adjustment or repair.

SECTION 15-107 OPENING AND CLOSING VEHICLE DOORS.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provisions, 47 O.S. Section 11-1105.

SECTION 15-108 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 15-109 UNLAWFUL RIDING.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

SECTION 15-110 AUTHORIZING OR PERMITTING VIOLATIONS PROHIBITED.

No person shall authorize or knowingly permit a vehicle owned by him, registered in his name or under his control to be driven, parked or stopped in violation of any provision of this

part. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this part.

SECTION 15-111 APPLICATION TO ANIMAL-DRAWN VEHICLES.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle except those provisions of this part which by their very nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-104.

SECTION 15-112 WORKING ON STREETS; EXCEPTIONS.

A. Town employees or contractors, while repairing or improving the streets of the town, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the board of trustees, to close any street or section thereof to traffic during such repair, maintenance, or construction. In exercising such authority, the employees, personnel or contractors shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A and traffic-control devices or barricades have been erected, it is 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, 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.

C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic-control devices to warn and guide the public; and every person using the 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.

SECTION 15-113 AUTHORIZED EMERGENCY VEHICLES.

The provisions of this part shall not apply to a 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. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Similar provisions, 47 O.S. Section 11-106.

SECTION 15-114 APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

State Law Reference: Similar provisions, 47 O.S. Section 11-405.

SECTION 15-115 FOLLOWING FIRE APPARATUS PROHIBITED.

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

State Law Reference: Similar provisions, 47 O.S. Section 11-1108.

SECTION 15-116 CROSSING 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: Similar provisions, 47 O.S. Section 11-1109.

Cross Reference: Interference with fire services, Section 15-115 of this code.

SECTION 15-117 DUTY OF POLICE.

The police department shall have the power to enforce the street traffic regulations of this town and all of the state vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions. Officers of the fire department, when at the scene of a fire or other emergency, may direct or assist the police in directing traffic there or in the immediate vicinity.

**SECTION 15-118 ACCIDENTS, DUTY TO STOP, LEAVING SCENE
OF ACCIDENT.**

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars (\$300.00) shall, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.

C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided in Section 1-108 of this code.

State Law Reference: Accident reports, 47 O.S. Sections 10-101 et seq.

SECTION 15-119 ISSUANCE OF CITATION TAGS.

A. The chief of police is hereby authorized and directed to supply police officers with citation tags in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this part.

B. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.

C. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.

D. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

E. The town board of trustees may require that the police officers use citation tags furnished by the finance department and that such tags are serially numbered, and may regulate the use and handling of the citation tags.

SECTION 15-120 **FAILURE TO OBEY CITATION.**

It is unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued.

SECTION 15-121 **FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE.**

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the clerk of the municipal court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded, a warrant of arrest may be issued without sending the letter provided in this section.

SECTION 15-122 **ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.**

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this chapter.

SECTION 15-123 **DISPOSITION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS, AND COMPLAINTS.**

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or any traffic law of this town shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the municipal court.

B. Upon the filing of the original citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including forfeiture of bail or by payment of a fine.

C. The chief of police shall maintain a record of all warrants issued by the municipal court which are delivered to the police department for service, and of the final disposition of the warrants.

D. No member of the police department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this chapter.

SECTION 15-124 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY.

A. The municipal court clerk shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways the municipal judge or clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of the fine or forfeiture.

SECTION 15-125 ELUDING POLICE OFFICER PROHIBITED.

No person operating a motor vehicle who has received a visual or audible signal directing the operator to bring his vehicle to a stop shall willfully increase his speed or extinguish his lights or in any other manner attempt to or actually elude such law enforcement officer. A visual or audible signal for the purpose of this section means a red light and a siren from a law enforcement officer driving a motor vehicle with insignia showing the same to be an official police, sheriff, or highway patrol car.

SECTION 15-126 ADOPTION OF STATE TRAFFIC CODE.

The provisions of the state motor vehicle code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the town within the town limits as fully as if set out at length herein.

State Law Reference: State rule of the road, 47 O.S. Sections 10-101 et seq.; state motor vehicle code, 47 O.S. Sections 1-101 et seq.

SECTION 15-127 INSURANCE OR CERTIFICATE REQUIRED.

A. The owner of a motor vehicle registered in this state and operating the vehicle within the town's boundaries, shall carry in such vehicle at all times a current owners security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and

5. Any vehicle owned by a licensed motor vehicle dealer.

C. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Owner's Policy" means an owner's policy of liability insurance which:

- a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
- b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, 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;
- c. May provide for exclusions from coverage in accordance with existing laws; and
- d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "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;

3. "Security" means:

- a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;
- b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or
- c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes;

5. "Security verification form" means a form, approved by the State Board for property and casualty rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owners security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in Section 1-108 of this code.

F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

H. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

CHAPTER 2

OPERATION OF VEHICLES GENERALLY PARKING AND SPEEDING

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ARTICLE A

GENERAL PROVISIONS

SECTION 15-201 OPERATION OF VEHICLES GENERALLY.

Every person operating a vehicle in the town shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the town and state, having due regard for other vehicles, rights of pedestrians, and property of others.

State Law Reference: State Rules of the Road, 47 O.S. Sections 11-101 et seq.

SECTION 15-202 DRIVER'S LICENSE REQUIRED.

It is unlawful for any person who does not have a driver's license as required by state law for operation of a vehicle upon the state highways, to operate a motor vehicle within the town, or to operate a motor vehicle within the town in violation of any restriction applied to the driver's license.

State Law Reference: Drivers' licenses, 47 O.S. Sections 6-101 et seq.

SECTION 15-203 VEHICLE LICENSE REQUIRED.

No person shall drive, propel, move, or park on the streets of this town any motor vehicle, trailer, or semi-trailer unless the motor vehicle, trailer, or semi-trailer is licensed as required by state law and the license is conspicuously displayed thereon.

SECTION 15-204 UNLICENSED VEHICLES.

It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the town.

SECTION 15-205 DISPLAY OF INSPECTION STICKER.

No motor vehicle shall be operated on the streets of this town which does not have displayed thereon an official inspection sticker as required by Sections 851 through 861 of Title 47 of the Oklahoma Statutes, as amended.

SECTION 15-206 STARTING A PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made in safety.

SECTION 15-207 DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or
2. When the right half of a roadway is closed to traffic while under construction or repair.

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, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

SECTION 15-208 **RIGHT-OF-WAY GENERALLY.**

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 street, 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. When two (2) 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.

SECTION 15-209 **VEHICLE TURNING LEFT.**

The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this part, may make such left turn, and the drivers of all other vehicles approaching the intersection from such opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 1-402,

SECTION 15-210 **RECKLESS DRIVING.**

It is unlawful for any person to drive recklessly in the town. Reckless driving shall include any person who drives a motor vehicle in willful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed.

State Law Reference: Similar provisions, 47 O.S. Section 11-901.

SECTION 15-211 **DRIVING WHILE IMPAIRED OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS.**

A. It is unlawful for any person who is under the influence of intoxicating liquor to drive, operate, or be in actual physical control of any motor vehicle within this town.

B. It is unlawful for any person whose ability to drive, operate or be in actual physical control of any motor vehicle is impaired due to consumption of intoxicating liquor or nonintoxicating beverages.

C. It is unlawful for any person who is a habitual user of or under the influence of any narcotic, drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this paragraph.

State Law Reference: Similar provisions, 47 O.S. Section 11-902; driving while impaired 47 O.S. Section 751.

SECTION 15-212 **DRIVING ON SIDEWALK.**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SECTION 15-213 **LIMITATIONS ON BACKING.**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 15-214 **CORNER CUTTING.**

No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself or herself of the services offered on the premises served by the service drive or parking facility. No person shall drive a vehicle through any service drive or across any parking facility for the purpose of shortening their travel distance, avoiding a traffic-control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in opposite direction on the street from which it entered the drive.

SECTION 15-215 **EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the 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. Section 11-704.

**SECTION 15-216 SEAT BELTS AND CHILD PASSENGER
RESTRAINTS REQUIRED.**

A. Every operator and front seat passenger of a passenger car operated in this town shall wear a properly adjusted and fastened safety 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, "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, vans, motorcycles or motorized bicycles.

B. Subsection A shall not apply to an operator or passenger of a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this state that he is unable to wear a safety belt system for medical reasons. 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. Subsection A shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

C. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this town shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this subsection, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt. The provisions of this subsection shall not apply to:

1. A nonresident driver transporting a child in this state;
2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
3. The driver of an ambulance or emergency vehicle;
4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

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. A person who violates the provision of this subsection shall not be subject to any criminal penalty. A violation of the provisions of this subsection 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 in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this subsection shall not be used in aggravation or mitigation of damages.

D. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing subsection A of this section. Any person convicted of violating subsection A of this section shall be punished by a maximum fine of Ten Dollars (\$10.00) and court costs.

SECTION 15-217 TRUCK ROUTES

A. As used herein the term “truck” shall mean every motor vehicle designed, used or maintained primarily for the transportation of property (State law reference, 47 OS § 1-182) and shall also include “truck tractors” defined to include every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn (State law reference, 47 OS § 1-183).

B. No person shall drive a truck on any street, road or highway that is not designated as part of a truck route. Trucks shall specifically be prohibited from entering 589 Road from 590 Road (also known as old highway 33).

C. Exceptions to prohibition:

1. When the destination of the truck requires traveling on streets not part of the truck route to (a) make a delivery to or from a customer, (b) provide a service at a residence or business or (c) park (in the event the operator is staying over night in the municipal limits). In such an event, the route must be limited to the minimum necessary to accomplish the delivery or service call or to park the truck at an appropriate location;

2. Buses;

3. Transit vehicles;

4. Fire trucks, military or other emergency vehicles;

5. Road construction and maintenance equipment, while vehicle is being used for this purpose;

6. Utility service vehicles;

7. Farm tractors, implements, combines, flatbeds, farm trucks no greater than thirty feet (30') in length;

8. Sport utility vehicles or light or full size pickups.

D. Truck routes are designated as the Oklahoma state highways; all that part of 4200 Road (also known as lock & dam road) located inside the municipal limits; all that part of 590

Road (also known as old highway 33) located inside the municipal limits; Industrial Boulevard; all that part of State Highway 88 located from and north of Industrial Boulevard.

E. The Board of Trustees may modify this route or prescribe other routes, by Resolution in accordance with Section 15-315, for use by trucks in general, trucks of particular kinds and/or other vehicles which are not ordinary private passenger vehicles, passing through the Town.

F. Appropriate and adequate signs shall be placed along all truck routes so that drivers of such vehicles may follow the routes. When such signs are so erected and in place, the driver of a truck or other vehicle for which a route has been prescribed, as provided above, while passing through the Town, shall keep on such route and shall not deviate therefrom except as set forth above. Drivers of such vehicles shall follow such routes so far as practicable also when driving within the Town and not merely through the Town.

G. Any violations of the provisions of this part shall be punishable as provided in Section 1-108 of this code.

ARTICLE B

SPEEDING REGULATIONS

SECTION 15-220 GENERAL RULE FOR SPEED REGULATIONS.

A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

B. The driver of every vehicle shall, consistent with the requirements of Subsection A, 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 hill crest, 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.

SECTION 15-221 GENERAL MAXIMUM SPEED LIMIT.

No vehicle, unless otherwise specifically authorized by this chapter, shall be driven at a speed greater than twenty-five (25) miles per hour upon any street within this town. The board of trustees may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

ARTICLE C

PARKING REGULATIONS

SECTION 15-230 OBSTRUCTING TRAFFIC OR DRIVEWAYS.

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a street or alley in such position as to block the driveway entrance to any abutting property.

SECTION 15-231 PARK WITHIN INDICATED SPACE.

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.

SECTION 15-232 PROXIMITY TO CURB, PARALLEL PARKING.

Every vehicle stopped or parked upon a roadway shall be so stopped or parked in the direction of lawful traffic movement with the curbside wheels of the vehicle parallel to and within eighteen (18) inches of the curb or roadway edge.

SECTION 15-233 ANGLE PARKING, DESIGNATION.

The board of trustees may determine upon what streets angle parking is permitted and shall direct the marking or signing of the streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. Angle parking, for the purpose of this part, shall mean parking at the curb at approximately a 45-degree angle between the right side of the vehicle and the curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1004 (c).

SECTION 15-234 OBEDIENCE TO ANGLE PARKING RULES.

A. On those streets which have been 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 the signs or markings with the front of the vehicle directed toward the curb or edge of the roadway.

B. No person shall park or stand a vehicle in angle parking spaces designated by markings upon the pavement unless the vehicle is positioned within the confines of an individually marked space. The vehicle shall not be of such length, or positioned in a manner, as to protrude into the street a distance which would cause or require passing traffic to change lanes or drive on the left side of the street.

SECTION 15-235 PARKING PROHIBITIONS IN SPECIFIC AREAS.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street except as authorized otherwise in this section;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - f. On any railroad tracks; or
 - g. At any place where official signs prohibit stopping or parking; or
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within ten (10) feet of a fire hydrant;
 - c. Within ten (10) feet of a crosswalk at an intersection; except in marked parking spaces;
 - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
 - e. Within twenty (20) feet of the driveway entrance to any fire station; or
 - f. At any place where official signs prohibit standing.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

SECTION 15-236 DESIGNATION OF LOADING ZONES.

The board of trustees may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

SECTION 15-237 STANDING IN LOADING ZONE.

A. 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 a period not to exceed three (3) minutes.

B. 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 and unloading of materials exceed thirty (30) minutes.

C. 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 the zone.

**SECTION 15-238 PROHIBITION AGAINST SELLING MERCHANDISE
FROM PARKED VEHICLES.**

It is unlawful for any person to park any vehicle upon a street in the town and offer merchandise for sale therefrom. In addition to the penalty provided in this part, the sale of merchandise from parked vehicles on streets in the town is declared to be dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance.

SECTION 15-239 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

A. 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 parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in Subsection A of this section shall apply only when the procedure as prescribed in this chapter has been followed.

**SECTION 15-240 HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC
OR PRIVATE PROPERTY.**

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section

15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of Title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-108 of this code.

State Law Reference: Handicapped insignia, application and display on vehicles, 47 O.S. Section 15-112.

SECTION 15-241 **PARKING LIMITED TO CERTAIN TIME PERIODS.**

No person shall park a vehicle on any street designated by the Board of Trustees by the adoption of a Special Resolution for a period of time longer than twenty-four (24) hours. This section shall not affect parking limits established for shorter periods.

SECTION 15-242 **DESIGNATION OF PARKING TIME LIMITATION ON CERTAIN STREETS.**

The Town Board, by motion or resolution, shall determine upon what streets and parts of streets parking shall be limited to 24 hours and shall have such streets marked or signed.

ARTICLE D

TURNING AND SIGNALS

SECTION 15-250 **REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS.**

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; or
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 center line thereof and by passing to the right of such center line 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 center line 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.

State Law Reference: Similar provisions, 47 O.S. Section 11-601

SECTION 15-251 **URNS AND U-TURNS.**

A. The board of trustees may determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

State Law Reference: Authority to prohibit turning at intersections, 47 O.S. Section 15-102(a).

SECTION 15-252 **TURNING, STOPPING SIGNALS REQUIRED.**

A. No person shall turn a vehicle to the right or left except upon giving a signal of intention, as provided in this section, in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

CHAPTER 3

TRAFFIC SIGNALS AND DEVICES

Section 15-301	Obedience to devices.
Section 15-302	Necessity of signs.
Section 15-303	Interference with devices, or signs or signals.
Section 15-304	Presumption of legality.
Section 15-305	Ratification of existing devices.
Section 15-306	Traffic-control signal legend.
Section 15-307	Flashing signals.
Section 15-308	Driving within traffic lanes.
Section 15-309	One-way streets, alleys designation.
Section 15-310	Designation of through streets.
Section 15-311	Signs at through streets.
Section 15-312	Procedures at stop signs.
Section 15-313	Procedure at yield signs.
Section 15-314	Stop required at railroad crossings.
Section 15-315	Board of trustees, authority of.
Section 15-316	Compliance with state regulations.

SECTION 15-301 **OBEDIENCE TO DEVICES.**

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this part unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Similar provisions, 47 O.S. Section 11-201(a).

SECTION 15-302 **NECESSITY OF SIGNS.**

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

State Law Reference: Similar provisions, 47 O.S. Section 11-201(b).

SECTION 15-303 **INTERFERENCE WITH DEVICES, OR SIGNS OR SIGNALS.**

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, 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.

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

SECTION 15-304 PRESUMPTION OF LEGALITY.

A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

SECTION 15-305 RATIFICATION OF EXISTING DEVICES.

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this part and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law.

SECTION 15-306 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend. These lights shall indicate appropriate action and apply to drivers of vehicles and pedestrians as provided by applicable state law.

SECTION 15-307 FLASHING SIGNALS.

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, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

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.

This section shall not apply at railroad grade crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

SECTION 15-308 DRIVING WITHIN TRAFFIC LANES.

A. Where traffic lanes have been marked, it shall be unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement or otherwise authorized by ordinance.

B. Whenever any roadway has been divided into two (2) 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;

2. Upon a roadway which is divided into three (3) 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.

State Law Reference: Similar provisions, 47 O.S. Section -309.

SECTION 15-309 ONE-WAY STREETS, ALLEYS DESIGNATION.

A. Whenever any ordinance or resolution of this town designates any one-way street or alley the appropriate town personnel shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Upon those streets and parts of streets and in those alleys designated as one-way streets or 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.

C. Second Street located between Elm and Quapah is designated as a one-way street.

State Law Reference: Similar provisions, 47 O.S. Sections-308, 15-102(a).

SECTION 15-310 DESIGNATION OF THROUGH STREETS.

The board of trustees, by motion or resolution, may designate any street or part of a street a through street.

State Law Reference: Authority to designate through streets, 47 O.S. 1971, Section 15-108.

SECTION 15-311 SIGNS AT THROUGH STREETS.

Whenever a through street is designated by the board of trustees, the appropriate town personnel shall be directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals.

SECTION 15-312 PROCEDURES AT STOP SIGNS.

A. 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.

B. After having stopped at a stop sign, the driver of a vehicle shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

State Law Reference: Similar provisions, 47 O.S. Sections 11-403(b), 11-703(d).

SECTION 15-313 PROCEDURE AT YIELD SIGNS.

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. The driver approaching a yield sign shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

State Law Reference: Similar provisions, 47 O.S. Sections 11-403(c), 11-703(c).

SECTION 15-314 STOP REQUIRED AT RAILROAD CROSSINGS.

Whenever the driver of a vehicle approaches a railroad grade crossing in the town, the driver of such vehicle shall bring such vehicle to a stop not less than fifteen (15) feet from the nearest rail of such railroad track, and while so stopped, shall both look and listen in both directions along such track for approaching railway traffic, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A train approaching within approximately one thousand five hundred (1,500) feet of the grade crossing emits an signal audible from such distance and such train, by reason of its speed or nearness to such crossing, is an immediate hazard;
2. An approaching train is plainly visible and is in hazardous proximity to such crossing; or
3. A stop sign has been erected at any such crossing.

SECTION 15-315 BOARD OF TRUSTEES, AUTHORITY OF.

Town Board of Trustees, by Resolution, shall have authority to place and maintain Traffic Control devices, signs and signals as required under the traffic ordinances of the Town to make effective the provisions of such ordinances, and shall have authority to place and maintain such additional traffic control signs, signals and devices as it may deem necessary to regulate traffic under the traffic ordinances of the Town or under any state law or to guide or warn traffic.

SECTION 15-316 COMPLIANCE WITH STATE REGULATIONS.

All traffic control signs, signals, and devices shall conform to the Manual of uniform traffic control devices approved by the Oklahoma Department of Public Safety. All signs, signals, and devices required hereunder for a particular purpose shall so far as practicable be uniform as to type and relative location throughout the Town. All traffic control devices erected and not inconsistent with the provisions of state law or this ordinance shall be official traffic control devices.

CHAPTER 4

BICYCLES

Section 15-401	Regulations applicable generally.
Section 15-402	Traffic laws and regulations apply.
Section 15-403	Obedience to traffic-control devices.
Section 15-404	Riding on bicycles.
Section 15-405	Use right side of roadway.
Section 15-406	Riding abreast.
Section 15-407	Speed.
Section 15-408	Riding on sidewalks.
Section 15-409	Lights and reflectors.

SECTION 15-401 **REGULATIONS APPLICABLE GENERALLY.**

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. The provisions of this chapter are applicable to bicycles operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201.

SECTION 15-402 **TRAFFIC LAWS AND REGULATIONS APPLY.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of law and ordinances which by their nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-1202.

SECTION 15-403 **OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

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. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians.

SECTION 15-404 RIDING ON BICYCLES.

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

State Law Reference: Similar provisions, 47 O.S. Section 11-1203.

SECTION 15-405 USE RIGHT SIDE OF ROADWAY.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

SECTION 15-406 RIDING ABREAST.

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

SECTION 15-407 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 15-408 RIDING ON SIDEWALKS.

Bicycles may not be ridden upon any sidewalk within the town.

SECTION 15-409 LIGHTS AND REFLECTORS.

Every bicycle, when in use at nighttime, shall be equipped with a lamp on the frame which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the state department of public safety, which shall be visible from all distances from three hundred (300) feet to five hundred (500) feet to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

State Law Reference: Similar provisions, 47 O.S. Section 11-1207(a).

CHAPTER 5

IMPOUNDMENT OF VEHICLES

Section 15-501	Purpose and effect of impoundment provisions.
Section 15-502	Place of impoundment.
Section 15-503	Duration of impoundment.
Section 15-504	Police granted authority to impound vehicles.
Section 15-505	Disabled vehicles.
Section 15-506	Vehicles on bridge.
Section 15-507	Arrest and detention of driver of vehicle.
Section 15-508	Vehicle constitutes traffic hazard.
Section 15-509	Illegal trespass by vehicle.
Section 15-510	Vehicles parked overtime.
Section 15-511	Vehicles blocking fire exits or hydrants.
Section 15-512	Vehicles parked in intersection.
Section 15-513	Stolen vehicles; recovery by police.
Section 15-514	Vehicles with outstanding traffic citations.
Section 15-515	Inventory of impounded vehicles.

SECTION 15-501 **PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS.**

The impoundment of vehicles under authority of the provisions of this chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public rights in the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

State Law Reference: Grounds for removal of vehicles on highway by state, 47 O.S. Section 955; removal of abandoned vehicles on private property, 47 O.S. Section 954A.

SECTION 15-502 **PLACE OF IMPOUNDMENT.**

Every vehicle that is impounded under the provisions of this chapter shall be removed to the nearest garage or place of safekeeping designated by the town board of trustees, and to no other place.

SECTION 15-503 **DURATION OF IMPOUNDMENT.**

A. Except as otherwise provided, any vehicle impounded under the authority of this chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

SECTION 15-504 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES.

Members of the police department are hereby authorized within the limits set forth in this chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this chapter.

SECTION 15-505 DISABLED VEHICLES.

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

SECTION 15-506 VEHICLES ON BRIDGE.

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, where the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

SECTION 15-507 ARREST AND DETENTION OF DRIVER OF VEHICLE.

Whenever the driver or person in charge of any vehicle is placed under arrest and taken into custody and detained by police under circumstances which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded.

SECTION 15-508 VEHICLE CONSTITUTES TRAFFIC HAZARD.

A vehicle left unattended upon any street, alley or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

SECTION 15-509 ILLEGAL TRESPASS BY VEHICLE.

A. An unattended vehicle found to be in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this section.

B. If a violation of the provisions of this code occurs, the owner or legal occupant who complains shall sign a complaint against the person parking the vehicle on the owner's or legal occupant's property, or if the identity of the person parking the vehicle is unknown, then the

complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this code have been violated, the police department shall cause the vehicle to be impounded from the property and placed in storage.

SECTION 15-510 VEHICLES PARKED OVERTIME.

Any unattended vehicle which has been parked for more than one hour in excess of the time allowed for parking in any place shall be impounded, and any vehicle parked in violation of this code regarding more than twenty-four (24) hours, shall be impounded.

SECTION 15-511 VEHICLES BLOCKING FIRE EXITS OR HYDRANTS.

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device or exit or blocks ready access to a fire hydrant shall be impounded.

SECTION 15-512 VEHICLES PARKED IN INTERSECTION.

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

SECTION 15-513 STOLEN VEHICLES; RECOVERY BY POLICE.

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers or other identifying media in the vehicle or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the police department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to effect the removal within the time specified the vehicle may be impounded.

SECTION 15-514 VEHICLES WITH OUTSTANDING TRAFFIC CITATIONS.

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part.

SECTION 15-515 INVENTORY OF IMPOUNDED VEHICLES.

Any vehicle impounded for any reason shall be inventoried by two (2) or more persons for the protection of the owner and his property, the protection of town law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle.

CHAPTER 6

OPERATION OF GOLF CARTS, ALL-TERRAIN VEHICLES AND UTILITY VEHICLES

Section 15-601	Operation of golf carts, all-terrain vehicles and utility vehicles on town streets.
Section 15-602	Permit required.
Section 15-603	Penalty for violations.

SECTION 15-601 **OPERATION OF GOLF CARTS, ALL-TERRAIN VEHICLES AND UTILITY VEHICLES ON TOWN STREETS.**

A. Golf Carts, All-Terrain Vehicles and Utility Vehicles may be operated on the streets and alleys of the Town with the following restrictions:

1. The operator shall be at least sixteen (16) years of age and be in possession of a valid Class D driver's license issued by the State of Oklahoma; any driver less than eighteen (18) years of age shall wear a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218. See Oklahoma Statutes Title 47 O.S. § 11-1117

2. All operation upon a street and/or alley of the Town shall occur during daylight hours as determined by the National Oceanic and Atmospheric Administration (NOAA) for the applicable day.

3. No operation shall occur or be permitted upon State Highway 412, any portion of State Highway 88 located north of old State Highway 33 or any portion of old State Highway 33 from the westerly edge of S 4210 Road to S 4200 Road.

4. All vehicles operated under this section shall be registered in accordance with the Oklahoma Vehicle License and Registration Act.

5. The operator of any vehicle covered hereunder shall comply with all Rules of the Road as set forth in the Oklahoma Statutes Title 47 O.S. § 11-101 et. seq. and all Ordinances of the Town of Inola.

6. The vehicle shall be covered by liability insurance as required for all motor vehicles in accordance with the Financial Responsibility provisions set forth in Oklahoma Statutes Title 47 O.S. § 7-101 et. seq.

7. It shall be unlawful for the operator of an All-Terrain Vehicle to carry any passenger unless the All-Terrain Vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator. If the All-Terrain Vehicle has been specifically designed by the manufacturer to carry passengers, any passenger less than eighteen (18) years of age shall wear a crash helmet of a type which complies with standards established by 49 C.F.R., Section 571.218. See Oklahoma Statutes Title 47 O.S. § 11-1117.

SECTION 15-602 PERMIT REQUIRED.

A. Prior to operating a Golf Cart, All-Terrain Vehicle or Utility Vehicle on any street or alley in the Town, the Owner of the vehicle shall obtain a permit from the Town of Inola. The permit will be valid for as long as the applicant owns the vehicle. The permit fee will be \$25.00. The fee may be modified by resolution of the Board of Trustees. The permit will be issued by the Town Clerk and shall be affixed to or be in possession of the operator of the vehicle.

B. Prior to issuance of the permit, the Chief of Police shall have the right to inspect the vehicle to insure compliance with the requirements imposed by this Ordinance. The Chief shall have the power to delay issuance of the permit until the vehicle is in compliance with all applicable requirements.

SECTION 15-603 PENALTY FOR VIOLATIONS.

Any violations of the provisions of this part shall be punishable as provided in Section 1-108 of this code.

PART 16

TRANSPORTATION

CHAPTER 1

RAILROADS

Section 16-101	Definitions.
Section 16-102	Railroad trains, speed restrictions.
Section 16-103	Signals at crossings.
Section 16-104	Obstructing traffic at crossings.
Section 16-105	Railroads to improve streets and alleys.
Section 16-106	Sidewalks to be constructed by railroads.
Section 16-107	Climbing on trains.
Section 16-108	Loitering in station.
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CHAPTER 2

(RESERVED)

CHAPTER 1

RAILROADS

Section 16-101	Definitions.
Section 16-102	Railroad trains, speed restrictions.
Section 16-103	Signals at crossings.
Section 16-104	Obstructing traffic at crossings.
Section 16-105	Railroads to improve streets and alleys.
Section 16-106	Sidewalks to be constructed by railroads.
Section 16-107	Climbing on trains.
Section 16-108	Loitering in station.
Section 16-109	Penalty.

SECTION 16-101 **DEFINITIONS.**

The following words and phrases when used in this chapter shall for the purpose hereof, have the following meanings:

1. "Railroad" means a carrier of persons or property upon cars operated upon stationary rails; and
2. "Railroad train" means a steam engine, diesel, electric or other motor with or without cars coupled thereto, operated upon rails.

SECTION 16-102 **RAILROAD TRAINS, SPEED RESTRICTIONS.**

A. Every railroad train operating within the limits of the town shall be operated at a careful and prudent speed, having due regard to the traffic at roads, streets, and highways crossing the railroad and other conditions then and there existing.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, no person shall operate, or cause to be operated, any railroad train within the limits of the town at a speed greater than a maximum of thirty-five (35) miles per hour.

SECTION 16-103 **SIGNALS AT CROSSINGS.**

Every railroad train operating within the limits of the town shall give a warning by a loud bell, steam whistle or horn at the distance of at least eighty (80) rods from the place where the railroad shall cross any road, street or highway.

SECTION 16-104 **OBSTRUCTING TRAFFIC AT CROSSINGS.**

A. It is unlawful for any person, firm, corporation or company operating any railroad within the limits of the town to cause or permit any railroad train or railroad cars to impede or obstruct the free passage of traffic by motor vehicles or pedestrians at any place where the

railroad shall cross any road, street or highway for a continuous period in excess of ten (10) minutes.

B. This prohibition shall not apply in case of engine failure or train accidents within the limits of the town.

SECTION 16-105 RAILROADS TO IMPROVE STREETS AND ALLEYS.

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the board of trustees by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the board of trustees by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the board of trustees by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the town is to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

SECTION 16-106 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS

Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

SECTION 16-107 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 town, unless such person is acting in line of duty; or to board any train or railroad car (passenger, freight, or other) except with a proper ticket or the permission of the person in charge of the train or car or in line of duty.

SECTION 16-108 LOITERING IN STATION.

It is unlawful for any person not acting within line of duty, not having any proper business, or not being on any proper mission requiring his presence there, to loiter within a railroad station or other railway building, upon a railroad station platform, or anywhere upon a railroad yard or other railroad premises.

SECTION 16-109 PENALTY.

Any person, firm or corporation who shall violate any provision of this chapter by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act such provision declares such failure to be unlawful or to be an offense or misdemeanor shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which any such violation continues shall constitute a separate misdemeanor.

Transportation

CHAPTER 2

(RESERVED)

PART 17

UTILITIES

CHAPTER 1

GENERAL PROVISIONS

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Section 17-102	Penalty, adoption by reference.

CHAPTER 2

REFUSE COLLECTION AND DISPOSAL

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Section 17-202	Accumulations of garbage and refuse.
Section 17-203	Collection of garbage and rubbish.
Section 17-204	Contract and disposal.
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SANITARY SEWER SYSTEM

Section 17-301	Declaration of public utility.
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Utilities

Section 17-318	Unlawful discharges, actions of authority.
Section 17-319	Interceptors required for greases and oil.
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CHAPTER 1

GENERAL PROVISIONS

Section 17-101	Lease of systems.
Section 17-102	Penalty, adoption by reference.

SECTION 17-101 LEASE OF SYSTEMS.

The town has leased the operation of its electric, water and sewer systems to the Inola Public Works Authority, including setting rates for use of the systems and all regulations governing them. For a copy of current rates and rules, see the minutes of the Inola Public Works Authority.

SECTION 17-102 PENALTY, ADOPTION BY REFERENCE.

The rates and rules of the Inola Public Works Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in Section 1-108 of this code.

Editor's Note: The Town Board of Trustees adopted Resolution No. 07-02 which established the following minimum charges:

Rates for Sewer Services:

The minimum sewer and usage charge (for the first 1,000 gallons of water usage)	\$23.00
Rate per thousand for every thousand gallons thereafter	\$2.50

CHAPTER 2

REFUSE COLLECTION AND DISPOSAL

Section 17-201	Definitions.
Section 17-202	Accumulations of garbage and refuse.
Section 17-203	Collection of garbage and rubbish.
Section 17-204	Contract and disposal.
Section 17-205	Inspections.
Section 17-206	Fees.
Section 17-207	Duty to request garbage service.
Section 17-208	Penalty.
Section 17-209	Solid Waste user fee.

SECTION 17-201 **DEFINITIONS.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. "Person" means any institution, public or private corporation, individual, partnership, or other entity;
2. "Premises" means land, buildings or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored;
3. "Refuse" means all solid wastes, including garbage and rubbish;
4. "Garbage" means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowls from any premises within the town limits;
5. "Rubbish" means tin cans, bottles, papers, tree limbs (which shall be cut into lengths not exceeding three and one-half (3 1/2) feet), leaves, etc., from any premises within the town limits;
6. "Rubble" means brushwood, cardboard boxes and other bulky earthen, wooden, or metal refuse-like materials, longer, larger or heavier than refuse; and
7. "Town health officer" means that person so designated to act by the town board of trustees, at a compensation also set by the town board of trustees, if any.

SECTION 17-202 **ACCUMULATIONS OF GARBAGE AND REFUSE.**

A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible,

rodent-proof and fly-proof, with a tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the garbage and rubbish that may accumulate between collections. Each container shall have a capacity of not more than thirty-two (32) gallons, except where approved type bulk storage containers are in use. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.

B. All containers shall be kept in a convenient location for collection, as designated by the town board of trustees, whereby collectors can obtain same without going into buildings, garages, locked gates or fenced yards with dogs. All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times.

C. All ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber which cannot be conveniently placed in the containers required by this chapter shall be gathered together and baled, tied or sacked in compact bundles, weighing no more than fifty (50) pounds, and placed in a location easily accessible to the collector.

D. There shall be no open burning on the premises, unless the operations are carried out in an approved-type incinerator, or approval is obtained from the town health officer.

SECTION 17-203 COLLECTION OF GARBAGE AND RUBBISH.

A. The town or its authorized representative shall collect from all areas of the town upon schedule as approved by the town board. It is the duty of any person in possession or control of any premises to place the containers required by this ordinance in a location easily accessible to the collector as directed by the town health officer.

B. The places having rubble and excessive accumulations of garbage and rubbish may be excluded from the service, and such accumulations shall then be removed and disposed of at the expense of the owner or person having charge; provided, that the owner, person having such accumulations in charge, or collection agent shall secure permission from the town health officer for removal and disposal of same.

C. Carcasses of animals such as cows, horses and mules, shall be removed and disposed of at the expense of the owner or person having same in charge and by the method directed by the town health officer.

D. Heavy accumulations such as brush, broken concrete, ashes, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same under the direction of the town health officer.

E. Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animals or fowl pens, and waste oils from garages or filling stations or materials considered hazardous or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the town health officer.

F. The placing of garbage or rubbish or any refuse material in any street or alley within the town limits or the disposal of such refuse at any place within the town limits, except at such place as may be directed by the town health officer is prohibited.

G. The meddling with refuse containers or in any way pilfering, scattering contents, or junking in any alley or street within the town limits is prohibited.

SECTION 17-204 CONTRACT AND DISPOSAL.

The town shall have authority to enter into contractual obligation with those who wish to engage in the business of refuse collection or refuse disposal for compensation in the town. The town shall be limited to contracting for such service to contract only with persons having proper equipment, meeting State Department of Health requirements, and sufficient personnel to collect and dispose of refuse in accordance with the provisions of this ordinance; and provided further that the method of disposal contracted for must be in accordance with the requirements of this chapter.

SECTION 17-205 INSPECTIONS.

The town may make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with.

SECTION 17-206 FEES.

There may be charged, assessed and collected from each residential and commercial unit such amounts as set by the town board of trustees by motion or resolution.

SECTION 17-207 DUTY TO REQUEST GARBAGE SERVICE.

To assist in maintaining the general sanitation of the town it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the town at the beginning of such occupancy and request, accept and use the garbage pickup and collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the town from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures. Provided, residents of areas annexed by the Town and receiving services from third parties shall not be required to utilize the services offered by the Town.

SECTION 17-208 PENALTY.

Any person violating any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

SECTION 17-209 SOLID WASTE WATER USER FEES.

A. As used in this section the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

1. "Solid waste" means all putrescible and non-putrescible refuse in solid or semisolid form including, but not limited to, garbage, rubbish, ashes, or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes including explosives, biomedical wastes, chemical wastes, herbicide and, pesticide wastes. Scrap materials which are source separated for collection and processing as industrial raw materials shall not be considered solid waste for the purposes of this section, except when contained in the waste collection by or in behalf of a solid waste management system.

B. There is imposed upon each customer of the solid waste service operated by or on behalf of the Town of Inola a user fee of \$25.00 per month. The fee shall be in addition to any periodic charges for solid waste services. The user fee shall be included in each billing cycle, stated separately from any other periodic charges, and shall be identified as a fee for purposes of administering the Oklahoma Solid Waste Management Act. The fee shall be collected insofar as practicable at the same time as, and in the same manner as, the periodic charges for solid waste service or other utility services in accordance with the regular billing practices of the town. The Town shall collect the fee levied pursuant to this section as trustee for the state and shall prepare and file with the State Department of Health monthly returns indicating the total amount of the fees collected pursuant to this section. Not later than thirty (30) days after the end of the month to which such a return applies, the Town shall mail to the state Department of Health the return for that month together with the fees collected during that month as indicated on the return. The Town, as collector of the user fee for the state shall be entitled to retain ten percent (10%) of collected revenue to defray the cost of collection and bookkeeping. (Ordinance No. 90-17-209)

CHAPTER 3

SANITARY SEWER SYSTEM

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Section 17-316	Billing.
Section 17-317	Prohibited discharges.
Section 17-318	Unlawful discharges, actions of authority.
Section 17-319	Interceptors required for greases and oil.
Section 17-320	Preliminary treatment at owner's expense.
Section 17-321	Building requiring manhole covers.
Section 17-322	Samplings and tests of industrial wastes.
Section 17-323	Special arrangements.
Section 17-324	Protection from damage.
Section 17-325	Powers and authority of inspectors.
Section 17-326	Penalties and disconnect order.

SECTION 17- 301 DECLARATION OF PUBLIC UTILITY.

The sanitary sewer system of the Town of Inola which is leased to the Inola Public Works Authority pursuant to Section 17-101 of this code, is hereby declared to be a public utility and as such is declared to be a proper source of revenue to provide for the upkeep and maintenance of the sewer system and other municipal purposes.

SECTION 17-302 DEFINITIONS.

For the purpose of the administration and enforcement of this chapter the following definitions of terms are established:

1. **Access.** Entry into or upon any real estate or structure including any part thereof.
2. **Accessible.** Capable of being reached by any reasonable means.

3. **Administration.** The Mayor of the Town of Inola is hereby designated as the official responsible for administering the provisions of this Ordinance.

4. **Authority.** The Inola Public Works Authority.

5. **BOD.** (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

6. **Building drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

7. **Building sewer.** The extension from the building drain to the public sewer or other place of disposal.

8. **Combined sewer.** A sewer receiving both surface runoff and sewage;

9. **Commercial use.** Defined as all sanitary system use other than for a dwelling, and includes multiple-family dwellings or groups of dwellings to which water service is not separately metered.

10. **Confirmed Source.** A source of inflow and/or infiltration detected by visual observation, smoke testing, dyed-water testing or other means as determined by the designated I/I inspector.

11. **Domestic Wastewater.** Liquid and water borne waste derived principally from dwellings, business buildings, institutions and the like; free from industrial wastes, and of such character as to permit sanitary disposal without special treatment into the public sewer or by means of a private sewage disposal system.

12. **Dwelling.** Defined as a housing unit occupied by a single family to which water service is separately metered, or occupied by a single family with not more than two (2) separate rooms for rent.

13. **Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

14. **Industrial wastes.** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary domestic sewage.

15. **Infiltration.** Water, as herein defined, entering the sanitary sewer system, including private sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

16. **Infiltration/Inflow.** A combination of infiltration and inflow water entering the sanitary sewer lines, with no way of distinguishing the basic source, and which tends to cause an overloading of the capacities of the sanitary sewer system.

17. **Inflow.** Water discharged into the sanitary sewer system, including service connections, from such means as, but not limited to, roof downspouts or leaders; cellar, yard, and area drains; sump pumps; foundation drains; cleanouts; cooling water discharge; drains from springs and swampy areas; manhole covers; cross connections from storm sewers; combined sewers; catch basins; storm waters; surface runoff; street washwaters; or drainage. Inflow does not include, and is distinguished from, infiltration.

18. **Lessee.** A person, firm or corporation having the responsibility, pursuant to a written agreement with the owner, to maintain, repair or replace sanitary sewer lines and/or discharges which cause infiltration or inflow as herein defined.

19. **Natural outlet.** Any outlet in watercourse, pond, ditch, lake, or other body of surface or groundwater.

20. **Public buildings,** Buildings belonging to the state, the county, the Town, and all public school buildings;

21. **Person.** Any individual, firm, company, association, society, corporation, or group or any other legal entity or assigns.

22. **pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solutions.

23. **Properly shredded garbage.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

24. **Public sewer.** Sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

25. **Representative.** An appointee of the Town Council or Water and Sewer Committee of the Town of Inola, Oklahoma.

26. **Sanitary sewer.** A sewer into which storm, surface, and groundwaters are not intentionally admitted.

27. **Sanitary Sewer System.** All lines, pipes, tanks, conduits, structures or other devices designed for the collection, transportation, storage, treatment or disposal of sewage, whether owned by the Town or other persons, and to which storm, surface, and ground waters are not intentionally admitted.

28. **Schedule of Compliance.** A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with this Ordinance.

29. **Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

A combination of domestic or industrial wastewater which may include chemical, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and which is discharged from a dwelling, building, or other structure and permitted to enter the sanitary sewer system for the purpose of treatment and disposal.

30. **Sewage treatment plant.** Any arrangement of devices and structures used for treating sewage.

31. **Sewage works.** All facilities for collecting, pumping, treating, and disposing of sewage.

32. **Sewer.** A pipe or conduit for carrying sewage.

33. **Shall** is mandatory; may is permissive.

34. **Slug.** Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

35. **Storm drain** (sometimes termed storm sewer). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

36. **Superintendent.** The superintendent of the Inola Public Works Authority, or their authorized deputy, agent, or representative.

37. **Suspended solids.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

38. **Town.** Refers to the geographical area within the corporate limits of the Town of Inola.

39. **Wastewater Treatment Facility.** The system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive 1.5 M.G.D. of sewage per day. The term "wastewater treatment facility" also includes appurtenances such as interceptors, collection lines, outfall and outlet sewers, pumping stations, and related equipment.

40. **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

SECTION 17-303 SERVICE FEES.

Sewer service fees, for the purpose of providing funds for the maintenance of the sanitary sewer system of the Town and for the purpose of providing additional funds for the maintenance and administration of the indebtedness and prospective indebtedness of the Town and for the purpose of providing funds for regular municipal functions, are to be set by the Inola Public Works Authority as authorized by the Section 17-101 of this Code. A copy of the current rates in effect shall be kept in the Town Clerks office and made available for public inspection.

SECTION 17-304 TAPPING FEES.

All persons who desire to make connection to the Sanitary Sewer System leased to the Inola Public Works Authority shall first pay to the Inola Public Works Authority a tapping fee which shall be established by the Inola Public Works Authority. A receipt issued by the Inola Public Works Authority shall constitute a permit for the making of such tap.

SECTION 17-305 COLLECTION OF SEWER SERVICE CHARGE.

Charges for the use of the sanitary sewer system shall be billed to each user monthly upon the statement for water and other services, and the Inola Public Works Authority is authorized and directed to refuse to accept payment for water or other services unless such payment is accompanied by payment of the sewer service fees so billed.

SECTION 17-306 DISPOSITION OF FUNDS.

The funds and revenues derived from the fees and charges established by the Authority shall be used as provided in the Lease Agreement between the Town and the Authority.

SECTION 17-307 PROHIBITED CONNECTIONS.

No person shall henceforth make or allow the continued connection of roof downspouts or leaders, interior or exterior foundation drains, cleanouts, sump pumps, cellar, yard, and area drains, cooling water discharges, drains from springs or swampy areas, or other sources of surface, storm or ground water to a structure sewer or structure drain which is connected, either directly or indirectly, to the sanitary sewer system, even though such connection may have been allowable when made under then existing ordinances, rules, regulations, or standards. Provided, however, that interior or exterior perimeter building foundation drains connected directly into the sanitary sewer system will be exempt from the provisions of this Ordinance if the connect point is not accessible and the connect was made prior to the date of this Ordinance.

SECTION 17-308 CERTAIN SUBSTANCES IN SEWERS PROHIBITED.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than one hundred fifty degree (150° F) Fahrenheit;

2. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease;
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
4. Any garbage that has not been properly shredded;
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
6. Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
7. Any waters or wastes containing toxic or poisonous solids, liquids, or gases insufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer;
8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; or
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.
10. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

SECTION 17-309 GREASE OIL AND SAND INTERCEPTORS

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent of the Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. However, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

SECTION 17-310 MAINTENANCE OF INTERCEPTORS.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

SECTION 17-311 SEWER TAPPING REGULATIONS, PENALTY.

A. Any person desiring to make connection to the Authority's sanitary sewer system shall at his own expense make the tap connection in compliance with the diagram, of which three (3) copies are on file in the office of the Superintendent of the Authority.

1. All taps shall be made by means of cutting a smooth round hole in the Authority's main line. No corners, jagged edges, fractures or other damage on or to the main will be allowed;

2. If the Authority's main is a PVC pipe, the tap shall be made with a PVC saddle. The PVC saddle shall be glued to the main with a medium bodied, fast setting plastic pipe cement such as Uni-weld, Plumb-Tite or equivalent. The saddle shall also be held in place with two (2) screw and lag type stainless steel bands;

3. If the Authority's main is iron, concrete, vitrified clay or other non-plastic type material, the tap shall be made with a Predco (or equivalent) epoxy bonded saddle with neoprene donut for type of pipe being used;

4. Sanitary sewer service lines shall be schedule 40 PVC (or equivalent); no bituminous fiberboard, paper or clay pipe will be accepted;

5. The trench around the Authority's main and for the service line on Authority's easement shall be backfilled under, around and over the pipe to twelve (12) inches above the top of the pipe with sand. Backfill materials shall be present at the time of inspection by Authority's personnel, but the tap shall not be covered until it has been approved by the Authority's inspector; and

6. All connections shall be forty-five degrees (45°) or less from horizontal. No taps shall be connected to manholes, lampholes or cleanouts.

B. Any person requesting new sewer tap service or requesting the replacement of existing sewer tap service shall get prior approval from the Authority's sewer department and shall notify the Authority before Authority's sewer main is tapped and inspection by the Authority must be made before the sewer tap is covered.

C. Any person found to be violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined as provided in Section 1-108 of this Code.

SECTION 17-312 NEW SEWERS AND CONNECTIONS.

A. The connection of the building sewer into the public sewer shall conform to the requirements of the Southern Building Code and other applicable rules and regulations of the Authority.

B. All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the Oklahoma State Department of Environmental Quality regulations.

C. When a public sewer becomes available (within 150 ft.), the building sewer shall be connected to the sewer within sixty (60) days.

SECTION 17-313 TOXIC POLLUTANT CHARGES.

Each user that discharges any toxic pollutants which causes an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs.

SECTION 17-314 CHARGES EXTRANEEOUS FLOWS.

The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as operation and maintenance charges.

SECTION 17-315 RECORDS.

A record-keeping system shall be established and maintained by the Authority to document compliance with federal regulations pertaining to the user charge ordinance.

SECTION 17-316 BILLING.

Users will be billed pursuant to the Rules and Regulations of the Authority. Users with delinquent accounts will be notified in writing by the Authority that water or wastewater services will be terminated unless the account is paid in full. The Authority will utilize the law enforcement agency to assist as required in the control and management of the user charge system.

SECTION 17-317 PROHIBITED DISCHARGES.

A. All discharges shall be prohibited except those that meet the criteria for domestic wastewater. BOD concentration shall not exceed the maximum limit for average domestic wastewater of 250 mg/l or SS shall not exceed 250 mg/l.

B. No person shall discharge, or cause to be discharged, any storm water, ground water, roof runoff, subsurface drainage or any water from down spouts, yard drains, yard fountains, and ponds, septic tanks, or lawn sprays into any sanitary sewer. Water from swimming pools, boiler drains, blow-off pipes or cooling water from various equipment, may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled if required, and flows into the sanitary sewer at a rate not to exceed the capacity of the sanitary sewer provided the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed by this chapter; and provided further that the water from an air conditioning or cooling unit shall in no event exceed one-tenth (0.1) gallon per minute per ton capacity of the unit. Dilution of any waste discharged to the sanitary sewer system is prohibited, whether accomplished by the combination of two (2) or more waste streams by a person or the addition of other liquids solely for the purpose of diluting the quality of the waste discharge.

C. No person shall discharge, or cause to be discharged, into any public sanitary sewer any of the following described substances, materials, waters, or wastes:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (150° F) (sixty-five degrees Centigrade [65° C]), of which would cause the waste-water treatment plant influent to exceed one hundred four degrees Fahrenheit (104° F) (forty degrees Centigrade [40° C]);
2. Any water or wastes which contain wax, grease, oil, plastic, or other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees Fahrenheit (32° F) to one hundred fifty degrees Fahrenheit (150° F);
3. Flammable or explosive liquid, solids or gas, such as gasoline, kerosene, benzine, naphtha, and other like substances;
4. Solids or viscous substances in quantities capable of causing obstruction to the flow in sanitary sewers, or other interference with the proper operation of the sewage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, whole blood, paunch, manure, hair and fleshing entrails, lime slurry, lime residue, slops, chemical residues, paint residues, fiberglass, or bulk solids;
5. Any garbage that has not been properly comminuted or shredded; or
6. Any noxious or malodorous substance which can form a gas, which either singly or by interaction with other wastes, is capable of causing objectionable odors or hazards to life and property, which forms solids in concentrations exceeding limits established herein or creates any other condition deleterious to structures or treatment processes; or requires unusual facilities, attention, or expense to handle such materials.

D. Except in quantities, or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person, corporation, or individual to discharge waters or wastes to the public sanitary sewers containing:

1. Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l (835 pounds per million gallons) of either or both or combinations of free or emulsified oil and grease, if, in the opinion of the superintendent, it appears probable that such wastes:
 - a. Can deposit grease or oil in the sanitary sewer lines in such manner as to clog the sanitary sewers;
 - b. Can overload the discharge's skimming and grease handling equipment;
 - c. Are not amenable to biological oxidation and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes; or

- d. Can have deleterious effects on the treatment process due to the excessive quantities.
2. Acids or alkalies which attack or corrode sanitary sewers or wastewater disposal structures or have a pH value lower than 6.0 or higher than 9.0;
3. Salts of the heavy metals, in solution or suspension, in concentrations, toxic to biological wastewater treatment processes, or adversely affect sludge digestion or any other biochemical, biological, or other wastewater treatment process, or to the biota of the receiving stream to which the effluent of wastewater treatment facility discharges, or exceeding the following, the analytical results to be expressed in terms of the elements indicated:

<u>Toxic Substance</u>	<u>mg/l</u>
a. Cadmium	0.7;
b. Chromium	3.0;
c. Copper	3.0;
d. Lead	0.4;
e. Mercury	0.002;
f. Nickel	3.0;
g. Zinc	3.0;

or other elements which will damage collection facilities or are detrimental to treatment processes or are detrimental to the biota of the receiving stream to which the effluent of the wastewater treatment facility discharges. When the volume of a single toxic industrial waste discharge, or the combined toxic industrial waste discharge of a group of industries within a single contributory area, is so large as to raise a question of the ultimate concentration of toxic substances entering a treatment plant or a receiving stream, the superintendent shall impose separate or special concentration limits upon the discharge to insure:

- a. That the concentration in wastewater of any toxic substances shall not exceed those concentrations in the influent of any wastewater treatment plant toxic to biological wastewater treatment processes, or adversely affect sludge digestion, or sludge quality, or any biochemical, biological or other wastewater treatment process; and
- b. That in no instance will be combined concentrations of any toxic substances in the effluent of any wastewater treatment plant exceed the discharge stream limitations as published by the state regulatory agency;
4. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of two (2) mg/l as CN in the wastes from any outlet into the public sanitary sewers;

5. Radioactive materials exceeding the existing standards of the Oklahoma State Department of Environmental Quality, or unless they comply with the Atomic Energy Commission of 1954 (68 O.D. 919 as amended and Part 20, Sub-part D-Waste Disposal, Section 20.303, of the Regulations issued by the Atomic Energy Commission, or amendments thereto);
6. Any wastewater containing phenols or other taste producing substances in such concentrations as to produce odor or taste in the effluent as to affect the taste and odor of the receiving waters;
7. Materials which exert or cause:
 - a. Unusual concentrations of solids or composition, as for example in total solids of inert nature (such as Fuller's Earth) or in total dissolved solids (such as sodium chloride, calcium chloride, or sodium sulfate);
 - b. Excessive discoloration;
 - c. Unusual biochemical oxygen demand or an immediate oxygen demand;
 - d. High hydrogen sulfide content; or
 - e. Unusual flow and concentration;
8. Toxic substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters without pre-treating to a concentration acceptable to the Authority. When wastewater containing any of the aforementioned materials is discharged into the sanitary sewer and such wastes are not properly pretreated or otherwise corrected, the superintendent may:
 - a. Reject the wastes and terminate the service to the sanitary sewer;
 - b. Require control of the quantities and rates of discharge of such wastes with flow regulating devices; or
 - c. Require payment of surcharges for excessive cost of treatment provided such wastes are amenable to treatment by existing wastewater treatment plant facilities; and
9. Except where expressly authorized by the superintendent to do so by an applicable categorical pretreatment standard, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with ordinance discharge limitation.

E. It is unlawful to discharge wastewater to the public sanitary sewer except as authorized by the superintendent in accordance with the provisions of this chapter. Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, if the discharge limitations defined in that regulation are more stringent than imposed under this chapter, the categorical limitation shall govern.

F. Industrial User Permits. After the effective date of this chapter, no industrial user shall discharge wastewater to the public sanitary sewer without a valid wastewater discharge permit issued by the superintendent. All industrial users proposing to connect to or to discharge sewage, industrial waste, and other waste to the public sanitary sewer shall obtain a wastewater discharge permit before connecting to or discharging to the public sanitary sewer.

SECTION 17-318 UNLAWFUL DISCHARGES, ACTIONS OF AUTHORITY.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 18 of this Ordinance, and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 24 of this Ordinance. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

SECTION 17-319 INTERCEPTORS REQUIRED GREASES AND OIL.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 17-320 PRELIMINARY TREATMENT AT OWNER'S EXPENSE.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

SECTION 17-321 BUILDINGS REQUIRING MANHOLE COVERS.

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 17-322 SAMPLINGS AND TESTS OF INDUSTRIAL WASTES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

SECTION 17-323 SPECIAL ARRANGEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Authority for treatment, subject to payment therefor, by the industrial concern.

SECTION 17-324 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision is subject to immediate arrest under charge of disorderly conduct.

SECTION 17-325 POWERS AND AUTHORITY OF INSPECTORS.

A. The superintendent and other duly authorized employees of the Authority bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries

beyond that point having a direct bearing on, the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in Subsection A of the section, the superintendent or duly authorized employees of the Authority shall observe all rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Authority employees and the Authority shall indemnify the company against loss or damage to its property by Authority employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 21 of this Ordinance.

C. The superintendent and other duly authorized employees of the Authority bearing proper credentials and identification shall be permitted to enter all private properties through which the Authority or Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 17-326 PENALTIES AND DISCONNECT ORDER

A. The Superintendent of the Inola Public Works Authority or his designated agent may issue an order directing the owner or the lessee of the real estate or structure to disconnect all private infiltration or inflow waters from the sanitary sewer system. The order shall be effective not less than 60 days from its date of issuance. The order may state a deadline for compliance but such deadline shall, in no event, be more than six (6) months after issuance of the order.

Within 30 days after receipt of the order the owner or the lessee may request a review hearing before the Water and Sewer Committee of the Town of Inola by filing a written request with the City Clerk. The filing of such request shall act as a stay of the order. After such hearing the Water and Sewer Committee of the Town of Inola may affirm, set aside or modify such order, but the Water and Sewer Committee of the Town of Inola shall have no authority to set aside or modify the order unless convinced that no private infiltration or inflow exists on the premises.

B. **Termination of Service.** The Board of the Town of Inola may order the termination of water service to any real estate or structure if the owner or lessee has refused to allow access and entry or has failed or refused to comply with the disconnect order requiring that the private infiltration or inflow waters be prohibited from entering the sanitary sewer system. The termination shall be effective 30 days after service upon the owner or lessee. Service of the order shall be in person or by restricted delivery mail.

Within 15 days after receipt of the termination order, the owner or lessee may request a hearing by filing a written request therefor with the City Clerk. The filing of such request shall act as a stay of the termination order. After the hearing, the Water and Sewer Committee of the Town of Inola may affirm, set aside or modify the terms of the order. The decision of the Water and Sewer Committee of the Town of Inola entered after such a review hearing may be appealed de

novo to the Town Council of Inola, Oklahoma, upon the filing of a written appeal with the City Clerk within 10 days after said decision and the Town Council may affirm, set aside or modify the order as issued or as modified.

C. **Reconnection of Service.** Water service disconnected under the provisions of this Ordinance shall not be reconnected until the sources of infiltration or inflow have been disconnected. The cost of reconnection shall be the burden and responsibility of the owner or lessee.

D. Any person who shall continue any violation beyond the time limit provided for in this section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined as provided in Section 1-108 of this Ordinance.

E. Any person violating any of the provisions of this Ordinance is also liable to the Authority for any expense, loss, or damage occasioned the Authority by reason of such violation.

F. The penalties in this section shall be cumulative and shall not preclude the Authority from its right to proceed against the violator by civil remedies for injunction or to abate the condition as a nuisance.

G. **Penalties.** Notwithstanding any other provision of this Ordinance, a person violating any of the provisions of this Ordinance or obstructing its enforcement shall be deemed guilty of a misdemeanor, and upon conviction thereof in Municipal Court, shall be punishable by a fine as provided in §1-108 of this Ordinance for each act of violation. Each day upon which the violation continues shall be deemed a separate offense.

H. **Abatement of Nuisance.** In addition to or in lieu of termination of service and/or prosecution in Municipal Court, the Town of Inola may maintain a civil action by injunction to abate and temporarily or permanently enjoin the continuation of the private infiltration and/or inflow as a nuisance, in any court of competent jurisdiction.

I. **Access & Entry.**

1. **Access.** Representatives, employees, or agents of the Town of Inola shall have the right to make an inspection of any parcel of real estate and/or structure for the purpose of determining compliance with this Ordinance. Inspections shall be done at a reasonable hour of the day.
2. **Notice.** If the structure or real estate to be inspected is occupied, the representative, employee, or agent shall first present proper credentials and request entry. If the structure or real estate is unoccupied, the Town shall first make reasonable effort to locate the owner or other person(s) having charge or control of the structure or real estate and request entry.
3. **Search Warrants.** If, after proper request, entry or access is refused, the Town of Inola may compel such access by application to a court of competent jurisdiction for a search warrant in compliance with the provisions of Section 15 of the Oklahoma Bill of Rights and the Fourth and

Fourteenth Amendments to the United States Constitution relating to unreasonable searches and seizures.

J. **Procedure.**

1. Upon determination by Mayor of the Town of Inola or his designated agent that a confirmed source private infiltration or inflow exists, the Mayor or his designated agent shall issue a Disconnect Order to the owner and, if known, the lessee as set forth herein.
2. The owner or lessee shall comply with the order by either performing the work on having the work done by a licensed plumbing or sewer contractor.
3. All work shall be done in a workmanlike manner and shall be performed in compliance with adopted codes and regulations.
4. After completion of the work, the representatives, employees, or agents of the Town of Inola shall reinspect the premises to verify compliance with the Disconnect Order and also confirm that there are no other private infiltration or inflow sources on the property. Approval of the work by the representatives, employees, or agents shall not preclude the City from reinspecting the premises at a later date for the purpose of ensuring continued compliance with previous disconnect orders or to identify additional I/I sources.

K. In addition to proceeding under authority of Subsection A of this section, the Authority is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

L. **Severability.** If any clause, sentence, paragraph, section or subsection, of this Ordinance shall be adjudged invalid for any reason whatsoever by a court of competent jurisdiction, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof found to be invalid.

M. **Disclaimer of Liability.** This Ordinance shall not be construed or interpreted as imposing upon the Town of Inola or its officials, representatives, employees or agents (1) any liability or responsibility for damages to any property; or (2) any representation or warranty that any system, installation or portion thereof that is constructed or repaired under orders and inspections required by this Ordinance will function properly. In addition, neither the Town of Inola nor any of its officials, representatives, employees and agents charged with the enforcement of this Ordinance, if acting in good faith and without malice in the discharge of their duties, shall be personally liable for any damage that may occur to persons or property as a result of performing or not performing any act required by this Ordinance.

N. The Authority reserves the right to terminate service to any customer that fails to pay bills when due or discharges any prohibited wastes into the sewer system.

O. **Effective Date.** This Ordinance shall take effect and be in force from and after its passage and publication.

APPENDIX 1

ELECTRIC FRANCHISE

**ORDINANCE**

AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF OKLAHOMA (PSO) THE RIGHT, PRIVILEGE, AND NON-EXCLUSIVE FRANCHISE FOR 25 YEARS TO BUILD, EQUIP, MAINTAIN, EXTEND, OWN AND OPERATE A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION, SALE AND CONTROL OF ELECTRICITY AND COMMUNICATIONS CIRCUITS FOR ITSELF AND OTHERS IN, UNDER, OVER, ACROSS, THROUGH AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE STREETS, ALLEYS, AVENUES, WAYS, AND OTHER PUBLIC PLACES AND GROUNDS WITHIN THE LIMITS OF THE TOWN OF INOLA, ROGERS COUNTY, OKLAHOMA; AND GRANTING PSO THE RIGHT TO OPERATE AN ELECTRIC BUSINESS PURSUANT TO REASONABLE RULES AND REGULATION BY THE OKLAHOMA CORPORATION COMMISSION; WITH PSO AGREEING TO CHARGE LEGAL RATES FOR SUCH ELECTRIC SERVICE; AND, IF POSSIBLE, TO SELL AND DELIVER TO THE TOWN ALL ELECTRICITY AND SERVICES REQUESTED BY IT; PROVIDING FOR PAYMENT TO THE TOWN BY PSO OF A MONTHLY FEE ON GROSS RECEIPTS FROM THE DELIVERY AND SALE OF ELECTRICITY; AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF INOLA, OKLAHOMA:

SECTION 1. That there is hereby granted by the Town of Inola, a municipal corporation of the state of Oklahoma, located in Rogers County (hereinafter referred to as "Grantor"), unto Public Service Company of Oklahoma, an Oklahoma corporation, its successors and assigns, (hereinafter referred to as "Grantee"), the right, power, and authority to use the streets, alleys, avenues, ways, and other public places and grounds of Grantor (hereinafter "Public Rights of Way") as now constituted and as it may be hereafter extended or created, for the purpose of building, equipping, maintaining, extending, owning, and operating any plants, systems, and appurtenant facilities for the manufacture, transmission, distribution, sale, and control of electricity for lighting, heating, and power purposes, as well as for such other purposes as electric energy may be put, in and to said Grantor and to the public generally, and to transmit electric energy and communicate and distribute information (audio, video and data) for itself or others over distribution and transmission lines throughout the Town to the ultimate customer and to connections and systems in other localities, with poles, wires, conduits, substations, meters, appliances, and apparatus necessary and convenient for such plant and system upon, across, over, and under the Public Rights of Way of the Town.

SECTION 2. All rights and privileges granted by this Ordinance shall extend and be in force between Grantor and Grantee for a term of twenty-five (25) years from and after the acceptance of this Ordinance, as hereinafter provided.

SECTION 3. All provisions of this Ordinance which are obligatory upon or which inure to the benefit of the Grantee shall also be obligatory upon and shall inure to the benefit of its successors and assigns, and the word "Grantee", as used in this Ordinance, shall include and be taken to mean not only Public Service Company of Oklahoma, but also its successors and assigns for which assignment consent is hereby given whether the assignment is for the whole or only a partial assignment. Subject to the provisions of this subsection Grantee may assign all or a portion of its rights and/or obligations under the provisions of this Ordinance and franchise.

SECTION 4. Grantee shall have the right to make and enforce reasonable rules and regulations for the sale, delivery, control, and metering of its electric energy and the conduct of its business, and may reserve in such rules and regulations the right to disconnect service to customers where Grantee's meters, wires, switches, appliances, or apparatus are found to have been tampered with, or who have failed to pay for electricity or services, and to enter upon the premises of its customers at all reasonable times, or at any hour if for the sole purpose of restoring service, for the purpose of inspecting, repairing, or reading meters or for removing wires, meters, switches, and appliances and perform other activities necessary to provide and maintain electric service. Provided that such rules and regulations shall not be in conflict with law or the rules and regulations from time to time made by the Corporation Commission of the State of Oklahoma or by other regularly constituted regulatory authority having jurisdiction over Grantee.

Grantor hereby grants to Grantee permission to cut down, trim, remove and otherwise control using herbicides or tree growth regulators, any trees, branches, vegetation or brush upon and overhanging the Public Rights of Way of the Town in the vicinity of Grantee's electric facilities where such trees and other vegetation, in Grantee's reasonable opinion, may endanger the safety of Grantee's personnel or interfere with the construction, operation or maintenance of Grantee's facilities or ingress or egress to, from or along the Public Rights of Way.

SECTION 5. Grantee covenants and agrees in consideration hereof that it will maintain electric distribution service in and to Grantor, unless excused by statute, under the rules and orders imposed upon it by the Corporation Commission of the State of Oklahoma or by other regularly constituted regulatory authority having jurisdiction over Grantee. But in accepting this franchise and contract, Grantee does not guarantee continuous service at all times and shall be relieved temporarily from its obligation to furnish such services continuously in case of any disability caused by act of God or by the elements, or terrorism, or strikes, or lock-outs, or by any temporary breakdown or failure of machinery, transmission, or distribution lines, appliances or apparatus, or by other causes beyond the reasonable control of Grantee; provided Grantee agrees in such cases to exercise due diligence in the repair of such machinery, transmission, or distribution lines, appliances and apparatus, and to resume operation of same without unnecessary delay.

Grantee covenants and agrees that it will indemnify and hold the Town of Inola free and clear of any claims for damages or otherwise to the extent caused by the negligence of Grantee in the construction or operation carried on hereunder. But it is understood and agreed that in the event of claims being presented or prosecuted against said Town the Grantee shall have the right to defend against the same and to settle and discharge same in such manner as it may see fit. To this end the Grantor agrees to notify Grantee of such claims and to furnish to it such information and assistance, as may be necessary, in the defense thereof.

SECTION 6. In performing the terms and provisions of this Ordinance, franchise, and contract, Grantee is hereby given the continuing right, privilege, and option to manufacture electric energy within the corporate limits of Grantor, and to transmit electric energy over transmission lines from other plants and to distribute same from some central location at proper voltage; together with the right to transmit electric energy from and through said Town to other localities for itself or others. Grantee is hereby authorized to allow others, having a permitted right granted by Grantor, or as may otherwise be authorized or required by applicable law, to attach telecommunications and cable facilities to its poles and structures on such conditions as it deems just and reasonable and in compliance with applicable law.

SECTION 7. During the life of this franchise and for and in consideration of the acceptance hereof by Grantee, it is agreed that Grantee may charge and collect from Grantor and its inhabitants a rate or rates, for its and/or the service of others which shall at all times be compensatory and reasonable, and if regulated, subject to such rules and orders as are in effect or that hereafter may be lawfully made by the Corporation Commission of the State of Oklahoma, or by other regularly constituted regulatory authority having jurisdiction over Grantee.

SECTION 8. During the life of this franchise, Grantee will, if possible and permitted under applicable law, sell to Grantor all electric energy requested by it for municipal purposes, including, but not limited to, water and wastewater treatment, water and storm water pumping, and the lighting of its streets.

SECTION 9. From and after the approval and acceptance of this Ordinance, Grantee shall pay, and, in consideration of the granting of this franchise, agrees to pay to Grantor, as a franchise fee, and as compensation for the rights and privileges enjoyed hereunder, a sum equal to two percent (2%) of its gross receipts from the delivery and, if applicable, the sale of electrical energy within the Town, payable monthly with each such payment to be made not later than the first business day of the second month following the month in which such receipts were received for the billing cycle for that month. For example, payment for April receipts, for a subject year covering a billing cycle from March 29th through April 27th would be paid not later than June 1st. Said fee shall be in lieu of all concessions, excise, franchise, licenses, occupation, privilege, and permit fees, or taxes, except assessments for special improvements and ad valorem taxes.

Grantor shall notify Grantee in writing of newly annexed and de-annexed areas. The notice shall include the ordinance number authorizing the action, an appropriate map identifying the areas and documentation of the notice to the State of Oklahoma regarding the annexation or de-annexation. Grantee shall have no responsibility for commencing franchise payments hereunder to Grantor in newly annexed areas until it shall have received Grantor's notification. Upon Grantor's notification and starting the ninety-first (91st) day after receipt of such notice, Grantee will commence payments to Grantor for the gross receipts from delivery and, if applicable, the sale of electrical energy in each newly annexed area, and will make any appropriate adjustments in payments reflecting

overpayments made in any prior month resulting from the inclusion of gross receipts from delivery and, if applicable, the sale of electrical energy in de-annexed areas. Payments for receipts in newly annexed areas and adjustments for overpayments in de-annexed areas shall be made back to the effective date of the ordinance authorizing the action.

Grantor agrees that the percentage paid to Grantor by Grantee, including any revision thereof, shall in no event exceed the percentage rate used to calculate any fee or tax paid to Grantor by any other person or entity if such fee or tax is based in any way on the amount of revenues from delivery or sales of electrical energy or both by such other person or entity to ultimate customers within the Town.

SECTION 10. This Ordinance shall be in full force and effect from and after its acceptance as hereinafter provided, upon its passage and approval by a vote of the qualified electors residing within the Town, who shall vote thereon at a special election called under or pursuant to the provisions hereof; and if this Ordinance fails to be so approved at said election, it shall be wholly void and of no effect. The Mayor/President of the Board of Trustees of the Town is hereby authorized and instructed to call by a duly authorized resolution such election in the manner and form provided by the laws of the State of Oklahoma for the calling of special elections, giving such resolution, notice and ballot title therefore as provided by law, for the purpose of submission to the qualified electors residing within the Town the proposition of approval or refusal of this Ordinance, and the non-exclusive franchise contract hereby granted; and the proper officers of the Town are hereby directed to do all things that may be necessary for the holding of the election and for the submission of said question, and shall, in all things, comply with the election laws of the State of Oklahoma.

It is understood and agreed that in the event said franchise is approved at such election, the Grantee shall within thirty (30) days after the result of such election is declared, as provided by law, file with the Town Clerk an acceptance in writing duly executed according to law, accepting this Ordinance and franchise.

SECTION 11. Upon the filing by Grantee of the acceptance of this Ordinance as hereinabove provided, all rights, privileges, and obligations of any other ordinances and franchises, or portions thereof, under which Grantee may now be exercising its privileges to use the streets, alleys, avenues, ways, and other public places and grounds within the

incorporated limits of Grantor, and all other ordinances and parts of ordinances in conflict herewith, shall be and thereafter remain cancelled, annulled, and repealed.

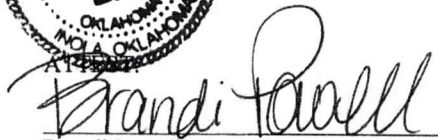
SECTION 12. If any provision or clause of this Ordinance is held invalid for any reason, such invalidity shall not affect other provisions or clauses of this Ordinance which can be given effect without the invalid provision or clause, and to this end the provisions and clauses of this Ordinance are declared to be severable.

SECTION 13. Whereas an immediate necessity exists in order that the inhabitants of Grantor may be provided an adequate supply of electricity for heating, lighting, and power purposes and for the purpose of providing light, heat, and power for the streets, alleys, public grounds, parks, and other public places and institutions of Grantor, and for the preservation of public health, peace, and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval at the special election, its publication and Grantee's filing of its acceptance thereof.

Approved, this 11 day of MARCH, 2019.



Larry Grigg, Mayor/President of the Board of Trustees



Brandi Powell, Town Clerk