

# UNION CITY, OKLAHOMA

## CODE OF ORDINANCES JANUARY 2020

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**TITLE 1 – ADMINISTRATION**

**Chapter 2. Saving Clause**

**Chapter 1. Official Town Code**

**Section 1-2-1. Repeal of General Ordinances.**

**Section 1-1-1. Title.**

Upon the adoption by the board of trustees, this town code is hereby declared to be and shall hereafter constitute the official town code of Union City. This town code of ordinances shall be known and cited as the UNION CITY TOWN CODE and is hereby published by authority of the board of trustees and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this town code by title in any legal documents.

All general ordinances of the town passed prior to the adoption of this town code are hereby repealed, except such as are included in this town code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; and all special ordinances.

**Section 1-1-2. Acceptance.**

The town code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of the state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title.

**Section 1-2-2. Public Ways and Public Utility Ordinances.**

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this town code or by virtue of the preceding section, excepting as this town code may contain provisions for such matters, in which case, this town code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**Section 1-1-3. Amendments.**

Any ordinance amending the town code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this town code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this town code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the town code.

**Section 1-2-3. Effect of Repeal; Court Proceedings.**

- A. Reviving Prior Ordinances: The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- B. Offenses: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- C. Extend To All Repeals: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- D. Current Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in

**Section 1-1-4. 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 thereof, 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 said outlying real property belonging to, or under the control of, the town, unless the context clearly indicates otherwise.

**Section 1-1-5. Code Alterations.**

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 1-4-1 of this title.

this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this town code

#### **Section 1-2-4. Severability Clause.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this town code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein. The board of trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

### **Chapter 3. Definitions**

#### **Section 1-3-1. Construction of Words.**

- A. Whenever any word in any section of this town code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this town code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this town code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
- B. The word "ordinance" contained in the ordinances of the town has been changed in the content of this town code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the town's ordinances is not meant to amend passage and effective dates of such original ordinances.

#### **Section 1-3-2. Definitions, General.**

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

**AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.

**BOARD OF TRUSTEES OR TOWN BOARD:** The board of trustees of the town of Union City, Oklahoma.

**CLERK-TREASURER OR TOWN CLERK-TREASURER:** The town clerk-treasurer or the deputy town clerk-treasurer, unless another meaning is clearly indicated by the context.

**CODE:** The town code of the town of Union City, Oklahoma.

**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.

**COUNTY OR THE COUNTY:** The county of Canadian, Oklahoma.

**EMPLOYEES:** Whenever reference is made in this code to a town employee by title only, this shall be construed as though followed by the words "of the town of Union City".

**GENDER:** A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to firms, partnerships and corporations as well.

**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.

**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.

**LICENSE:** The permission granted for the carrying on of a business, profession or occupation.

**MAYOR:** The mayor of the town.

**MONTH:** A calendar month.

**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.

**OS:** Oklahoma Statutes, as amended.

**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 "af firm" and "affirmed"

**OCCUPANT:** As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**OFFENSE:** Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

**OFFICERS AND OTHER OFFICIALS:** Whenever reference is made in this code to a town officer, agency or department by title only, this shall be construed as though followed by the words "of the town of Union City"

**OPERATOR:** The person who is in charge of any operation, business or profession.

OR, AND: "Or" may be read "and" and "and" may be read "or", if the sense requires it.

OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

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.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PRECEDING, FOLLOWING: Next before and next after, respectively.

PROPERTY: Shall include real and personal property.

PUBLIC PLACE: Any street, alley, highway, sidewalk, park, play-ground or place to which the general public has access or view of as well as a right to resort for business, entertainment, or other lawful purpose. A "public place" shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, 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 and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, correctional institutions, town or government offices and any shops.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the road-way or other property.

SIGNATURE OR SUBSCRIPTION: Includes a mark when a person cannot write.

STATE OR THE STATE: The state of Oklahoma.

STATUTORY REFERENCES: References to statutes of the state of Oklahoma as they now are or as they may be amended.

STREET: 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.

TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TENSE: Words used in the past or present tense include the future as well as the past and present.

TOWN: The town of Union City, county of Canadian, state of Oklahoma.

WEEK: Seven (7) days.

WHOLESALE, WHOLESALE DEALER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.

YEAR: A calendar year.

### **Section 1-3-3. Catchlines; 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 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.

## **Chapter 4. General Penalty**

### **Section 1-4-1. General Penalty.**

- A. Penalty Established: 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 this code or an ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine of not exceeding one hundred dollars (\$100.00). 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. Aiding In An Offense 1 : Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in this section.

### **Section 1-4-2. Application of Provisions.**

- A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this town code the same as though it were a part of each and every separate section.
- B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this town code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

- C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this town code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

#### **Section 1-4-3. Liability of Officers.**

No provision of this town code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

#### **Section 1-4-4. Recovery of Fines 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.

### **Chapter 5. Official and Corporate Provisions**

#### **Section 1-5-1. Form of Government.**

Pursuant to the provisions of 11 Oklahoma Statutes section 12-101, 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. 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.

#### **Section 1-5-2. Official Map; Corporate Limits.**

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 April 1, 1984.

#### **Section 1-5-3. Town Elections.**

The town shall elect its officers and decide initiative and referendum questions through elections conducted by the county election board pursuant to 11 Oklahoma Statutes section 16-101 et seq.

### **Chapter 6. Mayor and Board of Trustees**

#### **Section 1-6-1. Elected Officials; Composition; Terms of Office.**

- A. Election; Composition; Qualifications: The town board of trustees shall consist of five (5) trustees. Trustees will be nominated and elected at large for four (4) year terms. Each candidate for town office shall be a qualified elector of the town.
- B. Terms Of Office: The term of office for a trustee shall be four (4) years beginning at twelve o'clock (12:00) noon on the second Monday following the general municipal election. Trustees shall serve

until their successors are elected and qualified. The terms of the trustees shall be staggered so that at one general municipal election, trustees for three (3) positions whose terms expire shall be elected for four (4) year terms. At the next general municipal election, the trustees for the remaining positions whose terms expire and the clerk-treasurer shall be elected for four (4) year terms. Said clerk-treasurer will be nominated and elected at large. Elections to fill unexpired terms shall be held at the next regularly scheduled municipal election. Trustees and the clerk-treasurer elected to unexpired terms will serve until the completion of the original term.

#### **Section 1-6-2. Mayor.**

- A. Election By Board; Term: 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. Absences And Vacancies: 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. {1984 Code § 2-201}
- C. Powers And Duties: 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, privileges, duties and responsibilities of a trustee, including the right to vote on questions.

#### **Section 1-6-3. Meetings.**

- A. Regular Meetings: The board of trustees shall meet regularly, on the second Monday of each month at six o'clock (6:00) 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.
- B. Special Meetings: Special meetings may be called by the mayor or any three (3) trustees.
- C. Meeting Place: 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.
- D. Quorum: 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.

- E. Attendance By Trustees: It is the duty of each trustee to attend each meeting held, whether such meeting is a regular meeting, adjourned meeting, or a specially called meeting. Refer to subsection 1-6-4A of this chapter for attendance parameters.

**Section 1-6-4. Rules of Order and Procedure.**

- A. Authority; Attendance: The board may determine its own rules and may compel the attendance of absent members in the manner and under penalties as the board may prescribe. Whenever a trustee is absent from more than one-half (1/2) of all meetings of the board, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.
- B. Order Of Business: The order of business for each meeting of the board shall be as follows:
1. Call to order;
  2. Determination of a quorum;
  3. Reading and approval of the minutes;
  4. Purchase order for approval;
  5. Old business;
  6. New business;
  7. Business from the floor; and
  8. Adjournment.
- C. Rules Of Procedure: The following rules of procedure shall apply to any regular or special meeting of the board unless three (3) trustees agree to waive the rule or rules:
1. At the request of the mayor or any board member, all motions shall be reduced to writing;
  2. A motion to reconsider any of the proceedings of the board shall not be entertained unless it is made by a member who previously voted in the majority;
  3. No motion shall be debated or put until it is seconded and stated by the mayor. It is then and not until then in possession of the board and cannot be withdrawn but by leave of the board;
  4. A motion to adjourn shall be in order at any time, except as follows:
    - i. When repeated without intervening business or discussion;
    - ii. When made as an interruption of a member while speaking;
    - iii. When the previous question has been ordered; or
    - iv. While a vote is being taken.

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

5. When a question is under debate, no motion shall be received but:
  - i. To adjourn;
  - ii. To lay on the table;
  - iii. For the previous question;
  - iv. To postpone to a day certain;
  - v. To commit;
  - vi. To amend; or
  - vii. To postpone indefinitely,which several motions shall have precedence in the order they stand arranged;
6. When a proper motion is made, but information is wanted, the motion is to postpone to a day certain;
7. Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the proposition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it need but a few and simple amendments, the board shall proceed to consider and amend at once;
8. Upon an amendment being moved, a member who has spoken on the main question may speak again to the amendment;
9. The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative be put;
10. When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration; and
11. "Robert's Rules Of Order" shall govern matters not included or covered in this code or in rules adopted by the town board.

**Section 1-6-5. Trustees/Committees 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 7. Town Officers and Personnel**

### **Section 1-7-1. Town Clerk-Treasurer.**

- A. Elected Official; Term : The town clerk-treasurer is an elected official of the town, elected for a four (4) year term at the general municipal election held in odd numbered years at which certain trustees are elected.
- B. Powers And Duties: The town clerk-treasurer 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;
  5. Maintain accounts and books to show where and from what source all monies paid to them have been derived and to whom and when any monies have been paid;
  6. Deposit daily funds received for the town in depositories as the board may designate<sup>1</sup> ; and
  7. Have such other powers, duties and functions as may be prescribed by law or ordinance or by the board.
- C. Deputy Clerk-Treasurer: In accordance with 11 Oklahoma Statutes section 8-106, the town clerk-treasurer shall have the authority to appoint one or more deputy clerk-treasurers, subject to confirmation by the board of trustees. Deputy clerk-treasurers may be removed by the board of trustees at a regular meeting, and such clerk-treasurers may hold more than one office or position in the town government as the board of trustees may ordain.
- D. Books And Accounts Available For Inspection: The clerk-treasurer's books and accounts shall at all times be subject to examination by the board.

### **Section 1-7-2. Town Attorney.**

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 1-7-3. 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 1-7-4. Office Manager.**

- A. Position Created; Clerk-Treasurer Serve As; Term: There is hereby created the position of office manager who shall be an employee of the town. The position shall be filled by the person serving as the town clerk-treasurer or as otherwise provided by motion or other action of the board. The office manager shall serve at the pleasure of the board and shall perform such duties as may be prescribed by the board.
- B. Compensation: The pay period for the office manager shall be the same as for other municipal employees. The office manager shall be paid each pay period the amount as set by the board of trustees in accordance with any personnel policy or other policy of the town. The salary of the office manager shall not be subject to constitutional restriction.

### **Section 1-7-5. Other Personnel.**

- A. Generally: 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. (1984 Code § 2-305)
- B. Emergency Personnel<sup>1</sup>: 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 subsection, 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.
- C. Suspensions, Demotions, Removals, Layoffs: 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 shall receive, at the time of the action or within two (2) days thereafter, by personal delivery or by registered, certified or similar special mail, a written statement of the reason or reasons for the layoff, suspension, demotion or removal. Such officer or employee may appeal in writing to the town board. The appeal must be filed with the town clerk-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 therefor, 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 for any reason other than the good of the service, 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 subsection.

#### **Section 1-7-6. Holding More Than One Office.**

The same person may hold more than one office within the town through appointment by the board of trustees, so long as the duties do not conflict, but he may not receive compensation for service in such other offices, and all prior actions by or through any such offices are hereby ratified.

#### **Section 1-7-7. Officers to Continue.**

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 1-7-8. Oaths.**

- A. Oath Of Office: 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. Loyalty Oath: Both officers and employees are currently required to take and subscribe to the loyalty oath prescribed by state law.

#### **Section 1-7-9. Bonds.**

The board shall require the town clerk-treasurer and any other officers and employees as it may designate by ordinance or otherwise to 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.

#### **Section 1-7-10. Compensation.**

- A. Elective Officers; Fixed By Ordinance:
  - 1. The compensation of all elective town officers, including the following, shall be fixed by ordinance:
    - i. Mayor;
    - ii. Each trustee; and
    - iii. Town clerk-treasurer.
  - 2. The compensation of the clerk-treasurer, except as may be otherwise amended from

time to time by the town board, shall be set at the prevailing federal minimum wage.

- B. Other Officers And Employees; Number And Classes Of Personnel:
  - 1. The compensation of all other officers and employees, except 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.
  - 2. Except as the law provides otherwise, the board of trustees may determine or regulate the number and classes of officers and employees.
- C. Compensation Of Certain Officers Not Changed After Election Or Appointment: 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 state constitution, article 23, section 10. This provision shall not apply to officers chosen for indefinite terms nor to employees.

#### **Section 1-7-11. Social Security.**

- A. Declaration Of Policy: 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 51 Oklahoma Statutes section 121 et seq. 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.
- B. Agreement With State: The mayor is authorized and directed to execute all necessary agreements and amendments with the state public welfare commission to accomplish the provisions of subsection A of this section.
- C. Withholdings: Withholdings from salaries or wages of employees and officials for the purposes provided in subsection A of this section are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws and regulations.
- D. 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.
- E. Records And Reports: The town shall keep such records and submit such reports as may be required by applicable state or federal laws or regulations.

F. Exclusions: Excluded from this section 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 8. Municipal Court**

#### **Section 1-8-1. Court Created.**

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

#### **Section 1-8-2. 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:

CHIEF OF POLICE: The peace officer in charge of the police force of the town.

CLERK-TREASURER: The clerk-treasurer of the town, including any deputy or member of the office staff of the clerk-treasurer while performing duties of the clerk-treasurer's office.

COURT: The municipal court of the town of Union City.

GOVERNING BODY: The town board of trustees of the town of Union City.

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

THIS JUDICIAL DISTRICT: The district court judicial district of Canadian County, state of Oklahoma wherein the government of the town is situated.

TOWN OR THE TOWN: The town of Union City.

#### **Section 1-8-3. Jurisdiction.**

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

#### **Section 1-8-4. Judge of the Court.**

A. Qualifications And Restrictions:

1. There shall be one judge of the court. A judge may be an attorney licensed to practice law in Oklahoma, except as provided for in subsections A2 and A3 of this section. 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 pending within the jurisdiction of the court, or which might become the subject of proceedings therein. A judge who is an attorney must be a resident of the county or maintain a law office in the town or within twenty (20) miles of the town boundaries. He may serve as judge of other municipal courts, if such service may be accomplished consistent with his duties as judge of this court, with the consent of the mayor and board of trustees.

2. If a licensed attorney is not available to accept appointment as judge, a resident of the town, of the age of twenty five (25) years or older, possessed of good moral character, may be appointed judge.

3. The mayor may be designated as judge of the municipal court upon approval of the governing body. (1984 Code § 6-104; amd. 2004 Code)

4. If the judge of the municipal court is not a licensed attorney, the trial shall be to the court, and the court may not impose a fine of more than fifty dollars (\$50.00), except as provided in subsection AS of this section, and may not order the defendant imprisoned, except for the nonpayment of fines or costs or both.

5. If the judge of the municipal court is not a licensed attorney, but has complied with the requirements of this subsection AS, the maximum fine that may be imposed shall be one hundred dollars (\$100.00). In order to impose the fine authorized by this subsection AS, a nonlawyer judge must, within a period not to exceed the preceding reporting period in the state for mandatory continuing legal education, complete courses held for municipal judges which have been approved by the Oklahoma bar association mandatory legal education commission for at least six (6) hours of continuing legal education credit or attend at least one day of a state judicial conference. In the case of attendance of a continuing legal education course, verification may be made by a statement of attendance signed by the course registration personnel. In the case of verification of attendance of a state judicial conference, a statement of attendance signed by the administrative director of the courts or a designee shall be sufficient verification. (2004 Code)

B. 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. (1984 Code § 6-105)

C. 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. (1984 Code § 6-106)

D. 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. (1984 Code§ 6-107)

E. 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. (1984 Code§ 6-108)

F. Compensation:

1. Judge: 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 the town.
2. Alternate And Acting Judges: 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.

G. Removal:

1. Removal For Cause: Judges shall be subject to removal from office by the governing body for the causes prescribed by the constitution and laws of the state for the removal of public officers.
2. Filing Of Petition: 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:

- i. The mayor; or
  - ii. Twenty five (25) or more qualified electors of the town. Verification of the number or qualifications of electors shall be executed by one or more of the petitioners.
3. Hearing; Notice: 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:
- i. Representation by counsel;
  - ii. Present testimony and cross examine the witnesses against him; and
  - iii. Have all evidence against him presented in open hearing.
4. Procedures: So far as they can be applicable, the provisions of the Oklahoma administrative procedures act governing individual proceedings (75 Oklahoma Statutes sections 309 to 317, 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. (1984 Code§ 6-110)

H. Vacancy In Office:

1. Cause Of Vacancy: A vacancy in the office of judge shall occur if the incumbent:
  - i. Dies;
  - ii. Resigns;
  - iii. Ceases to possess the qualifications for the office; or
  - iv. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.
2. Filling Vacancy: 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 1-8-5. Change of Venue Not Allowed.**

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 1-8-6. Chief of Police.**

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

**Section 1-8-7. Clerk of the Court.**

- A. Designation; Duties: The town clerk-treasurer, or a deputy designated by him, shall be the clerk of the court. The clerk of the court shall:
  - 1. Assist the judge in recording the proceedings of the court and in preparing writs, process and other papers.
  - 2. Administer oaths required in proceedings before the court.
  - 3. Enter all pleadings, process, and proceedings in the dockets of the court.
  - 4. Perform such other clerical duties relating to the proceedings of the court as the judge shall direct.
  - 5. Receive and give receipt for forfeitures, fines, deposits, and sums of money payable to the court.
  - 6. Pay to the town clerk-treasurer all monies so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All monies paid to the clerk-treasurer shall be placed in the general fund of the town, or to such other fund 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. (1984 Code§ 6-114)
- B. Bond: The clerk of the court shall give bond in the form provided by 11 Oklahoma Statutes section 27-111. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the town clerk-treasurer and retained in the municipal archives.

**Section 1-8-8. Town Attorney.**

- A. Prosecuting Officer: The attorney for the town, or his duly designated assistant, shall be the prosecuting officer of the court.
- B. Duties: The town attorney shall:
  - 1. Prosecute all alleged violations of the ordinances of the town.
  - 2. Be authorized, in his discretion, to prosecute and resist appeals and proceedings in error and review from the court to any other court of the state, and to represent the town in all proceedings arising out of matters in the court.

**Section 1-8-9. Rules of the Court.**

- A. Rules Prescribed: The judge may prescribe rules, consistent with the laws of the state and with the ordinances of the town, for the proper conduct of the business of the court. (1984 Code§ 6-117)
- B. Enforcement Of Rules; Contempt: 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 the state.

**Section 1-8-10. Prosecutions by Verified Complaint; Style.**

All prosecutions commenced in the municipal court shall be by complaint which shall be subscribed by the person making the complaint and shall be verified before a judge, the court clerk, a deputy court clerk, or a police officer. No warrant for arrest shall be issued until the complaint has been approved by the judge of the municipal court. All prosecutions for the violations of municipal ordinances shall be styled, "The Town of Union City vs. (naming the person or persons charged)".

**Section 1-8-11. Traffic Violations Bureau.**

- A. Bureau Established: There is hereby established a traffic violations bureau for the town. The traffic violations bureau shall be staffed by court personnel and be physically separate and apart from the police department.
- B. Rules: The judge may establish rules, consistent with the laws of the state and with the ordinances of the town, for the traffic violations bureau.
- C. Fines:
  - 1. 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 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-treasurer's office.
  - 2. Payment of any fine to the traffic violations bureau shall be deemed a final determination of the cause against the defendant. In no event shall any such payment be introduced as evidence in any civil cause arising out of the offense charged.
  - 3. All such fines shall be the minimum penalty prescribed for such violation, and no costs shall be assessed. In no event shall payment of a fine without court appearance be accepted in the traffic violations bureau for the following offenses:
    - i. A second or subsequent offense of the same violation;
    - ii. Driving under the influence of alcoholic beverages or drugs or actual physical

control of a vehicle while under the influence of alcoholic beverages or drugs;

- iii. Leaving the scene of an accident;
- iv. Driving while license is suspended or revoked;
- v. Reckless driving;
- vi. Careless driving; or
- vii. Any charge made because of a motor vehicle accident in which personal injury or death occurred.

**Section 1-8-12. Summons.**

- A. Warrant Of Arrest Issuance: Upon the filing of a complaint charging violation of any ordinance, the judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the court on a day certain as specified after the summons is served upon him, and including such other pertinent information as may be necessary.
- B. Serving Of Summons: 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 1-8-13. Warrant of Arrest.**

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

The Town of Union City to the Chief of Police of Union City, 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 court room.

Witness my hand this\_ day of 20\_.

Judge of the Municipal Court of Union City, Oklahoma

- B. Police To Execute Warrant: It is the duty of the chief of police, personally, or through a duly constituted member of the police force of the town, or through

any other person lawfully authorized so to act, to execute a warrant as promptly as possible.

**Section 1-8-14. Bail or Bond.**

- A. Bail: 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. (1984 Code § 6-124)
- B. Temporary Cash Bond: 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 forty dollars (\$40.00) nor more than the maximum monetary penalty provided by ordinance for the offense charged.

**Section 1-8-15. Arraignment.**

Upon making his appearance before the court, the defendant shall be arraigned. The judge, or the attorney of the town, 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 1-8-16. Trials; Judgments.**

- A. Postponement: Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.
- B. Presence Of Defendant: The defendant must be present in person at the trial. (1984 Code § 6-127)
- C. Procedure: In all trials, as to matters not covered in this chapter, or by the statutes relating to municipal 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. (1984 Code § 6-127; amd. 2004 Code)
- D. Judgments:
  - 1. If the defendant pleads guilty or is convicted after trial, the court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable ordinance and imposing sentence accordingly.
  - 2. At the close of trial, judgment must be rendered immediately by the judge who shall cause it to be entered in his docket.
  - 3. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.

4. 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.
- E. Inability To Pay Fine And Costs: 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 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.
- F. Witnesses:
1. Witnesses in any proceedings 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 residences are outside the limits of the town. 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:
    - i. The names of no more than three (3) witnesses;
    - ii. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;
    - iii. That the testimony of the witnesses is material; and
    - iv. That their attendance at the trial is necessary for his proper defense.
  2. The fees of such witnesses shall be paid by the town.

#### **Section 1-8-17. Suspension of Sentence.**

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

#### **Section 1-8-18. Court Costs; Penalties.**

- A. Fine And Costs: If judgment of conviction is entered, the clerk of the court shall tax the costs to the defendant, plus the fees and mileage of witnesses and jurors, but the total amount of fine may not exceed the amount set in section 1-4-1 of this title.
- B. Imprisonment:

1. Sentences Executed: 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. (1984 Code§ 6-130)
2. Prisoners To Work:
  - i. 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. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment not to exceed the maximum sentence allowable for the violation for which the defendant was convicted. (1984 Code § 6-130; amd. 2004 Code)
  - ii. 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 1-8-19. Regular Court Sessions; Notice.**

The judge of the municipal court shall conduct regular sessions of the municipal court. Notice of the sessions shall be given as prescribed in the Oklahoma open meetings law, 25 Oklahoma Statutes section 301 et seq.

## TITLE 2 – FINANCE AND TAXATION

### Chapter 1. General Finance Provisions

#### Section 2-1-1. Deposit of Town Funds.

- A. Depositories Designated: All banks and all savings and loan associations in the town which are incorporated under federal or state law are hereby designated as depositories for the funds of the town.
- B. Clerk-Treasurer's Duties: The town clerk-treasurer shall deposit daily all public funds received in such banks or savings and loan association.
- C. Securing Of Deposits: The deposits of the town shall be secured as provided by Oklahoma Statutes.

#### Section 2-1-2. Contracts and Purchases.

- A. Definition: "Contractual services", for the purpose of this section, means services performed for the town by persons not in the employ of the town, and may include the use of equipment or the furnishing of commodities in connection with said services under express or implied contract. "Contractual services" shall include travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; printing out; binding; repairs, alterations and maintenance of buildings, equipment, streets and bridges, and other physical facilities of the town; and other services performed for the town by persons not in the employ of the town. (1984 Code§ 7-103)
- B. Authorization Of Purchases: 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.
- C. Purchases Requiring Board Approval: Every contract for, or purchase of, supplies, materials, equipment or contractual services for more than five thousand dollars (\$5,000.00) shall require the prior approval of the town board of trustees; and under no circumstances may such contract or purchase be made without first obtaining the approval of the board of trustees. (1984 Code § 7-105; amd. 2004 Code)
- D. Competitive Bidding:
  - 1. Before any purchase of, or contract for, supplies, materials, equipment or contractual services are made, as otherwise provided below, the town purchasing authority shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation, or invitation to bid, and specifications, to give them opportunity to bid; and/or publish notice of the proposed purchase in a newspaper of general circulation within the town. He shall

favor a person, firm or corporation in the town when this can be done without additional cost to the town; but he shall submit requests for quotation to those outside the town when this may be necessary to secure bids or to create competitive conditions, or when he thinks that by so doing he can make a saving for the town, and shall purchase from them when he can make a saving for the town.

- 2. All bids shall be sealed and shall be opened in public at a designated time and place. (1984 Code § 7-106)
- 3. The town board of trustees may repeatedly reject all bids, if the cost is above estimate. If rejected, additional bids may be requested or all action cancelled. (1984 Code§ 7-106; amd. 2004 Code)
- 4. The town purchasing authority may purchase from the bidder whose bid is most advantageous to the town, considering price, quality, date of delivery and so on, and in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the town. (1984 Code § 7-106)
- E. Competitive Bidding Not Required: The following may be purchased without giving an opportunity for competitive bidding:
  - 1. Supplies, materials, equipment or contractual services whose cost does not exceed five thousand dollars (\$5,000.00) in a single transaction; (1984 Code§ 7-107; amd. 2004 Code)
  - 2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;
  - 3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;
  - 4. Equipment to replace existing equipment which has become inoperable when the board of trustees declares the purchase an emergency;
  - 5. Contractual services, including, but not limited to, natural gas, electricity, and telephone service, purchased from a public utility at a price or rate determined by the state corporation commission or other governmental authority;
  - 6. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency or any other state agency hereafter authorized to regulate prices for things purchased by the state, whether such

price is determined by a contract negotiated with a vendor or otherwise; and

7. Contractual services of a professional nature, such as engineering, architectural and medical services, unless competitive bidding is required by applicable law or regulations, such as certain federal grants programs.

### **Section 2-1-3. Sales of Surplus or Obsolete Property.**

- A. Declaration Of Surplus Or Obsolescence: No surplus or obsolete supplies, materials or equipment of a value of more than one thousand five hundred dollars (\$1,500.00) may be sold until the town board of trustees has declared them obsolete or surplus.
- B. Bidding Requirements:
  1. Before the town board of trustees sells any surplus or obsolete supplies, materials or equipment, except as otherwise provided below, they shall be advertised for sale in a newspaper of general circulation in the town or notice given in such other manner as the board of trustees deems necessary, adequate to reach prospective buyers to give them opportunity to make bids.
  2. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction.
  3. The town board of trustees may repeatedly reject all bids and advertise or give notice again.
- C. Action By Town: The town board of trustees shall sell such supplies, materials or equipment to the highest responsible bidder for cash. In case of a tie, the board of trustees may sell to either of the bidders tying, or may divide the sale among two (2) or more tying, always selling to the highest responsible bidder or bidders for cash. (1984 Code§ 7-108)
- D. Bidding Not Required: The town board of trustees may sell the following without giving an opportunity for competitive bidding:
  1. Surplus or obsolete supplies, materials or equipment whose total value does not exceed one thousand five hundred dollars (\$1,500.00) in a single transaction; and
  2. Supplies, materials or equipment when sold at a price at least as great as that paid by the town for the same.

## **Chapter 2. Sales Tax**

### **Section 2-2-1. Short Title.**

This chapter shall be known and may be cited as TOWN OF UNION CITY SALES TAX ORDINANCE.

### **Section 2-2-2. Definitions.**

- A. Definitions Generally: The definitions of words, terms and phrases contained in the Oklahoma sales tax code, 68 Oklahoma Statutes sections 1352 and 1352.1 are hereby adopted by reference and made a part of this chapter. (1984 Code§ 7-202; amd. 2004 Code)
- B. Tax Collector Defined: The term 11tax collector<sup>11</sup> 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 authorized by law to administer the collection of the tax levied by this chapter.

### **Section 2-2-3. Taxes Imposed; Rates; Effective Dates; Purposes.**

The following town sales taxes, in the total amount of four percent (4%), shall be imposed and effective as indicated, unless otherwise extended by a vote of the people. Said taxes have been approved by a majority of the registered voters of the town voting on same in elections conducted in the manner prescribed by 11 Oklahoma Statutes section 16-112.

Ordinance 46 became effective January 1, 1971, levying a first one cent (\$0.01) tax, to provide revenues for the support of the functions of the municipal government of the town.

Ordinance 112 became effective June 1, 1980, levying a second one cent (\$0.01) tax, to provide revenues for the support of the functions of the municipal government of the town.

Ordinance 134 became effective June 4, 1984, levying a third one cent (\$0.01) tax. Seventy five percent (75%) of the tax shall be deposited into the general fund, and twenty five percent (25%) shall be deposited into the municipal authority fund. (1984 Code §§ 7-206, 7-207, 7-208; amd. 2004 Code)

Ordinance 234 became effective May 1, 2007, levying an excise (sales) tax of one percent (1%) in addition to other excise or sales taxes levied by the town or any other taxing authority, upon gross proceeds or gross receipts derived from all sales to any person taxable under the Oklahoma sales tax code; providing, the sales tax of one percent (1%) excise or sales tax shall be limited to fifty (50) years, commencing May 1, 2007, and ending April 30, 2057. All revenues from the tax shall be deposited to the fire department's general fund to be used for the purpose of purchasing equipment and for the general operating expenses of the department as specified in the ordinance.

### **Section 2-2-4. Subsisting State Permits.**

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

### **Section 2-2-5. 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 2-2-6. Sales Subject to Tax; Exemptions.**

The town sales taxes shall be levied upon the gross receipts or gross proceeds of such sales as specified by Oklahoma Statutes, and exemptions from such taxes shall be allowed pursuant to Oklahoma Statutes.

**Section 2-2-7. Tax Due Date.**

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 2-2-8. Payment of Tax; Brackets.**

- A. The tax herein levied shall be paid to the tax collector at the time and in 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 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 2-2-9. Collection by Vendors.**

- A. A vendor who wilfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this chapter, or wilfully or intentionally fails, neglects or refuses to comply with these 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 an offense.
- B. The certificate of the tax collector to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this chapter shall be presumptive evidence thereof.
- C. Any vendor found guilty of committing an offense under this chapter shall be punished as provided in section 1-4-1 of this code.

**Section 2-2-10. Returns, Remittances and Discounts.**

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

**Section 2-2-11. Delinquencies; Interest and Penalties.**

- A. Failure To Pay Tax: 68 Oklahoma Statutes section 217 is hereby adopted and made a part of this chapter, 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 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. (1984 Code§ 7-220)

- B. Waiver: 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 remittance as applied in administration of the state sales tax provided in 68 Oklahoma Statutes section 220. To accomplish the purposes of this subsection, the applicable provisions of said section 220 are hereby adopted by reference and made a part of this chapter.

**Section 2-2-12. Fraudulent Returns.**

In addition to all civil penalties provided by this chapter, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter shall be an offense.

**Section 2-2-13. Enforcement of Payment.**

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 2-2-14. Refund of Erroneous Payments.**

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

**Section 2-2-15. 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 sales tax code, 68 Oklahoma Statutes section 205, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the town sales tax as if herein set forth in full.

**Section 2-2-16. Amendments.**

The people of the town, by their approval of the sales tax ordinances from which this chapter was derived, hereby authorize the town board of trustees, by ordinances 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 2-2-17. Provisions Cumulative.**

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

**Chapter 3. Use Tax**

**Section 2-3-1. Short Title.**

This chapter shall be known and may be cited as TOWN OF UNION CITY USE TAX.

**Section 2-3-2. Definitions.**

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

**TAX COLLECTOR:** The department of the city government or the official agency of the state, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied.

**TOWN:** The town of Union City, Oklahoma.

**TRANSACTION:** Sale.

**Section 2-3-3. Tax Imposed; Subjects of Taxation.**

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the town tangible, personal property purchased or brought into the town, an excise tax on the storage, use or other consuming within the town 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 town, tangible, personal property purchased or brought into the town. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the town 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 town, but which is stored in the town pending shipment outside the town or which is temporarily retained in the town 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 town had been levied on the sale of such goods or services.

**Section 2-3-4. Exemptions from Tax.**

The provisions of this chapter shall not apply:

- A. In respect to the use of an article of tangible, personal property brought into the town by a nonresident individual visiting in the town for his or her personal use or enjoyment while within the town;
- B. In respect to the use of tangible, personal property purchased for resale before being used;

- C. In respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma use tax code<sup>1</sup> and this chapter, has been paid by the person using such tangible, personal property in the town, 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 town use tax, the provision of this chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma use tax code and this chapter, 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 town;
- D. In respect to the use of tangible, personal property now specifically exempted from taxation under the sales tax code of the town;
- E. In respect to the use of any article of tangible, personal property brought into the town by an individual with intent to become a resident of the town where such personal property is for such individual's personal use or enjoyment;
- F. In respect to the use of any article of tangible, personal property used or to be used by commercial airlines or railroads; or
- G. In respect to livestock purchased outside Oklahoma and brought into the town for feeding or breeding purposes, and which is later resold.

**Section 2-3-5. Purposes of Revenues.**

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

**Section 2-3-6. Subsisting State Permits.**

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

**Section 2-3-7. Classification of Taxpayers.**

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

**Section 2-3-8. Tax Due Date.**

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

### Section 2-3-9. Collection of Tax.

- A. Retailer Or Vendor: Every retailer or vendor maintaining places of business both within and without the state, and making sales of tangible, personal property from a place of business outside the state for use in the town shall, at the time of making such sales, collect the use tax levied by this chapter from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the tax commission, if the tax commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the tax commission the names and addresses of all his agents operating in the town and location of any and all distribution or sales houses or offices or other places of business in the town.
- B. Place Of Business Not Maintained Within State Or Both Within And Without State: The tax commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within the state but who makes sales of tangible, personal property for use in the town and by the out of state place of business of any retailer or vendor maintaining places of business both within and without the state and making sales of tangible, personal property at such out of state place of business for use in the town. Such retailer or vendor may be issued, without charge, a permit to collect such taxes by the tax commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within the town. 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 the town. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within the town 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 town sales tax at the point of delivery, and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

### Section 2-3-10. Revoking Permits.

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

### Section 2-3-11. Remunerative Deductions.

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

### Section 2-3-12. Delinquencies; Interest and Penalties.

- A. Failure To Pay Tax: 68 Oklahoma Statutes section 217 is hereby adopted and made a part of this chapter, 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 chapter. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this chapter shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this chapter.
- B. 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 town tax herein levied may be waived or remitted in the same manner as provided for the waiver or remittance as applied in administration of the state use tax provided in 68 Oklahoma Statutes section 220, and to accomplish the purposes of this section, the applicable provisions of section 220 are hereby adopted by reference and made a part of this chapter.

### Section 2-3-13. Fraudulent Returns.

In addition to all civil penalties provided by this chapter, the wilful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false or fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this chapter, shall be an offense, and upon conviction thereof, the offending taxpayer shall be punished by a fine as provided in section 1-4-1 of this code. Each day of noncompliance with this chapter shall constitute a separate offense.

### Section 2-3-14. Enforcement of Payment.

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

### Section 2-3-15. Refund of Erroneous Payments.

Refund of erroneous payment of the town 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 Oklahoma Statutes 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 chapter.

**Section 2-3-16. Records Confidential.**

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

**Section 2-3-17. Provisions Cumulative.**

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

**Chapter 4. Utilities Tax**

**Section 2-4-1. 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 and electricity in the town, which tax shall be in lieu of any other franchise, license, occupation, or excise tax levied by the town, all as provided by state law.

**Section 2-4-2. Application of Tax; Exception.**

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 2-4-3. Due Date; Disposition of Funds.**

The tax levied under this chapter on gas and electric receipts shall be levied for a term of not less than one year and shall be payable monthly and placed in the general revenue fund of the town.

**Section 2-4-4. 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 the 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 fees.

**Section 2-4-5. Tax Constitutes a 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. Telephone Exchange Fee**

**Section 2-5-1. Fee Levied.**

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 on a calendar year basis and shall be due and payable to the town on or as required by the town board and shall be paid into and appropriated and expended from the general revenue fund of the town.

**Section 2-5-2. Fee In Lieu of Other Fees and Taxes.**

During continued substantial compliance with the terms of this chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the 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 6. 9-1-1 Emergency Service Fee**

**Section 2-6-1. Purpose.**

- A. More and more residences and businesses are abandoning their traditional telephone service for dial tone utilizing voice over internet protocol; and
- B. These residences and businesses still need access to public safety emergency services through the utilization of the existing regional enhanced 9-1-1 system; and
- C. The governing body of the town of Union City has approved the acquisition and operation of an emergency telephone service, together with the levy or imposition of user fees/tax for such service.

**Section 2-6-2. Authority.**

The state statutory authority to enact a 9-1-1 service fee on customers utilizing dial tone telephone service through interconnected voice over internet protocol is authorized by the nine-one-one voice over internet protocol (VoIP) emergency service act, 63 Oklahoma Statutes section 2851.

**Section 2-6-3. Fee Imposed.**

A 9-1-1 service fee is hereby adopted and imposed by the board of trustees of the town of Union City upon interconnected voice over internet protocol telephony service customers whose businesses or residences are located within the town limits of Union City, at a rate of fifty cents (\$0.50) per month for each VoIP service user, pursuant to 63 Oklahoma Statutes (2006) section 2851 et seq.

**Section 2-6-4. Census.**

All VoIP carriers having customers within the town of Union City shall provide an annual census of customers to the town of Union City no later than sixty (60) days after the first day of each calendar year.

## TITLE 3 – BUSINESS AND LICENSE REGULATIONS

### Chapter 1. Business Licenses and Fees Generally

#### Section 3-1-1. Licenses and Payment of Fee Required.

- A. License And Payment Of Fee Required: It is unlawful for any person to engage in, exercise, or pursue any business, profession, trade, occupation, or privilege for which a license fee is levied by section 3-1-2 of this chapter or by any other ordinance or ordinance provision without paying the license fee and securing and possessing a valid license therefor. License fees shall be credited to the general fund of the town. (1984 Code§ 9-103)
- B. 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 3-1-2. License Fees Levied.

A license fee is levied on every person engaging in, exercising, or pursuing any of the following businesses, professions, trades, occupations, or privileges in the town, in the amounts respectively indicated:

- A. Skating Rinks: For each skating rink, two dollars (\$2.00) per day, five dollars (\$5.00) per week, or twenty five dollars (\$25.00) per year.
- B. Itinerant Entertainments: For each itinerant show, exhibition, or entertainment of any kind which charges admission, including all activities under its auspices, five dollars (\$5.00) per day. This subsection shall not apply to circuses, street fairs, and carnivals, nor to any athletic exhibition given by public or private schools, nor to any event given under the auspices of a local nonprofit organization, nor to any event from which all the proceeds go to some charitable or eleemosynary cause.
- C. Circuses And Carnivals: For each circus, street fair or carnival, ten dollars (\$10.00) per day or twenty five dollars (\$25.00) per week. This subsection shall not apply to events sponsored by civic clubs located in the school district or by the town.
- D. Shooting Galleries And Similar Amusements: For each shooting gallery, skill or strength game, or game of chance, such as knife boards, rag or wooden images or other things at which rings, balls, or other things are thrown, pitched, or shot, lung testing or striking machine, or similar device, two dollars (\$2.00) per day or five dollars (\$5.00) per month. This subsection shall not apply to games under the auspices of street fairs, carnivals, and circuses, nor to family recreation halls or arcades.
- E. Ferris Wheels And Merry-Go-Rounds: For each ferris wheel, merry-go-round, small cars, or similar

apparatus, when not under the auspices of a street fair, civic club, carnival, or circus, two dollars (\$2.00) per day or five dollars (\$5.00) per month.

- F. Solicitors And Itinerant Vendors: For each itinerant person, agent, or solicitor selling, offering for sale, taking orders for, auctioning, or offering to take orders for, goods, products, wares, magazines, services, or other things or services of any kind, excepting wholesalers, twenty five dollars (\$25.00) per day, fifty dollars (\$50.00) per week or one hundred dollars (\$100.00) per year. The permit shall expire at sunset of the date issued. Permit will be issued after approval of background check. No proration of the fee is permitted. This subsection shall not apply to persons selling farm products produced by themselves in Oklahoma, nor to persons, representing any charitable and nonprofit organizations located in or from the county.

#### Section 3-1-3. State Sales Tax Permit Required; Additional Information for Itinerant Vendors.

In order to receive a license under this chapter, every person, firm or corporation regulated pursuant to section 3-1-2 of this chapter 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-treasurer prior to issuance of the town license. The town clerk-treasurer may require any reasonable information from an itinerant or peddler or solicitor which the town clerk-treasurer deems desirable to protect the public interest. Itinerant means not residing in the town.

#### Section 3-1-4. Issuance of License.

Upon making proper application to the town clerk-treasurer, the payment of the license fee and fulfillment of any other condition which may be prescribed by law or ordinance, the town clerk-treasurer shall issue a license therefor.

#### Section 3-1-5. Expiration of License; Proration of Fee.

Annual licenses shall expire on June 30 of the year for which they were issued. 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 fee collected shall be a fractional part of the annual fee equal to the fraction of the year remaining, with a minimum of five dollars (\$5.00).

#### Section 3-1-6. Nontransferability of License.

The assignment or transfer of licenses shall not be permitted in the town.

#### Section 3-1-7. Display of License.

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 in this section,

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 3-1-8. Duplicate Licenses.**

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-treasurer, 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-treasurer 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-treasurer, shall be set by the town board.

**Section 3-1-9. Restrictions on Certain Amusements.**

- A. **Gambling And Liquor Prohibited; Conduct Of Business:** It is unlawful for the owner, manager, or operator of a pool, billiard, or other recreation hall to permit therein gambling, betting, operation of a lottery or the sale, furnishing, or drinking of alcoholic beverages and low point beer, disorderly conduct, loud or disturbing language, noise, or music, profane language, or any other violation of the laws of the state or of the ordinances of the town, or for any person to engage therein in such place. (1984 Code § 9-109; amd. 2004 Code)
- B. **Athletic Contests Prohibited:** It is unlawful for the owner, manager, or operator of such a hall to permit therein fighting, boxing, wrestling, or other contests of physical strength, or for any person to engage therein in such place.
- C. **Coin Operated Amusement Devices To Be Licensed:** Any coin operated amusement device, including pool and billiard tables, shall be properly licensed pursuant to state law in order to operate lawfully in the town.
- D. **Hours To Be Closed:** Pool, billiard and other recreation halls shall be closed between the hours of twelve o'clock (12:00) midnight and seven o'clock (7:00) A.M. each day.

**Section 3-1-10. Revocation of License.**

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:

- A. The licensee is engaging in, exercising, or pursuing the business, profession, trade, occupation, or privilege in such a manner that he has created or is creating a "public nuisance" as defined by state law or local ordinance<sup>1</sup>; or
- B. Serious or repeated violation of the law or ordinances.

**Section 3-1-11. Ex-Service Persons Exempt.**

Nothing in this chapter or in other ordinances of the town shall be deemed to require ex-service persons to secure a license or pay a license fee for engaging in a business, occupation, or privilege when he is exempted therefrom by statutes of the state or other provisions of law.

**Section 3-1-12. Violation; Penalties.**

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 hereby 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 1-4-1 of this code. Violation of this chapter shall also be grounds for revocation or suspension of license granted.

**Chapter 2. Alcoholic Beverages**

**Section 3-2-1. Definitions.**

All of the terms and phrases used in this section shall be given the same uses and meanings as defined by the Oklahoma alcoholic beverage control act.

**Section 3-2-2. Payment of Fee and State License Required.**

Any state licensee originally entering upon any business herein listed shall pay the fee therefor at the office of the town clerk-treasurer on or before the date upon which he enters upon such business. The licensee shall provide a copy of his current state license before payment of a license fee will be accepted. Thereafter, the licensee shall pay the fee annually on or before June 30. Any person who engages in any of the businesses where a fee is required by this chapter without paying the fee imposed therefor in advance of such operation is guilty of an offense against the town and, upon conviction thereof, shall be fined as provided in section 1-4-1 of this code, excluding costs. Each day of such violation shall constitute a separate offense.

**Section 3-2-3. License Fees.**

- A. There is hereby assessed an annual license fee on every business or occupation relating to alcoholic beverages as specifically enumerated herein and in the amount herein stated:

Brewer	\$1,250.00
Distiller	3,125.00
Winemaker	625.00
Oklahoma winemaker	75.00
Rectifier	3,125.00
Wholesaler	3,500.00
Class B wholesaler	625.00
Retail package store	305.00
Mixed beverage Initial	1,005.00

Renewal	905.00
Caterer Initial	1,005.00
Renewal	905.00
Special event, per day	5.00

- B. The license fee for those service organization which are exempt under section 501(c)(19), (8) or (10) of the internal revenue code for mixed beverages or bottle club license shall be five dollars (\$5.00) per year.
- C. If a brewer or a class B wholesaler also holds a license from the state to manufacture or wholesale any low point beer, then the license fee for such brewer or class B wholesaler shall be reduced by seventy five percent (75%). (1984 Code § 3-102; amd. 2004 Code)
- D. The license fee subject to this chapter shall be prorated on a monthly basis for the year in which the business begins operations.

**Section 3-2-4. Issuance of License; Display Required.**

Upon payment of the license fee, the town clerk-treasurer shall issue a receipt to the state licensee which the licensee shall post in a conspicuous place on the premises wherein he carries on his business.

**Section 3-2-5. Annual Report to State.**

The town clerk-treasurer shall make an annual report to the ABLE commission, covering the fiscal year, showing the number and class of licensees subject to the license fee and the amount of monies collected from the fee.

**Section 3-2-6. Location.**

- A. No retail package store or any other business licensed by this chapter shall be located or operated at any place except at locations permitted by the town's zoning or planning laws.
- B. It shall be unlawful for any retail package store to be located within three hundred feet (300') of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance indicated in this section shall be measured from the nearest property line of such public or private school or church to the nearest perimeter wall of the premises of any such retail package store which has been licensed to sell alcoholic beverages. If any school or church shall be established within three hundred feet (300') of any retail package store, subject to the provisions of this section after such retail package store has been licensed, the provisions of this section shall not be a deterrent to the renewal of such license if there has not been a lapse of more than sixty (60) days. When any retail package store changes ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified.

**Section 3-2-7. Separated Premises Required.**

The premises of a retail package store shall be separated from the premises on which any other goods, wares, or merchandise are sold or services are rendered, by nontransparent walls which may be broken by a passageway to which the public is not admitted for the purpose of selling, reselling, or delivering in connection with the sale of the alcoholic beverages. No person shall take any alcoholic beverage through any passageway described in this section for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverages.

**Section 3-2-8. Days and Hours of Sales.**

It is unlawful for any person holding a license for a retail package store or any employee or agent thereof to keep the premises of the retail package store open for the purpose of selling, or to sell, any alcoholic beverages at any hour other than between the hours of ten o'clock (10:00) A.M. and nine o'clock (9:00) P.M., Monday through Saturday; or on the day of any general, primary, runoff primary, or special election while the polls are open, whether on a national, state, county, or town election; or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, or Christmas Day.

**Section 3-2-9. Restrictions on Sales, Consumption and Activities.**

- A. Prohibitions: It is unlawful for any person:
  - 1. Persons Under Twenty One:
    - i. Knowingly to sell, deliver, or furnish alcoholic beverages to any person under twenty one (21) years of age.
    - ii. Who is under the age of twenty one (21), to misrepresent his age in writing or by presenting documentation of age for the purpose of inducing any person to sell him alcoholic beverages.
    - iii. To employ any person under the age of twenty one (21) years in the selling or handling of alcoholic beverages.
    - iv. Who is a licensee or an agent or employee thereof to permit any person under twenty one (21) years of age to enter into, remain within, or loiter about a licensed premises. (1984 Code§ 3-109)
  - 2. Sales To Certain Persons: Knowingly to sell, deliver, or furnish alcoholic beverages to an intoxicated person.
  - 3. Open Containers, Consumption In Retail Package Stores: To open a retail container or consume alcoholic beverages on the premises of a retail package store; or for any operator of a retail package store or any person in charge thereof to permit any person to open a retail container therein or consume alcoholic beverages therein. (1984 Code§ 3-108)

4. Transporting: To knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and 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. (2004 Code)
  5. Drinking, Intoxicated Person On Premises: To drink intoxicating liquor in public or to be intoxicated in a public place.
  6. Permitting Intoxicated Person On Premises: Who is the operator of a cafe, restaurant, club, or any place of recreation, to permit any person to be drunk or intoxicated in such place of business. (1984 Code§ 3-109)
- B. Package Store Sales Restrictions: Retail package stores may sell alcoholic beverages only in retail containers in the original package for consumption off the premises. Alcoholic beverages shall be sold only at ordinary room temperatures.

#### **Section 3-2-10. Advertising Restrictions.**

- A. Generally: No person shall advertise, or cause to be advertised, in any manner, other than as authorized by this chapter, the sale of alcoholic beverages within the limits of the town.
- B. Package Stores: No person owning, operating or maintaining a retail alcoholic beverage package store shall cause or permit said store to be designated by more than one sign, which shall contain only the words "Retail Alcoholic Liquor Store", or any combinations of such words or any of them, and which shall contain no letter or figure more than four inches (4") in height or more than three inches (3") in width and in which the lines of words, if more than one, shall not be more than one inch (1") apart.

#### **Section 3-2-11. Certificates of Compliance and Zoning.**

- A. Certificate Of Compliance:
  1. Application For Certificate; Fee: Every applicant for a certificate of compliance with the zoning, fire, health, and safety codes of the town required by 37 Oklahoma Statutes shall apply at the office of the town clerk-treasurer by:
    - i. Filing a written application on forms prescribed by that office; and
    - ii. Paying a verification and certification fee in the amount of twenty five dollars (\$25.00) at the time of filing.

2. Investigation Of Premises: Upon receipt of an application for a certificate of compliance, the chief of police 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.
  3. Time For Town Action: The chief of police shall act on all such applications within twenty (20) days of receipt thereof.
- B. Issuance Of Certificates:
1. Certificate Of Zoning: 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.
  2. Certificate Of Compliance: 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.
  3. Signatures Required: The above certificates shall be signed by the president of the board of trustees.

#### **Section 3-2-12. Violation; Penalty.**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-4-1 of this code.

### **Chapter 3. Low Point Beer**

#### **Section 3-3-1. Definitions.**

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

LOW POINT BEER: All beverages containing more than one-half of one percent (0.5%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight.

MINOR: A person who has not yet attained the age at which a person is permitted to consume low point beer under state law.

RETAIL DEALER: Any person, firm, corporation, association, or concessionaire who sells, distributes, or dispenses at retail any low point beer within the corporate limits of the town without regard as to any place where such beverage may be consumed or used.

#### **Section 3-3-2. License Required.**

It is unlawful for any retail dealer, whether permanent or temporary, to sell, distribute, or dispense any low point beer without having first received a municipal license as herein required.

#### **Section 3-3-3. License Fees.**

- A. Fees Levied: There is hereby levied upon each retail dealer in low point beer for consumption on or

off the premises an annual license fee of twenty dollars (\$20.00), and an annual license fee of ten dollars (\$10.00) for sale of low point beer which is in the original package and is not for consumption on the premises.

- B. Payment Of Fees: All such municipal license fees shall be paid to the town clerk-treasurer at the time of issuance of license and in the manner prescribed herein.
- C. Expiration Of License; Proration Of Fee: All licenses issued under the provisions of this chapter shall expire on June 30 of each year. The amount of any license fee levied shall be computed pro rata from the months remaining in the year ending June 30. Such fees paid on or before the fifteenth day of any month shall be on the basis of the first day of the month, and such fees paid after the fifteenth day of the month shall be on the basis of the first day of the next succeeding month.

#### **Section 3-3-4. Compliance with Law.**

No municipal license shall be issued to any retail dealer by the town clerk-treasurer without a satisfactory showing that the applicant has obtained all state and county permits required by law, and has in all other respects complied with the state and local alcoholic beverage control requirements.

#### **Section 3-3-5. Nontransferability of License.**

No license shall be transferrable.

#### **Section 3-3-6. Hours and Days of Sales.**

It is unlawful for any person, firm, or corporation to sell low point beer for consumption on the premises between the hours of twelve o'clock (12:00) midnight Saturday and seven o'clock (7:00) A.M. on the following Monday; and on other days of the week between the hours of twelve o'clock (12:00) midnight and seven o'clock (7:00) A.M. of the following day.

#### **Section 3-3-7. Underage Persons.**

- A. Sale To, Purchase By: It is unlawful for any person, firm or corporation to sell, offer for sale, give away, procure for, or otherwise dispense to any minor any low point beer; or for any minor to purchase, receive or procure any low point beer.
- B. Employment: It is unlawful for any owner, manager, or operator of a place where low point beer is sold for consumption on the premises, except an eating place where the service of such beverage is incidental to the main business of serving food, to employ a minor to work in such place.

#### **Section 3-3-8. Conduct of Business.**

- A. Intoxicated Persons: It is unlawful for the owner, manager, or operator of a place where low point beer is sold for consumption on the premises to sell or otherwise furnish such beverages to an intoxicated person or to permit an intoxicated person to remain or loiter therein.

- B. Gambling; Drinking Alcoholic Beverages: Noisy Conditions; Profanity: It is unlawful for the owner, manager, or operator of such a place to permit therein gambling, betting, operation of a lottery; sale, furnishing, or drinking of alcoholic beverages; disorderly conduct; loud or disturbing language, noise, or music; profane language; or any other violation of the laws of the state or of the ordinances of the town, or for any person to engage in any such activity or conduct in such a place. (1984 Code§ 3-207; amd. 2004 Code)
- C. Athletic Contests: It is unlawful for the owner, manager, or operator of such a place to permit therein fighting, boxing, wrestling, or other contests of physical strength; or for any person to fight, box, wrestle, or engage in other contests of physical strength in such a place.

#### **Section 3-3-9. Drinking in Public Prohibited.**

It is unlawful for any person to drink any low point beer while such person is upon any public street, alley, or other public highway, or in any public building or other public place within the town. This section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

#### **Section 3-3-10. Revocation of License.**

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

#### **Section 3-3-11. Violation; Penalty.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-4-1 of this code.

### **Chapter 4. Fireworks**

#### **Section 3-4-1. Use and Sales; Compliance with Provisions.**

Except as otherwise provided in this chapter, it shall be unlawful for any person or other entity to manufacture, purchase, offer for sale, sell at retail, or use or discharge or explode any "class C (common)" or other fireworks and related items within the corporate limits of the town, except as provided in this chapter.

#### **Section 3-4-2. Sale of Fireworks.**

- A. License Required; Time Period: Any person, entity, or organization, including nonprofit, civic, charitable, fraternal, educational, or religious organizations, located and domiciled within the corporate limits of the town shall be licensed by the town clerk-treasurer to sell class C (common) fireworks and related items from June 20 through July 4, daily, from eight o'clock (8:00) A.M. until ten o'clock (10:00) P.M., with the exception of July 4 where the hours will be from eight o'clock (8:00) A.M. through eleven o'clock (11:00) P.M. (Ord. 201(2), 9-13-2004)
- B. Application For License; Fee: Annual licenses for the sale of fireworks within the corporate limits of the town shall be obtained by filing a written

application for each location with the town clerk-treasurer and paying the annual license fee in the sum of two hundred fifty dollars (\$250.00) for each location no later than June 20 of each year.

C. Issuance Or Denial Of License:

1. Issuance; Conditions: If the organization meets the requirements of this chapter, it shall be issued a license by the town clerk-treasurer pending approval by the fire chief of the following requirements:

- i. Insurance Required: A minimum liability insurance policy of two hundred fifty thousand dollars (\$250,000.00) for bodily injury and property damage, from an insurance company currently licensed by the state to do business.
- ii. Plot Plan: A plot plan submitted to the town clerk-treasurer for review by the police chief or his designee and the fire chief or his designee. The plot plan will show the location, size of stand, parking areas, traffic circulation patterns, and the proposed methods of storing fireworks. The approval of the plan shall be at the discretion of the chief of police or his designee and the fire chief or his designee, and their approval will be evidenced by their signature upon the plan.
- iii. State Licenses: Any and all licenses required by state law.
- iv. Signature: Final approval of the application will be evidenced by the fire chief of his signature or that of his designee on the application.

2. Denial Of License; Appeal: Should a question arise concerning the eligibility of an organization to qualify for a license or if the plot plan is not approved by the police chief or his designee or the fire chief or his designee or the application is denied for any other reason, the matter may be timely submitted to the town board of trustees for final decision at the request of the applicant.

D. Staffing And Operation:

1. Staff: All licensed fireworks stands and structures selling fireworks and related items must be staffed and operated by members of the licensed organization. An adult member (18 years or older) of the licensed organization must be present at all times during the operation of the stand.
2. Sales To Children Prohibited: It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years unless accompanied by an adult.

E. Removal Of Stands; Restoration Of Area: All fireworks stands and structures for the sale of fireworks and related items must be taken down

and/or removed from their location within fifteen (15) days after July 4 of each year. In addition, the area wherein the stand or structure was located shall be returned to its prior condition by picking up all refuse pertaining to the operation of the fireworks stand or structure.

**Section 3-4-3. Discharge of Fireworks.**

- A. Days And Hours: The discharge of fireworks shall be allowed only between the hours of three o'clock (3:00) P.M. through ten o'clock (10:00) P.M. for the period of June 20 through July 4, with the exception of July 4, where the hours will be nine o'clock (9:00) A.M. through eleven o'clock (11:00) P.M. Discharge of fireworks is totally prohibited for all hours from July 5 through the following June 19.
- B. Location: It shall be unlawful to explode or ignite fireworks within five hundred feet (500') of any church, asylum, unharvested flammable agricultural crop, public school or where fireworks are stored, sold or offered for sale.
- C. Prohibited Discharges From Or Into Vehicles, Into Crowds: No person shall ignite or discharge any articles of fireworks within or throw the same from a motor vehicle; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any group of people.

**Section 3-4-4. Public Displays.**

- A. It is unlawful to discharge any fireworks, except as otherwise provided by this chapter, at any public display, including, but not limited to, any public display at any public park; provided, that the fire chief or his designee shall permit the use of fireworks for public or private displays only when the following requirements are met:
  1. Applications for permits must be filed with the town clerk-treasurer and must give the location of the proposed display and complete description of the nature and size of the fireworks to be used. A fee of one hundred dollars (\$100.00) shall be paid to the town clerk-treasurer upon the filing of the application.
  2. A copy of federal form ATF F5400.4, bureau of alcohol, tobacco and firearms, must be submitted with the application.
  3. All the provisions of NFPA 1123 must be met. NFPA 1123 refers to the national fire protection association's "Standard for Public Display of Fireworks", but does not apply to the use of class C (common) fireworks by the general public.
  4. Every display requiring a permit shall be handled by a properly trained operator and approved by the fire chief or his designee. Such fireworks shall be discharged or fired so as not to be hazardous to property or endanger any person.
- B. Any permit issued by the fire chief or his designee shall be at his discretion, and may impose such

other restrictions upon the public display as the fire chief or his designee finds necessary.

(\$50,000.00); and property damage insurance of not less than twenty five thousand dollars (\$25,000.00). Such license shall be in effect only when such policy is in force.

**Section 3-4-5. Storage and Handling.**

- A. Signs: All fireworks and sales areas shall be conspicuously posted with signs reading "FIREWORKS -- NO SMOKING".
- B. Direct Contact By Public Prohibited:
  - 1. Fireworks offered for retail sale must be protected from direct contact and handling by the public at all times. Self-serve or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited.
  - 2. Fireworks shall not be sold or displayed to the public within any building or portion thereof or any vehicle which allows entry by any persons other than employees within such building or vehicle, unless the fireworks are kept where they cannot be reached or handled by those persons.
- C. Building Requirements: An enclosed building used for sale of fireworks to the public shall have adequate exits as determined by the fire chief. The use of tents or other nonrigid shelters for the sale or storage of fireworks where the public may move about, under or within the confines of a shelter, is prohibited.

**Section 3-5-3. Expiration of License.**

The license shall expire on June 30 of each year.

**Section 3-4-6. Operator Bonded and State Licensed.**

The operator of any public display of fireworks must be bonded by sureties licensed to do business in the state of Oklahoma in a sum sufficient to satisfy the town board of trustees and must possess any and all licenses required by state law.

**Chapter 5. Taxicabs**

**Section 3-5-1. Operator's License Required.**

It is unlawful for any person, firm or corporation to operate one or more taxicabs in the town without securing a taxicab operator's license for each taxicab.

**Section 3-5-2. Conditions of License Issuance.**

Upon application, the town will issue such license upon the following conditions:

- A. Payment Of License Fee: The applicant shall pay an annual license fee as set by the town board of trustees for each taxicab to be operated; and (1984 Code§ 26-302; amd. 2004 Code)
- B. Insurance Required: The applicant shall take out and file with the town board of trustees a standard public liability and property damage insurance policy providing public liability insurance for injury, including accidental death of any person, of at least twenty five thousand dollars (\$25,000.00), and of more than one person, at least fifty thousand dollars



**TITLE 4 – HEALTH AND SANITATION**

**Chapter 1. General Health and Sanitation Provisions:  
Enforcement**

**Section 4-1-1. Enforcement by County Health Department.**

Anywhere in this title where the term "health officer" is 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 the 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 4-1-2. Obstructing Health Officer Prohibited.**

It is unlawful for any person to wilfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of the town.

**Section 4-1-3. Quarantine Violations.**

It is unlawful for any person to wilfully violate or refuse or fail to comply with any lawful order, direction, prohibition, rule or regulation of the county health department, or any officer charged with enforcement of such order, direction, prohibition, rule or regulation.

**Section 4-1-4. Violation; Penalty.**

Any person who violates any provision of this title or any law or code adopted by reference in this title is guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code. In addition thereto, such person may be enjoined from continuing such violations.

**Chapter 2. Food Regulations**

**Section 4-2-1. U.S. Food Service Sanitation Ordinance and Code.**

- A. Ordinance And Code Adopted: The unabridged form of the latest edition of the United States public health service food service sanitation ordinance and code is hereby adopted and incorporated in this code by reference. Three (3) copies of the sanitation ordinance and code shall be on file in the office of the town clerk-treasurer. The sanitation ordinance and code 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. Deletions From Ordinance And Code: In the sanitation ordinance and code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: subsections H2e, H7 and HS.
- C. Definition: "Health authority" shall mean the director of the county health department or his designated representative.
- D. Violation; Penalty: Any person who violates any provision of this section shall be guilty of a

misdeemeanor and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code. In addition thereto, any person convicted of violation may be enjoined from continuing the violation

**Section 4-2-2. U.S. Milk Ordinance.**

- A. Ordinance Adopted: Part II of the grade A pasteurized milk ordinance 1965, 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; and the issuing and revocation of permits to milk producers, haulers and distributors. At least three (3) copies of the pasteurized milk ordinance shall be filed in the office of the appropriate official.
- B. Amendments To Ordinance: Sections 9, 16 and 17 of the abridged ordinance shall be replaced, respectively, by subsections 81 and 82 of this section. (1984 Code § 8-202)
  - 1. 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, or when the grade is unknown, ungraded milk may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded". (1984 Code § 8-203; amd. 2004 Code)
  - 2. Violation; Penalty: Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code.

**Chapter 3. Nuisances**

**Section 4-3-1. Powers of Town.**

As provided in title 50 Oklahoma Statutes section 16, 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 given.

**Section 4-3-2. Nuisances Defined Generally.**

- A. Nuisance: A "nuisance" is unlawfully doing an act or omitting to perform a duty or is anything or condition which either:
  - 1. Injures or endangers the health or safety of others;
  - 2. Is obscene;

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 way, or other public property of any kind whatsoever; or
  4. In any way renders other persons insecure in life or in the use of property; provided, however, this section shall not apply to preexisting agricultural activities.
- B. Public Nuisance: 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. Private Nuisance: Every nuisance not included in subsection B of this section is a "private nuisance".

#### **Section 4-3-3. Certain Public Nuisances Enumerated.**

- A. Nuisances Enumerated: 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. Unwholesome Food Or Drink: The sale or offering for sale of spoiled food or drink; or the keeping of a place where such sales or offerings are made. (1984 Code§ 8-307)
  2. Liquor Violations : The sale, offering for sale or furnishing of alcoholic beverages and low point beer in violation of state law or ordinances of the town; or the keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of state law or ordinances of the town.
  3. Obscene Materials: 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. Gambling: The keeping of a place where persons gamble, whether by cards, slot machines, punchboards or otherwise.
  5. Bawdy, Disorderly Houses:
    - i. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced.
    - ii. The keeping of a place where activities in violation of state law or ordinance are practiced or carried on.
  6. Noisy Conditions: The sustained making of any noise which is so loud or obnoxious as to disturb the quiet of the community.
  7. Interfering With Wireless Reception: The operation of any electrical apparatus or machine that interferes with radio or television reception.
- B. Enumeration Cumulative: 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 4-3-4. Nuisances Prohibited.**

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 4-3-5. Persons Liable.**

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

**Section 4-3-6. Lapse of Time; Effect.**

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

**Section 4-3-7. Remedial Action.**

- A. 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:
    - i. By the person injured, as provided in 50 Oklahoma Statutes section 12; or
    - ii. By the town, in accordance with law or ordinance.
- B. Private Nuisances: The remedies against a private nuisance are:
  - 1. Civil action; or
  - 2. Abatement:
    - i. By the person injured, as provided in title 50 Oklahoma Statutes sections 14 and 15; or
    - ii. By the town, in accordance with law or ordinance.

**Section 4-3-8. Public Health Nuisance Abatement.**

- A. Removal Of Nuisance Condition; Authority: Pursuant to authority granted by 63 Oklahoma Statutes section 1-1011, 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 reasonable, and a failure to do so shall constitute an offense.
- B. Nature And Service Of Order: Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer or by a police officer, or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if

known and within the state. If the premises is unoccupied and the residence of the owner, occupant or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the town. (1984 Code§ 8-311; amd. 2004 Code)

- C. Abatement By Town; Costs: 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-treasurer, 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-treasurer, may be collected in any manner in which any other debt due the town may be collected.

**Section 4-3-9. Summary Abatement of Nuisances.**

- A. Dangerous Condition; Immediate Action Required: 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. Statement Of Nuisance; Recommended Abatement: The chief of the fire department, the chief of police, the town attorney, the building inspector, the electrical inspector, the plumbing inspector<sup>1</sup> 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.
- C. Determination Of Nuisance Existence; Notice Of Hearing: 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 persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a newspaper of general circulation within the town.

- D. Failure Of Owner To Abate: 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 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 50 Oklahoma Statutes section 16. The town clerk-treasurer 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 4-3-10. 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 as provided in 50 Oklahoma Statutes section 17.

#### **Section 4-3-11. Procedures Cumulative.**

The various procedures for abating nuisances prescribed by this chapter and by other provisions of law and ordinance shall be cumulative to any other penalties or procedures authorized.

### **Chapter 4. Weeds and Trash**

#### **Section 4-4-1. Definitions.**

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

**LITTERING:** Throwing any trash, refuse, wastepaper, tin cans, bottles or any other object or substance whatever upon the public streets, alleys, roadways, sidewalks or any public place in the town or upon any real property owned or occupied by another.

**OWNER:** The owner of record as shown by the most current tax rolls of the county treasurer.

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

**WEEDS:** A. Includes, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

1. Exceeds twelve inches (12" in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden, unless such trees and shrubbery, by their density or location, constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;
  2. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;
  3. Harbors rodents or vermin;
  4. Gives off unpleasant or noxious odors;
  5. Constitutes a fire or traffic hazard; or
  6. Is dead or diseased.
- B. The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty feet (150') from a parcel zoned for other than agricultural use.

#### **Section 4-4-2. Unlawful Accumulation and Deposit of Weeds and Trash.**

- A. Accumulation: 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 or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds. (1984 Code § 8-101)
- B. Deposits: 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, or alley, or in any ditch or watercourse, or upon the premises of another, or upon any public ground in the town.

#### **Section 4-4-3. Littering.**

- A. Littering Prohibited Generally: It is unlawful for any person to litter. (1984 Code§ 8-112)
- B. Littering From Vehicles: 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, wastepaper, tin cans or any other substance or refuse whatsoever. (1984 Code§ 8-113)
- C. Accumulation Of Litter; Windblown Litter:
1. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, wastepaper, 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.

2. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, wastepaper, 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 4-4-4. Removal of Dead Animals.**

The owner or any person having charge of any animal dying in the town shall, within twenty four (24) hours after the death of such animal, remove its carcass. Failure to do so shall constitute a misdemeanor.

#### **Section 4-4-5. Report of Violations.**

- A. Notice Of Violation: The code enforcement officer, or in this person's absence 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 give notice of violation permitting ten (10) days to correct violation, after which a summons to appear will be issued.
- B. Items Appearing Before The Municipal Judge: Upon receiving the summons prescribed by subsection A of this section, the town clerk-treasurer shall place the matter upon the docket of the municipal judge for hearing and consideration at the next appropriate date which will permit giving the notices prescribed by state law.

#### **Section 4-4-6. Notice of Court Date.**

- A. Notice To Owner: The owner of the property being summoned will consider the summons as notice of a violation and a copy will be forwarded 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 county treasurer.
- B. Publication Of Notice: If the returned receipt shows that the property owner cannot be located, notice shall be given by publication in a newspaper of general circulation in the town one time not less than ten (10) days prior to the date of the hearing.

#### **Section 4-4-7. Hearing; Order to Abate.**

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 municipal judge 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 municipal judge determines that any of the conditions specified in subsection 4-4-2A or 4-4-5A of this chapter exist upon the premises, the municipal judge shall fine the owner unless the owner either:

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

#### **Section 4-4-8. Abatement by Town; Costs.**

- A. Failure To Abate; Abatement By Town: The work ordered to be performed under section 4-4-7 of this chapter may be done by the employees of the town under supervision of the town utility or sanitation department, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts<sup>1</sup> • (1984 Code § 8-105)
- B. Costs Determined; Issuance Of Bill: Upon completion of the work ordered to be performed under section 4-4-7 of this chapter, the town clerk-treasurer shall report the cost thereof to the town board. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of five percent (5%) of direct actual costs. The board shall examine the report and, after receiving appropriate information, shall determine the total cost of the work. The board shall direct the town clerk-treasurer 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 county treasurer. (1984 Code § 8-106; amd. 2004 Code)
- C. Failure To Pay Costs; Lien Provisions: 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 4-4-6 of this chapter, the town clerk-treasurer shall forward a certified statement of the amount of the costs to the county treasurer, in order that the amount be levied upon the property and be collected by the county treasurer in the manner prescribed by the law of the state. 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 subsection, the town may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the town clerk-treasurer shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

#### **Section 4-4-9. Service of Notices.**

The service of all notices prescribed by this chapter shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the town clerk-treasurer.

#### **Section 4-4-10. Violation; 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 fined as provided in section 1-4-1 of this code.

the board shall also include a general recommendation for the approval or disallowance of the application.

## **Chapter 5. Landfills, Refuse Collections and Junkyards**

### **Section 4-5-1. Purpose.**

The purpose of this chapter is to provide adequate control over the establishment, operation and maintenance of landfills, garbage dumps, refuse collections, rubbish heaps, waste yards, junkyards or trash piles within the corporate limits of the town, and to secure safety from fire and to protect the health and general welfare of the inhabitants of the town.

### **Section 4-5-2. Application of Provisions.**

No substantial property right accrued or action or proceeding commenced prior to the effective date of this chapter shall be affected by the provisions hereof, but all provisions thereafter taken shall, so far as possible, conform to the provisions of this chapter.

### **Section 4-5-3. Compliance and Permit Required.**

- A. No person, firm or corporation shall establish, operate and maintain a landfill, garbage dump, refuse collection, rubbish heap, waste yard, junkyard or trash pile within the corporate limits of the town, until they have fully complied with the provisions of this chapter and have obtained the necessary permits.
- B. It is unlawful and an offense for any person, firm or corporation or any individual, either for himself or acting as agent, employee or servant of any other person, firm or corporation, to establish, operate and maintain landfills, garbage dumps, refuse collections, rubbish heaps, waste yards, junkyards or trash piles or to engage in any activity or erect any structures or appurtenances incident to such activities, unless a permit shall have been first obtained as provided by the terms of this chapter.

### **Section 4-5-4. Permit Defined.**

The term "permit", as used herein, shall mean a written permit allowing the holder thereof to establish, operate and maintain landfills, garbage dumps, refuse collections, rubbish heaps, waste yards, junkyards or trash piles.

### **Section 4-5-5. Application for Permit; Action Taken.**

Application for permit shall be made to the town clerk-treasurer on the prescribed form and shall be sent to the planning commission which shall have the following jurisdiction and authority:

- A. To receive and act upon applications for permits for the establishment, operation, and maintenance of landfills, garbage dumps, refuse collections, rubbish heaps, waste yards, junkyards or trash piles within the corporate limits of the town and to determine the location thereof; and
- B. To make recommendations to the board of trustees as to the manner in which a particular application will affect the land usage of the town, taking into consideration the health and general welfare of the inhabitants of the town. The recommendations to

### **Section 4-5-6. Permit Fee.**

The fee for establishing, operating and maintaining landfills, garbage dumps, refuse collections, rubbish heaps, waste yards, junkyards, or trash piles within the corporate limits of the town, as such limits may now or hereafter be fixed by ordinance, shall be as set by the town board of trustees by motion or resolution. No such permit shall be issued without payment of such fee and until said fee has been paid to the town clerk-treasurer without regard to or irrespective of any application now pending for which a permit has not yet been issued.

### **Section 4-5-7. Bond Requirements.**

No permit for the establishment, operation or maintenance of landfills, garbage dumps, refuse collections, rubbish heaps, waste yards, junkyards, or trash piles shall be issued to any person, firm or corporation, until there has been filed with the town clerk-treasurer a good and sufficient bond covering each area for which a permit is applied, executed by some bonding or indemnity company authorized to do business in the state, running in the name of the town. The maximum total liability under the bond for loss or damages, either to persons or property, shall be no less than three million dollars (\$3,000,000.00). Such bond shall be made for a period of not less than one year, and a new bond shall be furnished at the expiration of any existing bond, so long thereafter as operation continues. In case any bond required herein shall lapse or become void for any reason whatsoever, in addition to the general penalty for violation of any ordinance, the permit or permits issued under the terms of this chapter shall immediately become inoperative and void until a new bond shall be provided and filed with the town clerk-treasurer or the existing bond reinstated in full force, and areas covered by such lapsed or voided bond shall be shut down and all operation thereof shall be suspended and discontinued until the filing of such new bond shall be approved by the board of trustees.

### **Section 4-5-8. Penalty.**

Any person, partnership or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in section 1-4-1 of this code for each violation. Each day of violation shall constitute a separate offense under this chapter.

## **Chapter 6. Open Burning**

### **Section 4-6-1. Definition.**

"Open burning" is any burning not in an approved container.

### **Section 4-6-2. Open Burning Restrictions; Liability for Damages or Injuries.**

No person shall cause or permit an open burning in any public or private place outside any building, provided that the following kinds of open burning may be conducted if no public nuisance is or will be created and the proper permit is received from the fire chief. The authority to conduct open burning under the provisions of this section does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct, nor does it excuse or exempt any person from complying with all

applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this section. The following are permissible only after a burn permit application, when applicable, has been submitted and approved by a town official, and all established fees have been paid:

- A. Fires purposely set for the instruction and training of firefighting personnel when authorized by the fire chief.
- B. Fires set for the elimination of fire hazards or hazardous material where there is no other practical or lawful method of disposal, and such burning is authorized by the fire chief and the director.
- C. Campfires and other fires used solely for recreational or ceremonial purposes, or for outdoor noncommercial preparation of food.
- D. Fires purposely set for the management of forests or game in accordance with practices recommended by the Oklahoma department of agriculture or the United States forest service and which are authorized by the fire chief.
- E. The burning of refuse and other combustible materials generated in the operation of a domestic household, in an approved incinerating device, when no regular garbage service is available.
- F. The burning of combustible material in an open pit incinerator which is designed and operated for the control of smoke and particulate matter.
- G. The burning of hydrocarbons by atmospheric flares when no other means of disposal is practical.
- H. The burning of trees, brush, grass, and other vegetable matter for the purpose of clearing lands (agricultural crop burning), and when:
  - 1. The burning is not within one hundred fifty feet (150') of an occupied residence or structure other than those located on property where the burning is conducted.
  - 2. Care is used to minimize the amount of dirt on the material being burned.
  - 3. Oils, rubber and other similar materials which produce unreasonable amounts of air contaminants and smoke are not burned.
  - 4. No traffic hazard is created.

**Section 4-6-3. Supervised Burns.**

The applicant shall furnish sufficient personnel and equipment to supervise and control the burning. Any unattended fire will be noncompliant and the applicant can be subject to any and all fines and penalties applicable under provisions of this code.



## TITLE 5 – PUBLIC SAFETY

### Chapter 1. Police Department

#### **Section 5-1-1. 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.

#### **Section 5-1-2. Duties of Department.**

It is the duty of the police department:

- A. To apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the town;
- B. To suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace;
- C. To serve all warrants, writs, executions, and other process properly directed and delivered to them;
- D. To apprehend and arrest persons violating federal or state law as provided by law and to turn them over to proper authorities; and
- E. In all respects to perform all duties pertaining to the office of police officer.

#### **Section 5-1-3. Police Officers.**

Upon approval of the board of trustees, police officers shall be hired, by the police chief, and shall perform such duties as shall be required of them by the police chief, town ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace.

### Chapter 2. Fire Department

#### **Section 5-2-1. Department Established; Composition.**

- A. There is a fire department, the head of which is the chief of the fire department or fire chief, appointed by the town board of trustees, and removable by the trustees. The chief of the fire department is an officer of the town and has supervision and control of the fire department. (1984 Code § 13-401)
- B. The town fire department is a volunteer fire department which has in its employ not more than two (2) full time salaried firefighters and not less than eight (8) nor more than twenty five (25) volunteer fire-fighters. For the purpose of this chapter, a 11volunteer firefighter 11 shall be considered as one who is enrolled as a member of the fire department and who serves in that capacity without receiving a regular salary.

#### **Section 5-2-2. Qualifications of Firefighters.**

- A. All firefighters shall be eighteen (18) years of age, in good health, and residents of the town.

- B. All fire chief recommended nonresident applicants must be between the ages of eighteen (18) and forty five (45), in good health and will be subject to approval by the town board of trustees. The fire chief shall have the discretion to fire, promote or demote as needed.

#### **Section 5-2-3. Duties of Department.**

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 fire, fire prevention, and safety of persons from fire and explosion in theaters, stores, and other public buildings.

#### **Section 5-2-4. Powers and Duties of Chief.**

The chief is the head of the department and subject to the laws of the state, ordinances of the town, and the rules and regulations herein adopted. The chief shall be held 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 the following duties:

- A. To inspect or cause to be inspected by members of the department, the fire hydrants, cisterns, and other sources of water supply at least twice each year to determine their readiness and availability for firefighting;
- B. To 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;
- C. To make every effort to attend all fires and direct the officers and members in the performance of their duties;
- D. To see that the citizens are kept informed on fire hazards in the community and on the activities of the department; and
- E. To see that each fire is carefully investigated to determine its cause and, in the case of suspicion of incendiarism, shall notify proper authorities and secure and preserve all possible evidence for future use in the case.

#### **Section 5-2-5. Other Department Personnel.**

- A. 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. (1984 Code § 13-404)
- B. Company Officers: The company officers shall be selected upon their ability to meet the following requirements:
  1. Their knowledge of firefighting;
  2. Their leadership ability; and
  3. Their knowledge of firefighting equipment. (1984 Code § 13-405)

- C. Secretary-Treasurer: One member elected by the fire department shall be 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 monies due the department by the members.

**Section 5-2-6. New Members.**

All new members shall be on probation for one year after their appointments. New volunteer members, upon completion of their probation period, must be approved by the majority of the fire department.

**Section 5-2-7. Bylaws.**

The bylaws of the department shall include the following:

- A. All volunteer firefighters are required, when notified, to respond to alarms of fire and other emergencies;
- B. They are required to be present at all regular meetings, call meetings, and schools presented for the benefit of the firefighters;
- C. There shall be at least one regular business meeting each month;
- D. Any volunteer firefighter 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;
- E. Volunteer firefighters leaving town for an extended period of time will be required to notify the chief;
- F. Any volunteer firefighter refusing to attend training classes provided for him will be dropped; and
- G. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
  1. Conduct unbecoming a firefighter;
  2. Any act of insubordination;
  3. Neglect of duty;
  4. Any violation of rules and regulations governing the fire department; or
  5. Conviction of a felony.

**Section 5-2-8. Firefighters Pension and Retirement Fund.**

- A. Operation To Comply With State Law: The town's firefighters pension and retirement system and fund shall be operated in accordance with state law relating to the fund and system. (1984 Code § 2-502)
- B. Contributions To Fund: The clerk-treasurer shall deduct from the salaries or wages of each paid member of the fire department the amounts which

are required by applicable state law. 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 town clerk-treasurer shall deposit monthly in the Oklahoma firefighters pension and retirement fund 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.

C. Deposits With State:

1. Monthly Deposits: The town clerk-treasurer shall deposit monthly with the Oklahoma firefighters pension and retirement fund the amounts of monies which are required by applicable state law for each paid member of the fire department.
2. Annual Deposit: For each volunteer member of the fire department, the town clerk-treasurer shall deposit yearly with the Oklahoma firefighters pension and retirement fund the amounts of monies which are required by applicable state law. These amounts may be revised according to actuarial studies and amounts as set by the Oklahoma firefighters pension and retirement board.
3. Assets: All assets of the town firefighters pension and retirement fund shall be transferred to the Oklahoma firefighters pension and retirement fund. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the state board.

**Section 5-2-9. Service Outside Town.**

The fire department, in accordance with any regulations the town board of trustees may prescribe, may respond to calls outside the town limits. In answering calls outside the limits or performing fire prevention, rescue, resuscitation, first aid, inspection or any other official work outside the town limits, the department shall be considered an agent of the state and acting in a governmental capacity. The town shall not be liable for any act of commission, omission or negligence in answering, returning from or performing such work outside the limits.

**Section 5-2-10. Rules and Regulations.**

The town board of trustees, by motion or resolution, may adopt rules and regulations governing the fire department.

**Chapter 3. Emergency Management Organization**

**Section 5-3-1. Purpose.**

An emergency management 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.

**Section 5-3-2. Department of Emergency Management Created.**

There is hereby established, under the executive branch of the government of the town, a department of emergency management, which shall consist of:

- A. Director: A director of emergency management, who may be the fire chief, and who shall be appointed and may be removed, with or without cause, by the mayor and the board of trustees.
- B. Advisory Committee: An emergency management 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 emergency management.

**Section 5-3-3. Director of Emergency Management.**

- A. Executive Official; Compensation: The director of emergency management shall be the executive head of the department of emergency management, and shall be responsible for carrying out the emergency management program of the town. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties.
- B. Powers And Duties:
  - 1. Generally: It is the duty of the director of emergency management, 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 such further duty and responsibility to cooperate with all emergency management agencies of other governmental units, including the state and federal governments. The director of emergency management is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the emergency management organization. (1982 Code § 13-303; amd. 2004 Code)
  - 2. Emergency Powers: In the event of an enemy caused emergency or emergency resulting from natural causes, the director of emergency management, after due authorization from the mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management 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 emergency management organizations. If required by the mayor, he shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the town.

**Section 5-3-4. Powers and Duties of Organization.**

- A. The director of emergency management and other members of the emergency management 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. (1982 Code § 13-304; amd. 2004 Code)
- B. The duties of the emergency management 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.

**Section 5-3-5. Compensation; Nonliability of Town.**

All members of the emergency management organization created in this chapter shall serve without compensation, and 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 4. Fire Prevention Code**

**Section 5-4-1. Code Adopted.**

There is hereby adopted by the 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, abbreviated edition, recommended by the American insurance association, being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. At least one copy of the code has been filed in the office of the town clerk-treasurer, and the same is 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 5-4-2. Modifications of Code.**

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 a property 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 5-4-3. Definition.**

Wherever the word "municipality" is used in the fire prevention code hereby adopted, it shall be held to mean the town.

**Section 5-4-4. Flammable Liquids, Liquefied Petroleum Gases, Explosives and Blasting Agents.**

A. Storage Limits: The limits referred to in the fire prevention code in which storage of flammable liquids in outside aboveground 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 section 9-1-3 of the town code. (1984 Code § 13-104)

B. Liquefied Petroleum Gases:

1. Compliance With Laws: 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 the town. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the town and shall be punishable accordingly. (1984 Code§ 5-401)

2. Violation; Penalties:

i. Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate, or certificate of registration is required by this subsection, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this subsection or by any code adopted by this subsection, or who shall otherwise violate any provision of this subsection or of any code adopted by this subsection, or who shall violate any lawful regulation or order made by any of the officers provided for in this subsection, shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code.

ii. No penalty imposed by and pursuant to this subsection 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. (1984 Code§ 5-802)

C. Explosives; Compliance With State Law: 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 5-4-5. Enforcement; Appeals.**

The code hereby adopted shall be enforced by the chief of the fire department. 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 forty five (45) days from the date of the decision appealed.

**Section 5-4-6. Violation; 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 fined as provided in section 1-4-1 of the town code.

**Chapter 5. General Offenses**

**Section 5-5-1. 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 5-5-2. 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 as provided in section 1-4-1 of this code.

**Section 5-5-3. Penalty.**

Any violation of the provisions of this chapter is punishable by fine as provided in section 1-4-1 of this code.

**Article A. Offenses Against Property**

**Section 5-5A-1. Petty Larceny.**

A. Definition: "Petty larceny" is the taking of personal property of value not exceeding five hundred dollars (\$500.00) 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. (1984 Code § 10-201; amd. 2004 Code)

- B. Prohibition: Petty larceny is unlawful, and any person who commits petty larceny shall be guilty of a misdemeanor.

**Section 5-5A-2. Taking or Tampering with 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 5-5A-3. Damage to Property.**

- A. Prohibited Generally: It is unlawful for any person to destroy, injure, deface 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. (1984 Code § 10-203; amd. 2004 Code)
- B. Park Property: It is unlawful for any person to wilfully 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 wilfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or wilfully injure or destroy any stand, bench, seat or other property situated upon such park or ground. Any person violating this subsection, upon conviction, shall be deemed guilty of an offense. (1984 Code § 10-211)
- C. Public Ways; Trees And Shrubs<sup>1</sup>
1. It is unlawful for any person to:
    - i. Wilfully 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;
    - ii. Attach any guy wires, telephone, telegraph, or electric wire, or any other wire to any live tree;
    - iii. 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.
    - iv. Take or remove any dirt, earth or any substance from any street, road, alley or other public place in the town, or cut, break or otherwise injure any pavement, curb or gutter therein; or
    - v. Connect any driveway to any street or other public place without first securing permission from the utility superintendent so to do.
  2. Any such digging, removing, or driveway connection shall be done under the supervision of the utility superintendent.

**Section 5-5A-4. 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 5-5A-5. Throwing or Shooting Objects.**

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 the case where such is done in defense of oneself, of another person or of property.

**Section 5-5A-6. 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 the person 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 5-5A-7. Tampering, Interfering with 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.

**Section 5-5A-8. Intrusion Upon Land or Structures.**

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 5-5A-9. Unlawful Entrance.**

- A. 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.

- B. 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.

**Section 5-5A-10. Trespass.**

- A. Definitions: For the purpose of this section, the following terms shall be defined as follows:

PRIVATE PROPERTY: Any property other than public property.

PUBLIC PROPERTY: That property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control.

TRESPASS: Each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. "Trespass" shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent or employee of the owner, or other person in lawful possession of the premises. "Trespass" shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a police officer. The provisions of this definition 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 definition 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 section.

- B. Trespass Prohibited: It is unlawful for any person to trespass on private property.

**Section 5-5A-11. Throwing Advertising on Public Ways.**

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

**Section 5-5A-12. Throwing Injurious Substances.**

It is unlawful for any person, purposely or with premeditation, to put or throw upon the person or property of another, or on 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 5-5A-13. 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.

**Article B. Offenses Against the Peace**

**Section 5-5B-1. Assault and Battery.**

- A. Definitions:

ASSAULT: Any intentional, wilful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

BATTERY: Any intentional, wilful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.

- B. Prohibition: 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.

**Section 5-5B-2. Disturbing the Peace.**

It is unlawful to disturb or alarm the peace of another or others by doing any of the acts set out in this section. "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:

- A. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;
- B. Appearing in an intoxicated condition;
- C. Engaging in a fistic encounter;
- D. 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;
- E. Pointing any pistol or any other deadly weapon, whether loaded or not, at any other person either in anger or otherwise;
- F. Holding an unlawful assembly of three (3) 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; (1984 Code § 10-301; amd. 2004 Code)
- G. 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;
- H. Making unnecessarily loud, offensive noises;

- I. 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
- J. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

**Section 5-5B-3. Noisy Conditions.**

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 loudspeaker, in such a manner as to emit loud music, noise or words. However, this section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music, as well as agricultural equipment operating in an agriculturally zoned area.

**Section 5-5B-4. 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 wilfully 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 5-5B-5. Weapons.**

- A. Concealed Weapons: It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring type knife, metal knuckle, or any other dangerous or deadly weapon or instrument except when doing so in line of duty or as may be permitted by law.
- B. Reckless Conduct In Possession Of Weapons: 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.
- C. Discharging Weapons:
  - 1. It shall be unlawful for any person to discharge a firearm in the town limits except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another

person or of property, or when otherwise authorized by law or ordinance.

- 2. It shall be unlawful to discharge an air rifle, air pistol or BB gun in the town limits.
- 3. The discharge of firearms within the town limits shall be allowable when the firearm does not discharge a projectile which is capable of causing death or inflicting bodily harm and is used during outdoor funerals, historical reenactments and community events.
- 4. Any person or group wishing to discharge a firearm which does not discharge a projectile which is capable of causing death or inflicting bodily harm shall apply for a permit from the town clerk- treasurer of Union City. The requirement of such permit shall not apply to the discharge of such firearms at outdoor funerals.
- 5. There shall be no charge for the permit.
- 6. This subsection shall have no effect in agricultural districts of the town located at least one-half (112) mile from any residential, manufacturing or commercial district, as established by zoning.

**Section 5-5B-6. Disorderly Conduct.**

- A. Disorderly Conduct Defined: Causing public inconvenience, annoyance or alarm, or recklessly causing a risk, conduct that disturbs the peace or endangers the morals, health, or safety of a community.
- B. Activities Constituting Disorderly Conduct: A person is guilty of disorderly conduct, misdemeanor offense, when such person creates a hazardous condition or unnecessary risk to the public, causes public alarm without justification, defaces, injures and/or otherwise temporarily damages and/or alters any public or private property without lawful permission; or disregards the public order of the community by any act contrary to law, intentionally obstructs, impedes or in any way inhibits access to an entrance to a public building or pedestrian on the right of way, intentionally obstructs, impedes or in any other way inhibits vehicles and/or pedestrian traffic upon any street, highway or sidewalk, engages in fighting and/or violent, threatening behavior, engages in, promotes, instigates, encourages, aids or abets fights, or any similar violent, threatening behavior, without lawful authority, disrupts any lawful assembly or meeting of persons, makes any abusive, violent language, or threatens to fight, quarrel, challenge to fight, shoot off, brandish any firearms which disturbs by day or night the peace and quiet or annoys the inhabitants of the town.
- C. Penalty: Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine of two hundred nineteen dollars (\$219.00) or seventy two (72) hours' imprisonment, or by both fine and seventy two (72) hours' imprisonment.

**Article C. Offenses Against Health, Welfare and Morals**

**Section 5-5C-1. Prostitution.**

- A. Definitions: For the purposes of this section, the following words and terms shall have the meanings ascribed to them in this subsection:

LETTING PREMISES FOR PROSTITUTION: 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.

PROSTITUTION: The giving of the body for sexual intercourse or sodomy for hire or money.

SOLICITING FOR PROSTITUTES: The soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution.

- B. Prohibitions: 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<sup>1</sup> ;
  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.

**Section 5-5C-2. Disorderly Houses.**

- A. Definition: 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; (1984 Code § 10-406)
  2. The violation of any of the ordinances of the town or statutes of the state regulating the sale, distribution, possession or use of alcoholic beverages including low point beer containing more than one-half of one percent (0.5%) alcohol by volume and not more than 3.2 percent alcohol by weight; (1984 Code § 10-406; amd. 2004 Code)
  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.

B. Maintaining Or Leasing A Disorderly House:

1. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining, a disorderly house.
2. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile/manufactured home, or recreational vehicle shall knowingly use, lease, sublease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile/manufactured home, or recreational vehicle is so occupied as a disorderly house, and no person, partnership or corporation shall continue to grant permission to so use such premises as a disorderly house. (1984 Code § 10-407; amd. 2004 Code)
3. 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 subsection, the town shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This subsection shall not apply to physicians or officers in the discharge of their professional or official duties.

**Section 5-5C-3. Nudity; Improper Dress; Indecent Exposure.**

It is unlawful for any person to:

- A. Appear in any public place in the town in a state of nudity;
- B. Appear in any public place in the town in any offensive, indecent or lewd dress; or
- C. Make an indecent public exposure of his or her person.

**Section 5-5C-4. Obscenity.**

- A. Definitions: The following terms, when used in this section, shall have the meanings respectively ascribed to them in this subsection:

AVAILABLE TO THE PUBLIC: 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.

DISSEMINATE: To transfer possession of, with or without consideration.

KNOWINGLY: Being aware of the character and the content of the material.

**MATERIAL:** 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.

**NUDITY:** 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 discernibly turgid state.

**OBSCENE:** That to the average person applying contemporary community standards:

1. 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;
2. The matter depicts or describes in a patently offensive manner sexual conduct regulated by 21 Oklahoma Statutes; and
3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

**PERFORMANCE:** Any preview, play, show, skit, film, dance or other exhibition performed before an audience.

**PERSON:** Any individual, partnership, firm, association, corporation or other legal entity.

**PROMOTE:** To cause, permit, procure, counsel or assist.

**PUBLIC PLACE:** Any street, alley, highway, sidewalk, park, playground or place to which the general public has access or view of as well as a right to resort for business, entertainment, or other lawful purpose. A "public place" shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, 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 and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, correctional institutions, town or government offices and any shops.

**SERVICE TO PATRONS:** The provision of services to paying guests in establishments providing food and beverages, including, but not limited to, hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waitering and waitressing, and entertaining.

**B. Obscene Conduct Prohibited:**

1. It is unlawful for any person to:
  - i. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material; or

- ii. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or
- iii. Knowingly engage or participate in any obscene performance made available to the public; or
- iv. 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. (1984 Code§ 10-411)
- v. Excrete bodily fluids, including, but not limited to: urine, feces, semen, or any other biohazardous waste in a public place. (Ord. 245, 2-11-2008)

2. 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.

C. Exemptions From Provisions: The provisions of this section shall not apply to a projectionist, assistant projectionist, usher or cashier, provided such person has no financial interest in the motion picture theater so long as that person is not acting as director or manager of the theater.

**Section 5-5C-5. Gambling.**

**A. Gambling Prohibited1:**

1. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:
  - i. 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 things of value;
  - ii. 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;

- iii. To gamble knowingly in any other manner; or
  - iv. To knowingly permit his premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this subsection.
2. 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. (1984 Code § 10-416)
- B. **Frequenting Premises Where Gambling Occurs:** It is unlawful for any person to be about in the immediate vicinity where a person is gambling, whether by playing games, operating a slot machine or other device, or otherwise.

**Section 5-5C-6. Vagrancy.**

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:

- A. For the purpose of gambling with cards, dice or other gambling paraphernalia;
- B. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;
- C. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;
- D. For the purpose of injuring, destroying, molesting or defacing any property of another;
- E. For the purpose of assaulting any person;
- F. For the purpose of begging or soliciting alms; provided, that this section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or
- G. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

**Section 5-5C-7. Begging.**

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

**Section 5-5C-8. Sleeping in Public; Curfew; Loitering.**

- A. **Sleeping In Public; Curfew:** It is unlawful for any person, between the hours of twelve o'clock (12:00) midnight and six o'clock (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. **Loitering:** 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 5-5C-9. 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 5-5C-10. Fraud.**

- A. **False Or Bogus Checks:**
  - 1. **Definition:** The term "false or bogus check or checks" shall include checks or orders which are not honored on account of insufficient funds of the maker to pay same or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given in exchange for money or property, in exchange for any benefit or thing of value, or as a down payment for the purchase of any item of which the purchaser is taking immediate possession, as against the maker or drawer thereof.
  - 2. **Prohibitions:** The making, drawing, uttering or delivering of a check draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, that such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.
- B. **Swindling:** It is unlawful to get money or property from any other person or business under false pretenses, deception, cheating or by any other fraudulent act.

**Article D. Offenses Involving Liquor and Drugs**

**Section 5-5D-1. Public Intoxication and Drinking.**

- A. **Definition:** For the purposes of this section, "a state of intoxication" means the condition in which a person is under the influence of any alcoholic beverage or low point beer, 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.

- B. Public Intoxication Prohibited<sup>1</sup>: 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.
- C. Drinking In Public Prohibited<sup>2</sup>: It is unlawful for any person to drink alcoholic beverages or low point beer, as defined by 37 Oklahoma Statutes section 163.1, upon or in any street, alley, or other public place within the town.

**Section 5-5D-2. Possession of Alcoholic Beverages by Underage Persons.**

- A. Definition: For the purpose of this section "alcoholic beverages" and "low point beer" shall be as defined in sections 3-2-1 and 3-3-1 of this code.
- B. Possession Prohibited: It is unlawful for any person under the age of twenty one (21) years to be in possession of any alcoholic beverage or low point beer while such person is upon any public street, road or highway or in any public place within the town limits.
- C. Responsibility Of Parent Or Guardian: 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 alcoholic beverage or low point beer.

**Section 5-5D-3. Transporting Alcoholic Beverages.**

- A. Definition: For the purpose of this section "alcoholic beverage" and "low point beer" shall be as defined in sections 3-2-1 and 3-3-1 of this code.
- B. Transporting Prohibitions: It is unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

**Section 5-5D-4. Prohibitions Involving Alcoholic Beverages.**

It is unlawful:

- A. For any person to barter, sell, give away or otherwise furnish to another any alcoholic beverage or low point beer of any kind except as permitted by law;
- B. To have in possession or under control any alcoholic beverage or low point beer except as permitted by law, or to transport, or in any manner convey from place to place in the town, any

alcoholic beverage or low point beer except as permitted by law;

- C. To loiter in a place where alcoholic beverage or low point beer is sold, bartered, given away or otherwise furnished contrary to law; or
- D. To keep or maintain, or aid or abet in keeping or maintaining, a place where any alcoholic beverage or low point beer is sold, bartered, given away or otherwise furnished in violation of law.

**Section 5-5D-4.1. Permitting or Allowing Gatherings where Minors Are Consuming Alcoholic Beverages.**

- A. Definitions: For purposes of this section, the following definitions shall apply:

ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine from whatever source or by whatever process produced.

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

GATHERING: A party, gathering, or event, where a group of three (3) or more persons have assembled or are assembling for a social occasion or social activity.

LEGAL GUARDIAN:

- 1. A person who, by court order, is the guardian of the person of a minor; or
- 2. A public or private agency with whom a minor has been placed by the court.

LOW POINT BEER: Means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including, but not limited to, beer, or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

MINOR: Any person under twenty one (21) years of age.

PARENT: A person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

PREMISES: Any residence or other private property, place or premises, including any commercial or business premises.

RESPONSE COSTS: The costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering including, but not limited to:

1. Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and administrative costs attributable to such response(s);
  2. The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering;
  3. The cost of repairing any town equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and
  4. Any other allowable costs relating to the enforcement of this section.
- B. Consumption Of Alcohol By A Minor In Public Place, Place Open To Public, Or Place Not Open To Public: Except as permitted by state law, it is unlawful for any minor to: 1) consume at any public place or any place open to the public any alcoholic beverage; or 2) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.
- C. Hosting, Permitting, Or Allowing A Party, Gathering, Or Event Where Minors Consuming Alcoholic Beverages Prohibited:
1.
    - i. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering, controlling the quantity of alcoholic beverages at the gathering, verifying the age of persons attending the gathering by inspecting driver's licenses or other government issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering, and supervising the activities of minors at the gathering.
    - ii. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection C1a of this section.
  2. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.
  3. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to the immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a nonfamily gathering.
  4. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering and is found to be in public, then said providers of alcohol will be held responsible in the same manner as a nonreligious gathering.
  5. This section shall not apply to any premises licensed by the state of Oklahoma to dispense alcoholic beverages.
- D. Penalty: Any person who shall violate the provisions of this section shall be deemed guilty of an offense against the town and upon conviction thereof shall be punished for violation by fine of four hundred fifty dollars (\$450.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment, plus all court costs and statutory penalties.
- E. Reservation Of Legal Options: Violations of this section may be prosecuted by the town criminally, civilly, and/or administratively. The town may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedures provided by statute, ordinance, or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this section, nor shall they limit the town's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section.
- F. Local Authority: This section shall not apply where prohibited or preempted by state or federal law.
- Section 5-5D-5. Use or Sale of Drugs.**
- It is unlawful to use, sell or furnish to another any drug or narcotic in any place in the town except as authorized by state law.
- Section 5-5D-6. Prohibitions Involving Drugs and Drug Paraphernalia.**
- A. Definitions: For the purpose of this section, the following words and terms shall have the meanings ascribed to them in this subsection:

**CONTROLLED DANGEROUS SUBSTANCE:** Substance or immediate precursor in 63 O.S. § 2-101(8). "Controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act or any drug, substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law.

**DRUG PARAPHERNALIA:** The meaning prescribed by 63 O.S. § 2-101.1. In determining whether an object is "drug paraphernalia", a court or jury shall consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Dangerous Substances Act;
3. The proximity of the object to controlled dangerous substances;
4. The existence of any residue of controlled dangerous substances on the object;
5. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to any person who intends to use the object to facilitate a violation of the Uniform Controlled Dangerous Substances Act. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or fashioned specifically for use, as drug paraphernalia;
6. Instructions, oral or written, provided with the object which either state directly or imply that the object is to be used for the consumption of controlled substances;
7. Descriptive materials accompanying the object which explain or depict its use as an object for the consumption of controlled substances;
8. The manner in which the object is displayed for sale;
9. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
10. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
11. The existence and scope of legitimate uses for the object in the community; and
12. Expert testimony concerning its use.

**MARIJUANA:** The meaning prescribed by 63 O.S. § 2-101(H)(23). "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include:

1. The mature stalks of such plant or fiber produced from such stalks,
  2. Oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the Marijuana plant,
  3. Any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,
  4. The sterilized seed of such plant which is incapable of germination,
  5. For any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy pursuant to Section 2-802 of this title, a drug or substance approved by the federal Food and Drug Administration for use by those participants,
  6. For any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in the plant *Cannabis sativa* L. or any other preparation thereof, that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid, or
  7. Industrial hemp, from the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis which shall not be grown anywhere in the State of Oklahoma but may be shipped to Oklahoma pursuant to the provisions of subparagraph 5 or 6 of this paragraph;
- B. Prohibitions: It is unlawful for any person knowingly to:
1. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store,

- distribute, dispense, possess, distribute or dispense any Controlled Dangerous Substance not amounting to a felony under Oklahoma Statutes;
2. Use, have, inject, ingest, inhale, otherwise introduce into the human body or possess any Controlled Dangerous Substance not amounting to a felony under Oklahoma Statutes;
  3. Use or possess drug paraphernalia or deliver, possess or manufacture any such paraphernalia singly or in conjunction with any other person; or
  4. Appear or be upon or in any street, alley, place of business or other public place within the municipal limits while under the influence of any controlled dangerous substance not amounting to a felony under Oklahoma Statutes.
- C. Exemptions From Provisions: This section shall not apply to any marijuana or Controlled Dangerous Substance lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice.

**Article E. Offenses Against Public Authority**

**Section 5-5E-1. Resisting an Officer.**

A. Definitions:

OBSTRUCTION OF: In addition to its common meaning, shall 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.

RESISTING AN OFFICER: 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.

B. Prohibitions:

1. It is unlawful to resist, oppose or assault, or in any way interfere with any police officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the town.

2. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

**Section 5-5E-2. Refusing to Assist Officer.**

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 any person to assist him in making such arrest, executing such process or suppressing such riot, affray or unlawful assembly. It is unlawful for any person lawfully called upon to assist an officer of the town to refuse or fail to do so.

**Section 5-5E-3. Assault or Battery Upon Law Enforcement Officials.**

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 5-5E-4. Threatening Public Officials.**

It is unlawful for any person knowingly or wilfully to threaten or otherwise intimidate or attempt to intimidate any such officer or employee from the discharge of his official duties.

**Section 5-5E-5. Eluding Police.**

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 wilfully 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 5-5E-6. Aid in Escape.**

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty any prisoner from any officer or employee of the town having legal custody of the same, or to assist such prisoner in any manner to escape from custody either before or after conviction, including escape from a vehicle of confinement.

**Section 5-5E-7. Escape or Attempt to Escape.**

It is unlawful for any person 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 such custody.

**Section 5-5E-8. 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 5-5E-9. False Representation to an Officer; Perjury.**

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 5-5E-10. 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 5-5E-11. 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.

**Chapter 6. Animal Control**

**Section 5-6-1. Definitions.**

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

**ANIMAL:** Any horse, mule, donkey, pony, cow, sheep, goat, hog, pig, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl.

**AT LARGE:** Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner by leash or otherwise, whether on the owner's premises or not.

**DOMESTIC ANIMAL:** Any horse, mule, donkey, pony, cow, sheep, goat, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl.

**EXOTIC ANIMAL:** Includes, but is not limited to, any bear, marsupial, primate, raptor, reptile, and feline not customarily domesticated by man, any hoofed animal not customarily domesticated by man and any animal in general not customarily domesticated by man.

**KENNEL:** Keeping of more than three (3) dogs over six (6) months of age on the same premises.

**OWNER:** 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.

**VICIOUS DOG:** 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.

**WILD ANIMAL:** Means and includes any animal, reptile, or fowl which is not naturally tame or gentle but is of a wild nature or disposition or which is known to be vicious and which must be kept in confinement to be brought within the immediate power of the owner.

**ZOO:** A facility other than a pet shop or kennel displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency.

**Section 5-6-2. Dog Registration and Licensing Provisions.**

- A. **Registration And License Required:** It is the duty of every person owning, keeping or harboring within the town any dog six (6) months of age or older to cause such dog to be registered with the town clerk-treasurer by giving the clerk-treasurer a description of the dog, including its name, breed and sex, and the owner's or keeper's name and address, and applying for and obtaining a license for such dog within thirty (30) days after such dog reaches the age of six (6) months or after the dog is brought into the town. This license must be renewed annually thereafter.
- B. **License Tax And Tag:**
  - 1. **Amount Of Tax:** There may be imposed a license tax of five dollars (\$5.00) per annum on each dog in the town, whether the dog is male or female. Such tax may be paid at the time the annual license required by subsection A of this section is obtained.
  - 2. **Issuance Of Receipt And Tag:** Upon the payment of such tax to the town clerk-treasurer, the clerk-treasurer shall receipt therefor and furnish the applicant a duplicate thereof which duplicate receipt shall contain a description of the dog upon which the tax was paid. The clerk-treasurer may also issue an appropriate tag to the applicant. The tag shall constitute a license for the dog.
  - 3. **Tag And Collar Required:** The owner shall cause the tag received from the town clerk-treasurer to be affixed to the collar of the dog upon which the tax has been paid so that the tag can easily be seen by officers of the town. The owner shall see that the tag is so worn by the dog at all times.
  - 4. **Duplicate Tags:** In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the town clerk-treasurer, showing to him the original receipt and paying a fee of five dollars (\$5.00).
  - 5. **Disposition Of Funds:** All monies collected from dog tax by the town clerk-treasurer shall be paid into the town treasury and placed in the general fund of the town.
- C. **Exemptions From Provisions:** There shall be no exemptions from this provision.

**Section 5-6-3. Certain Animals Restricted or Prohibited.**

- A. Fowl And Livestock; Permit Required: Except in areas zoned agricultural, it is unlawful to keep fowl or livestock, including chickens, ducks, turkeys, geese, or other domestic fowl, in the town except upon a permit granted after approval by the town board of trustees. (1984 Code§ 4-104; amd. 2004 Code)
- B. Swine Prohibited: Except in areas zoned agricultural, the keeping or permitting the keeping of any swine within the corporate limits of the town is hereby declared a nuisance, and any person maintaining such a nuisance shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-4-1 of this code. (Ord. 207, 12-13-2004)
- C. Animals; Keeping Prohibited: It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the town of Union City:
1. Any warm blooded, carnivorous, wild or exotic animal excluding fowl, ferrets, and small rodents of varieties used for laboratory purposes and excluding exhibitions of animals maintained by a zoological park.
  2. Any animal having a poisonous bite.
  3. Any dog which is deemed potentially dangerous or vicious, except whereas provided herein:
    - i. All dogs must be registered with the town of Union City within ten (10) days of moving into town. The keeping of dogs which are potentially dangerous or vicious shall be subject to the following standards:
      - a) Leash And Muzzle: No person shall permit a registered dog which is potentially dangerous to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet (4') in length. No person shall permit this dog to be kept on a chain, rope, or other type of leash outside its kennel or pen, unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dogs, which are dangerous or vicious, on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
      - b) Confinement: All registered dogs, which are dangerous, or potentially dangerous, shall be securely confined indoors or in a securely enclosed and locked pen or kennel; except when leashed and muzzled

as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine these dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than four feet (4'). All structures erected to house dogs which are dangerous or potentially dangerous, must comply with all zoning and building regulations of the town. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- c) Confinement Indoors: No dangerous or potentially dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- d) Signs: All owners, keepers, or harborers of registered dogs, which are dangerous or potentially dangerous, within the town shall within ten (10) days of the effective date hereof, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog11 In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- e) Insurance: All owners, keepers, or harborers of dogs, which are dangerous or potentially dangerous, must within ten (10) days of the effective date hereof, provide proof to the Union City town clerk-treasurer proof of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons which may result from the ownership, keeping or maintenance of such animals. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the town of Union City.

- f) Identification Photographs: All owners, keepers, or harborers of dangerous or potentially dangerous dogs, must within ten (10) days of the effective date hereof, provide to the town of Union City clerk two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
- g) Reporting Requirements: All owners, keepers, or harborers of dangerous or potentially dangerous dogs, must within ten (10) days of the incident, report the following information in writing to the town of Union City clerk as required hereinafter:
- 1) The removal from the town or death of the registered dog;
  - 2) The birth of offspring of a registered dog which is dangerous or potentially dangerous;
  - 3) The new address of the registered dog owner should the owner move within the corporate town limits.
- h) Sale Or Transfer Of Ownership Prohibited: No person shall sell, barter, or in any other way dispose of a dog, registered with the town, which is dangerous or potentially dangerous, unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of the dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the town.
- i) Animals Born Of Registered Dogs: All offspring born of dogs registered with the town, which are dangerous or potentially dangerous, must be removed from the town within ten (10) weeks of the birth of such animal.
- j) Registration: All dogs, which are dangerous or potentially dangerous, shall be registered by the owner with the town of Union City within ten (10) days of the effective date hereof. No dog, which is deemed dangerous or potentially dangerous, shall be registered by the town of Union City if all requirements of subsections C3a(5) and C3a(6) of this section are not complied with at the time of application. In addition to the regular fees required by the town of Union City, an additional fee of ten dollars (\$10.00) shall be charged for each dog deemed dangerous or potentially dangerous, so registered.
- k) Irrebuttable Presumptions: There shall be an irrebuttable presumption that any dog registered with the town of Union City, that is deemed dangerous or potentially dangerous, is in fact a dog subject to the requirements of this subsection C.
- l) Failure To Comply: It shall be unlawful for the owner, keeper, or harborer of a dog, considered dangerous or potentially dangerous, registered with the town of Union City to fail to comply with the requirements and conditions set forth in this subsection C. Any dog found to be the subject of a violation of this subsection C shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal, resulting in the immediate removal of the animal from the town.
- Any person violating or permitting the violation of any provision of this subsection C shall upon conviction in municipal court be fined a sum of not less than two hundred nineteen dollars (\$219.00) plus costs. In the event the violation shall involve a dog considered dangerous or potentially dangerous, or any other animal covered in this subsection C, the court shall order the registration of the subject dog revoked and the animal removed from the town. Should the defendant owners refuse to remove the animal from the town, the municipal court judge shall find the defendant in contempt and order the immediate confiscation and impoundment of the animal. If the owner shall continue to refuse to remove the animal from the town, the municipal court judge shall issue any other orders necessary to carry out the intent of this subsection C. Each day that a violation of this subsection C continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this subsection C shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this subsection C.

#### **Section 5-6-4. Running at Large Prohibited.**

It is unlawful for the owner or keeper of any animal to permit the same to run at large in the town or trespass upon the premises of another.

#### **Section 5-6-5. Disturbing the Peace.**

The keeping of, or permitting the keeping of, any livestock, animals or fowl within the corporate limits of the town in such a manner that it annoys or bothers a person or persons by barking, howling, or otherwise, or disturbs the peace and quiet of a person is unlawful.

**Section 5-6-6. Animal Abuse.**

- A. Cruelty To Animals: It is unlawful for any person wilfully and maliciously to pour on, or apply to, an animal, any drug or other thing which inflicts pain on the animal<sup>1</sup>; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner. (1984 Code § 4-110)
- B. Poisoning Animals:
  - 1. It is unlawful for a person wilfully to poison any animal.
  - 2. It is unlawful knowingly to expose poison so that the same may be taken by such an animal. (1984 Code § 4-111; amd. 2004 Code)
- C. Animal Fights: 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, or to keep a house, pit, or other place used for fights between animals.

**Section 5-6-7. Animal Houses and Premises.**

- A. Construction Requirements: Every stable or building wherein any animal is 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. Location Restrictions: No stable, dog kennel, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept shall be maintained closer than forty feet (40') to any tenement or 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.
- C. Clean And Sanitary Premises: Every stable, structure, pen, coop or place wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.
- D. Manure<sup>1</sup>:
  - 1. Accumulation Of Manure Prohibited: No manure shall be allowed to accumulate on such premises except in a receptacle as provided in subsection D2 of this section.
  - 2. Receptacle Required: Every stable or building, if located within two hundred feet (200') of any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence, other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a watertight and flytight receptacle for manure, of such size as to hold all accumulations 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.

- 3. Disposal: 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.
- E. Inspections: The health officer, 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 to the owner of such animal as he may deem necessary to cause such 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 shall not abridge the right of others to make such complaint.

**Section 5-6-8. Kennels.**

- A. License Required; Fee: Any person owning or operating a kennel must first secure a license from the town clerk-treasurer and pay a sum as set by the town board per year for the license.
- B. Location: The location of the kennel shall be subject to any planning or zoning guidelines or decisions of the town board of trustees or town planning commission. In any case, no kennel may be kept in any residential area of the town. (1984 Code § 4-117)
- C. Permit To Keep More Than Three Dogs Or Cats Over Six Months Of Age: Except as provided in this chapter, no more than three (3) dogs or cats over six (6) months of age (hereinafter referred to as 113 adult dogs or 3 adult cats") may be kept at any place within the corporate limits of the town, without a permit issued in accordance with this section.
- D. Permit To Keep More Than Three Adult Dogs Or Cats; Application; Inspection; Fee:
  - 1. Application for a permit to keep more than three (3) adult dogs or cats must be made to the town. The application must:
    - i. Specify the number and breed or breeds of dogs or cats for which the permit is requested;
    - ii. Be accompanied by construction drawings showing the proposed design and location of the kennel. If the dogs or cats are to be kept in an existing kennel, a detailed drawing of the kennel must be submitted. All drawings must specify the type and size of the kennel, the type of material used to construct the kennel and the location of the kennel on the premises; and
    - iii. Be accompanied by an application fee determined by the board of trustees.

2. Upon receipt of the application, the planning commission and board of trustees will review the drawings of the kennel and provide for an animal control officer and code enforcement officer to inspect the premises for which the application for a permit is made to determine that:
    - i. Keeping the dogs or cats at the location specified in the application will not violate any local laws, regulations or state laws;
    - ii. The kennel will meet the requirements as specified;
    - iii. Maintenance of the dogs or cats will not endanger the peace, health, or safety of persons residing in the town limits;
    - iv. The premises are capable of being maintained in a clean and sanitary condition, and any dog or cat therein will not be subject to neglect, cruelty or abuse; and
    - v. Keeping and maintaining the dogs or cats will not constitute a nuisance as defined herein and by state law.
- E. Kennel Requirements For Keeping More Than Three Adult Dogs Or Cats:
1. The dogs or cats which are the subject of the permit to keep more than three (3) adult dogs or cats must be kept in a kennel.
  2. New kennels must:
    - i. Be not less than six feet (6') in width by ten and one-half feet (10 1/2') in length by six feet (6') in height for four (4) small size dogs or cats. The width of the kennel must be increased by two feet (2') for each additional dog or cat. (Small size dogs: toy poodles, Pekinese, or chihuahuas.)
    - ii. Be not less than fourteen feet (14') in width by twelve feet (12') in length by six feet (6') in height for four (4) medium size dogs such as labrador retrievers, German shepherds and collies. The width of the kennel must be increased in size by four feet (4') for each additional dog.
    - iii. Be not less than eighteen feet (18') in width by twenty feet (20') in length by six feet (6') in height for four (4) large size dogs such as St. Bernards and great danes. The width of the kennel must be increased by six feet (6') for each additional dog.
  3. In addition to the requirements of subsection E2 of this section, new kennels must:
    - i. Be constructed of not less than 11-gauge chainlink fence.
    - ii. Have a concrete floor. The walls of the kennel shall be securely fixed to the concrete floor.
    - iii. The top shall be enclosed and shall be securely attached to the walls at all times.
    - iv. Contain an area sheltered from adverse climatic conditions to which dogs or cats have access.
  4. If the dogs or cats are to be kept in an existing kennel, the animal control officer and code enforcement officer shall inspect the kennel to determine that it is adequate or meets the requirements contained in this section. The planning commission or board of trustees may specify alterations to be made to an existing kennel to meet the requirements of this section.
- F. Approval, Disapproval Of Application To Keep More Than Three Dogs Or Cats; Issuance Of Permit; Appeals:
1. Within ten (10) days following the inspection of the premises and review and approval of the kennel, if already existing, or of the kennel drawings for a new kennel, the town must notify each person residing within two hundred feet (200') of the location at which the dogs or cats will be kept or maintained that a kennel permit application has been filed and the street address of the applicant. If no objection to the application is filed within the time limit and in the manner hereinafter provided, the town shall notify the applicant that he may proceed to construct or remodel the kennel as the case may be. In addition, the planning commission or board of trustees may specify additional conditions on the issuance of the permit.
  2. If any person notified pursuant to subsection F1 of this section, objects to the issuance of the permit, he may, within ten (10) days after notification, file a written objection with the town. When a written objection is filed, the town shall notify the applicant of the filing of the written objection and the date on which the matter will be heard by the town board of trustees.
  3. If the applicant for the permit objects to the recommendations concerning construction or remodeling of the kennel, or objects to other conditions imposed by the planning commission or board of trustees for the permit, the applicant may file an appeal for a hearing before the board of trustees. Any such appeal must be filed within ten (10) days of the board of trustees' decision regarding the kennel and the permit.
  4. All proceedings of the town board shall be conducted in accordance with the provisions of this chapter. At the hearing the board of

- trustees will consider all objections filed and other evidence presented and may approve or prohibit the keeping of more than three (3) adult dogs or cats on the premises. The board of trustees shall not approve a permit to keep more than three (3) adult dogs or cats unless the board of trustees can make the findings set forth in this section. In taking action on the appeal, the board of trustees may add to or modify conditions it deems necessary or advisable to the permit.
5. If the applicant is required to construct or remodel the kennel, he must immediately apply to the building department for the appropriate permits. The kennel must be constructed or remodeled within thirty (30) days of issuance of the building permit and in strict compliance with the plans reviewed by the planning commission and board of trustees, including any conditions imposed thereon by the planning commission or board of trustees, if an appeal was filed and approved.
  6. Upon completion of the construction or remodeling of the kennel, the town shall issue the kennel permit.
  7. If the board of trustees denies the appeal thereby prohibiting the keeping of more than three (3) adult dogs or cats on the premises, the applicant must comply with the provisions of this section within thirty (30) days of the board of trustees' decision.
  8. Failure of the board of trustees to review the kennel drawings within ninety (90) days from the date of application will constitute approval of the application for the permit.
  9. As a condition of approval of a kennel permit, the permittee agrees to allow the animal control officer and/or the code enforcement officer to inspect the premises that are the subject of the permit upon reasonable notice at a reasonable time.
  10. A copy of the permit shall be posted and visible at all times.
- G. Suspension Or Revocation Of Kennel Permit; Appeal; Hearing:
1. The holder of a kennel permit is subject to continued compliance with the provisions of this section, and to any conditions imposed on the kennel permit. A kennel permit issued under this section may be suspended or revoked for failure of the permittee to comply with the provisions of this section, or with any condition(s) imposed on the permit.
  2. If the animal control officer and/or the code enforcement officer becomes aware that a permittee is not complying with the provisions of this section or with any conditions imposed on the permit, the kennel permit may be suspended or revoked. If the kennel permit is suspended or revoked the permittee shall be advised in writing of the reason or reasons therefor and may appeal that decision to the town board not later than ten (10) days after receiving the notice. A failure to appeal within ten (10) days constitutes an admission that the decision is well founded and precludes further administrative review.
3. Upon an appeal being filed, the town board shall, within thirty (30) days, hold a hearing on the appeal.
  4. The town board may take any testimony and evidence it deems necessary. All proceedings shall be conducted in accordance with this section.
  5. The decision of the board of trustees sustaining, reversing, or sustaining with conditions the action of the animal control officer and/or code enforcement officer shall include findings of fact and be transmitted in writing within ten (10) working days.
- H. Penalties:
1. Any person violating any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code.
  2. Each day that a violation occurs constitutes a separate offense.
- Section 5-6-9. Rabies Control.**
- A. Vaccination Of Dogs And Cats: It is the duty of the owner, keeper, or harbinger of every dog or cat in the town, and in the case of a pup or kitten, before it is six (6) months old, to cause such dog or cat to be vaccinated against rabies by a licensed veterinarian, secure a certificate of vaccination from the veterinarian, and attach to the collar of the dog or cat a metal tag indicating the vaccination. No license shall be issued for the keeping of any dog or cat in the town until a certificate of such vaccination for the current year is exhibited to the town clerk-treasurer.
  - B. Animal Bites; Quarantine: The town of Union City shall follow all current Oklahoma state department of health guidelines for the management of animal bite incidents and possible rabies exposure in humans and animals.
- Section 5-6-10. Impoundment and Redemption Provisions.**
- A. Contract For Operation Of Pound: The board of trustees is authorized to join into a cooperative effort with the county or any other community in the county for the purpose of establishing, operating and maintaining a pound for animals running in violation of this chapter. (1984 Code§ 4-119)
  - B. Authority And Duty To Impound: It is the duty of the animal control officer, or in their absence the chief of police or any of the police officers of the town to take into their possession any animal that may be in violation of this chapter running at large upon the

streets, curbing, alleys, public places or trespassing upon the lands of any person within the corporate limits of the town, and impound such animal. (Ord. 198, 6-14-2004)

- C. **Payment Of Costs For Redemption:** An animal impounded by virtue of this chapter shall be released to the owner or person entitled to the possession thereof upon payment of the cost of feeding such animal in a sum as set by the town board of trustees.
- D. **Owner Known; Notice; Sale:** If the owner or person entitled to the possession of any animal impounded under this chapter is known, the police officer shall notify him, in writing or by telephone, that the animal will be destroyed unless the owner or other person releases such animal from impoundment. If such animal is not released from impoundment by the owner or person entitled to the possession thereof prior to such date, the chief of police may sell the animal to the highest bidder for cash, and the buyer shall thereafter have complete title to such animal.
- E. **Failure To Redeem; Public Notice; Disposition:** If the owner or person entitled to the possession of any animal impounded under this chapter does not procure the release of such animal within forty eight (48) hours after impoundment, the chief of police shall post a description of the animal in the town clerk-treasurer's office, which description shall give the color, sex and description of the animal impounded and shall state that the animal will be sold, or otherwise disposed of, unless it is released from impoundment on a date not less than seventy two (72) hours from the date the notice or description is posted in the clerk-treasurer's office.
- F. **Disposition Of Funds:** From the proceeds of the sales of animals under this section, there shall be first paid the cost of feeding the animals and the cost of publishing the notice of sale. The remainder shall be paid into the office of the town clerk-treasurer and placed to the credit of the general fund.

#### **Section 5-6-11. Vicious Dogs 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 5-6-12. Wild Animals.**

- A. **Prohibited:** It shall be unlawful for any person to keep or maintain, or cause to be kept or maintained, within the town any "wild animal" as described in section 5-6-1 of this chapter, definition of "wild animal".
- B. **Exemptions:**
  - 1. The provisions of this section shall not prohibit the keeping or maintaining of the following wild animals within the town:

- i. **Zoos Or Museums:** Any wild animals which are kept confined in zoos, museums, or any other place where they are kept as live specimens for the public to view.
  - ii. **Circuses, Carnivals, Exhibits, Or Shows:** Any wild animals which are kept and confined and placed on exhibit in a circus, carnival, or any other type of exhibit or show.
  - iii. **Veterinary Hospitals:** Wild animals in bona fide, licensed veterinary hospitals for treatment. {1984 Code § 4-125}
2. Dangerous or poisonous reptiles may be maintained by bona fide educational institutions for the purpose of instruction, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the chief of police. (1984 Code § 4-125; amd. 2004 Code)
- C. **Exotic Animals:** It shall be unlawful for any person to keep or maintain or cause to be kept or maintained while in the town any 11exotic animal11 as described in section 5-6-1 of this chapter wherein 11exotic animal11 is defined.

#### **Section 5-6-13. Penalty.**

Any person, firm or corporation who violates any provision of this chapter, or who violates, refuses or neglects to carry out any reasonable order made by the animal control officer pursuant to this chapter shall, upon conviction thereof, be punished as provided in section 1-4-1 of this code.

### **Chapter 7. Juveniles**

#### **Section 5-7-1. Curfew Regulations.**

- A. **Short Title:** This section shall be designated as the CURFEW ORDINANCE.
- B. **Definitions:** For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meanings given herein:

**CURFEW HOURS:** From eleven o'clock (11:00) P.M. until five o'clock (5:00) A.M. Sunday through Friday nights and from twelve o'clock (12:00) midnight Friday and Saturday until five o'clock (5:00) A.M. on the same days.

**ESTABLISHMENT:** Any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

**MINOR:** Any person under the age of eighteen (18).

**PARENT OR GUARDIAN:** Any person having legal custody of a minor:

- 1. As a natural, step, or adoptive parent;
- 2. As a legal guardian;

3. As a person who stands in loco parentis;
4. As a person to whom legal custody has been given by order of the court; or
5. As a person at least eighteen (18) years of age and authorized by a parent or guardian to have the custody and care of a minor.

**PUBLIC PLACE:** Any street, alley, highway, sidewalk, park, playground or place to which the general public has access or view of as well as a right to resort for business, entertainment, or other lawful purpose. A "public place" shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, 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 and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, correctional institutions, town or government offices and any shops.

**REMAIN:** To leave or stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home; or to fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

**STREET:** A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk thereof, for pedestrian travel. The term "street" includes the legal right of way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street.

**TIME OF NIGHT:** Is based upon the prevailing standard of time, whether Central Standard Time or central daylight saving time, generally observed at that hour by the public.

**TOWN:** The town of Union City, Oklahoma.

**YEAR OF AGE:** Continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age"

C. Offenses: The following shall constitute offenses under this section:

1. It shall be unlawful for any person seventeen (17) or less years of age (under 18) to be or remain in or upon the streets or public places within the town at night during the curfew hours.
2. It shall be unlawful for a parent, or other person, having legal custody of a minor knowingly to permit or by inefficient control to allow such a minor to be or remain upon any street or public place or on the premises of any establishment under circumstances not

constituting an exception or defense to, or otherwise beyond the scope of, this section. The term "knowingly" includes knowledge which a parent or legal guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's or person's legal custody.

3. It shall be unlawful for the owner or operator or person otherwise in charge of a public place as defined in this section, to knowingly allow or permit a minor to remain on the premises of the public place during the curfew hours in violation of this section.

D. Defenses: The following shall constitute defenses to violations of this section:

1. The minor is accompanied by a parent or legal guardian.
2. The minor is accompanied by an adult authorized by a parent of such minor to take said parent's place accompanying said minor for a designated period of time, date, and purpose within a specified area. A written communication containing this information, and signed by the minor and by the parent or legal guardian of such minor which includes the minor's home address and telephone number, and which is in the possession of the authorized adult, shall constitute prima facie proof of such authorization.
3. The minor is exercising first amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by possessing a written communication, signed by such minor and countersigned by a parent or legal guardian of such minor with their home address and telephone number, specifying what times and dates when, and where, and in what manner said minor will be on the streets and other public places during the curfew hours in the exercise of a first amendment right specified in such communication.
4. The minor is on an errand, specific business or activity directed or permitted by his parent without detour or stop, and the minor has in his or her possession a written communication signed by the minor, countersigned by a parent or legal guardian of such minor evidencing their home address and telephone number, and establishing such reason relating to a direct route for a designated time for a described purpose, including points of origin and destination. Each communication will also note the date and time limits the reason will encompass.
5. The minor is on the residence of the place where such minor resides, or on the residence of either next door neighbor not communicating an objection to the police officer.

6. The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the town, a civic organization or other similar entity that takes responsibility for the minor, or the minor is going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the town, a civic organization, or other similar entity that takes responsibility for the minor.
  7. The minor is within the scope of his employment and carries a certified card or some other form of communication indicating employment, briefly identifying the minor, the addresses and telephone numbers of his home and his place of employment, his hours of employment, or other valid proof of employment.
  8. The minor is engaged in interstate or intrastate vehicular travel with consent of parent or legal guardian. This contemplates normal travel and clearly exempts bona fide interstate movement through the town particularly on normal routes.
  9. The minor is within the scope of the temporary modification of this section by the town board as set forth in this section.
  10. The minor is married or has otherwise had disabilities of minority removed in accordance with state law.
  11. The owner or operator of a public place wherein or whereon minors are remaining during curfew hours promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.
- E. **Modification By Town Board:** The town board may authorize a temporary relaxation of the curfew hours in matters of reasonable necessity and matters determined to be consistent with the public interest and the purposes of this section. Such determination and modification of the curfew hours by the town board shall define the activity or purpose, the scope of the use of the streets and/or public places permitted, the period of time involved, and any other information necessary or pertinent to inform the public of the terms of the relaxation of this section. Such action by the town board may be by motion or resolution.
- F. **Police Procedures And Enforcement:**
1. A police officer of the town, upon finding or having attention called to any minor on the streets in prima facie violation of this section, normally shall take the minor to the town police station, or other place designated by the chief of police, where a parent or legal guardian shall immediately be notified to come for such minor. (Ord. 173, 10-16-1995)
  2. The jurisdiction of the municipal court over a minor who violates the provisions of this

section shall be subject to 10 Oklahoma Statutes section 7303-1.2. Absent an interlocutory agreement with the district court for the municipal court to exercise jurisdiction over minors under eighteen (18) years of age under the provisions of this section, pursuant to 10 Oklahoma Statutes section 7303-1.2(E), as amended, the municipal court shall refer all alleged juvenile violations to the juvenile bureau of the district attorney's office.

3. In the absence of convincing evidence of age, such as a birth certificate or valid driver's license, a police officer on the street shall in the first instance use his or her best judgment in determining age.

G. **Penalty:**

1. In the case of a first violation by a minor, the municipal court may, at the discretion of the court, cause to be delivered by certified mail, sent to the minor's parent or legal guardian, written notice of said violation with a warning that any subsequent violation may result in full enforcement of this section.
2. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable as provided in section 1-4-1 of this code.

**Section 5-7-2. Tobacco Products Sales; Youth Addiction.**

A. **Definitions:**

**PERSON:** Any individual, firm, fiduciary, partnership, corporation, trust or association however formed.

**PROOF OF AGE:** A driver's license, license for identification only, or other generally accepted means of identification which describes the individual as eighteen (18) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

**SAMPLE:** A tobacco product distributed to members of the public at no cost for the purpose of promoting the product.

**TOBACCO PRODUCT:** Any product that contains tobacco and is intended for human consumption.

B. **Distribution And Sales; Identification:**

1. **Furnishing To Underage Person; Underage Employees:** It is unlawful for any person to sell, distribute or furnish in any manner any tobacco product to another person who is under eighteen (18) years of age or to purchase in any manner a tobacco product on behalf of another person who is under eighteen (18) years of age. Provided, that it shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required to do so in the performance of his duties of employment.

2. Demand Proof Of Age: A person engaged in the sale or distribution of tobacco products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen (18) years of age.
  3. Fines: When a person violates subsection 81 or 82 of this section, he will be subject to a fine of twenty five dollars (\$25.00) for the first offense within a one year period, fifty dollars (\$50.00) for a second offense within a one year period, and seventy five dollars (\$75.00) for a third or subsequent offense within a one year period. Provided, that proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this subsection.
  4. Guilt Of Employee: If the sale of tobacco products to another person who is under eighteen (18) years of age is made by an employee of the owner of a store at which tobacco products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.
- C. Purchases By Underage Persons; Falsifying Proof Of Age:
1. Purchases Prohibited; False Identification: It is unlawful for a person who is under eighteen (18) years of age to purchase, accept receipt of, or have in his possession a tobacco product, or to present or offer to any person any purported proof of age which is false, fraudulent or not actually his own, for the purpose of purchasing or receiving any tobacco product. Provided, that it shall not be unlawful for such person to handle such tobacco products when required to do so in the performance of his duties of employment.
  2. Fines: When a person violates subsection C1 of this section, he shall be subject to a fine of one hundred dollars (\$100.00) for the first offense within a one year period, and a fine of two hundred dollars (\$200.00) for a second or subsequent offense within a one year period.
  3. Failure To Pay Fine; Driver's License Suspension: Upon failure of the defendant to pay the fine within ninety (90) days of the date of the assessment of such fine, the clerk of the court shall notify the Oklahoma department of public safety, and the department shall suspend or not issue a driver's license to said defendant until proof of payment has been furnished to the department of public safety.
- D. Distribution Of Samples:
1. Distribution To Underage Persons: It shall be unlawful for any person to distribute tobacco product samples to any person under eighteen (18) years of age.
  2. Distribution Near Schools: It shall be unlawful for any person to distribute tobacco product samples in or on any public street, sidewalk or park that is within three hundred feet (300') of the Union City public schools or any facility owned and operated by the Union City public schools.
  3. Fines: When a person violates subsection D1 or D2 of this section, he shall be subject to a fine in the amount of twenty five dollars (\$25.00) for the first offense within a one year period, fifty dollars (\$50.00) for a second offense within a one year period, and seventy five dollars (\$75.00) for a third or subsequent offense within a one year period.
- E. Tobacco Sales In Original, Sealed Packaging: It is unlawful for any person to sell tobacco products except in the original sealed package in which they were placed by the manufacturer. When a person violates this subsection, he shall be subject to a fine of two hundred dollars (\$200.00) for each offense.

## **Chapter 8. Fair Housing**

### **Section 5-8-1. Purpose.**

The general purposes of this chapter are:

- A. To secure for all people equal access to housing in all neighborhoods; and
- B. To preserve the public safety, health and welfare.

### **Section 5-8-2. Fair Housing Board.**

There is hereby created a fair housing board of the town (hereinafter referred to as "board"), composed of five (5) members, to be appointed by the mayor and town board of trustees for terms of three (3) years; except, that of the members first appointed under this chapter, two (2) shall be appointed for a term of one year, and two (2) shall be appointed for a term of two (2) years, and one shall be appointed for a term of three (3) years.

### **Section 5-8-3. Housing Discrimination Acts Prohibited.**

- A. It shall be an unlawful discriminatory housing practice for any person, or any agent or employee of such person:
  1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of any housing, or otherwise make unavailable or deny any housing because of race, color, religion, gender, national origin, age, familial status or handicap.
  2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with any housing because of race, color, religion, gender, national origin, age, familial status, or handicap.

3. To make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of housing that indicates any preference, limitation, discrimination, or intention to make any such preference, limitation, or discrimination because of race, color, religion, gender, national origin, age, familial status, or handicap.
4. To represent to any person, for reasons of discrimination, that any housing is not available for inspection, sale or rental when such housing is in fact so available because of race, color, religion, gender, national origin, age, familial status, or handicap.
5. To deny any person access to, or membership or participation in, a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, gender, national origin, age, familial status, or handicap.
6. To include in any transfer, sale, rental, or lease of housing any restrictive covenant that discriminates, or for any person to honor or exercise, or attempt to honor or exercise, any discriminatory covenant pertaining to housing because of race, color, religion, gender, national origin, age, familial status, or handicap.
7.
  - i. To refuse to consider the income of both applicants when both applicants seek to buy or lease housing because of race, color, religion, gender, national origin, age, familial status, or handicap.
  - ii. To refuse to consider as a valid source of income any public assistance, alimony, or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity, or receipt because of race, color, religion, gender, national origin, age, familial status, or handicap.
8. To discriminate against a person in the terms, conditions, or privileges relating to the obtaining or use of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing because of race, color, religion, gender, national origin, age, familial status, or handicap.
9. To discharge, demote, or discriminate in matters of compensation or working conditions against any employee or agent because of the obedience of said employee or agent to the provisions of this section.
10. To solicit or attempt to solicit the listing of housing for sale or lease, by door to door solicitation, in person or by telephone, or by distribution of circulars, if one of the purposes is to change the racial composition of the neighborhood.
11. To knowingly induce or attempt to induce another person to transfer an interest in real property, or to discourage another person from purchasing real property, by representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race, color, religion, gender, national origin, age, familial status or handicap, or to represent that such existing or potential proximity shall or may result in:
  - i. The lowering of property values;
  - ii. A change in the racial, religious, or ethnic character of the block, neighborhood, or area in which the property is located;
  - iii. An increase in criminal or antisocial behavior in the area; or
  - iv. A decline in quality of the school serving the area.
12.
  - i. To refuse to rent or lease housing to a blind, deaf, or handicapped person on the basis of the person's use or possession of a bona fide, properly trained guide, signal, or service dog.
  - ii. To demand the payment of an additional nonrefundable fee or an unreasonable deposit for rent from a blind, deaf, or handicapped person for such dog. Such blind, deaf, or handicapped person may be liable for any damage done to the dwelling by such dog.
  - iii. To discriminate in the sale or rental or otherwise make available or deny a dwelling to any buyer or renter because of a handicap of:
    - a) The buyer or renter;
    - b) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
    - c) Any person associated with that buyer or renter.
  - iv. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of service or facilities in connection with the dwelling because of a handicap of:
    - a) That person;

- b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - c) Any person associated with that person.
- v. or purposes of handicap discrimination in housing pursuant to this chapter, "discrimination" includes:
- a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises; provided, that such person also provides a surety bond guaranteeing restoration of the premises to their prior condition, if necessary to make the premises suitable for nonhandicapped tenants;
  - b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or
  - c) In connection with the design and construction of covered multi-family dwellings for first occupancy thirty (30) months after the date of enactment of the federal fair housing amendments act of 1988 (public law 100-430) a failure to design and construct those dwellings in a manner that:
    - 1) The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;
    - 2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
    - 3) All premises within the dwellings contain the following features of adaptive design:
      - i) An accessible route into and through the dwelling;
      - ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- iii) Reinforcements in bathroom walls to allow later installation of grab bars; and
  - iv) Usable kitchen and bathrooms so that an individual in a wheelchair can maneuver about the space.
- 4) Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as nANSI A 117.1", suffices to satisfy the requirements of subsection A12e(C) of this section.
- 5) As used in this subsection, the term "covered multi-family dwellings) means:
- i) Buildings consisting of four (4) or more units, if the buildings have one or more elevators; and
  - ii) Ground floor units in other buildings consisting of four (4) or more units.
- 6) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
13. A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, gender, national origin, age, familial status or handicap. In this section, "residential real estate related transaction" means:
- i. Making or purchasing loans or providing other financial assistance:
    - a) To purchase, construct, improve, repair, or maintain a dwelling; or
    - b) To secure residential real estate; or
  - ii. Selling, brokering, or appraising residential real property.
- B. This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.
- C. No other categories or classes of persons are protected pursuant to this act. The human rights commission shall have no authority or jurisdiction to

act on complaints based on any kind of discrimination other than those kinds of discrimination prohibited pursuant to 25 Oklahoma Statutes sections 1101 et seq., or any other specifically authorized by law.

**Section 5-8-4. Exemptions from Provisions.**

A. Nothing provided for in this chapter shall:

1. Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preferences to such persons, unless membership in such religion is restricted on account of race, color, or national origin; nor shall anything in subsections A1 through AS, B and C of this section apply to a private membership club which is a bona fide club and which is exempt from taxation pursuant to section 501(c) of the internal revenue code.
2. Prohibit a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from:
  - i. Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or
  - ii. Giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin.
3. Prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.
4. Prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, age, religion, gender, handicap, familial status or national origin.
5. Affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.
6. Prevent or restrict the sale, lease, rental, transfer, or development of housing designed or intended for the use of the handicapped.
7. Affect a requirement of nondiscrimination in any other state or federal law.

8. Prohibit the transfer of property by will, intestate succession, or by gift.

B. Nothing provided for in this chapter relating to familial status applies to housing for older persons. As used in this section, "housing for older persons" means housing:

1. That the fair housing board determines is specifically designed and operated to assist elderly persons pursuant to a federal or state program;
2. Intended for, and solely occupied by, persons sixty two (62) years of age or older; or
3. Intended and operated for occupancy by at least one person fifty five(55) years of age or older per unit as determined by commission rules.

C.

1. Subject to subsection C2 of this section, this chapter does not apply to:
  - i. The sale or rental of a single-family house sold or rented by an owner if:
    - a) The owner does not:
      - 1) Own more than three (3) single-family houses at any one time; or
      - 2) Own any interest in, or is there owned or reserved on his behalf, pursuant to any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one time; and
    - b) The house was sold or rented without:
      - 1) The use of the sales or rental facilities or services of a real estate broker, agent, or salesman licensed pursuant to the Oklahoma real estate license code, or of an employee or agent of a licensed broker, agent, or salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families; or
      - 2) The publication, posting, or mailing of a notice, statement, or advertisement prohibited by section 5-8-3 of this chapter; or
  - ii. The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner

maintains and occupies one of the living quarters as the owner's residence.

2. The exemption in subsection C1a of this section applies to only one sale or rental in a twenty four (24) month period, if the owner was not the most recent resident of the house at the time of the sale or rental.

**Section 5-8-5. Enforcement.**

**A. Filing Of Complaint:**

1. Any person aggrieved by discriminatory practice prohibited by this chapter may file with the fair housing board a complaint in writing, under oath. Said complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this chapter, and shall further set forth the particulars of said violation, and may include such other information as may be required by the board. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within said time shall be considered a waiver of the application of this chapter.
2. The board may issue a complaint on its own initiative at any time it is within the knowledge of the board that a person has violated any of the provisions of this chapter.

- B. Investigation:** The board shall investigate each complaint filed with the board and shall attempt an adjustment of said complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the board shall dismiss said complaint and notify the complainant and respondent in writing of said dismissal. If it appears that the complaint might have merit, the complainants shall be advised of their rights under existing state and federal laws.

- C. Notice To Respondent:** If conference or conciliation does not result in compliance with this chapter, the board shall cause to be issued and served, in the name of the town, a written notice, together with a copy of said complaint, requiring the person named in said complaint, hereinafter referred to as "respondent", to answer charges of said complaint at a hearing before the board at a time and place to be specified in the notice.

**D. Hearing; Decisions:**

1. At the hearing provided for in subsection C of this section, the complaint shall be heard by the board. At the hearing, the complainant or person aggrieved may appear in person and/or by counsel, and the respondent may file a written answer to the complaint and may appear in person or by legal counsel. The board, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer, and the testimony taken at the hearing shall be

under oath, and shall be transcribed at the request of either party or at the direction of the board. The party requesting the transcription shall be responsible for the costs thereof.

2. If the board finds at said hearing that the respondent has engaged in any discriminatory practice prohibited by this chapter, it shall state its findings of fact, and shall so certify the matter to the town attorney for appropriate action. No prosecution shall be brought under this chapter except upon such certification.
3. If the board, upon hearing, finds that respondent has not engaged in any discriminatory practice, it shall state its findings of fact and shall issue and file an order dismissing the complaint.
4. The board shall establish rules and regulations to govern and expedite and effectuate the foregoing procedure, and shall maintain the files provided for herein.

**Section 5-8-6. Serving Notices.**

Any and all notices required under the provisions of this chapter to be served upon any person may be served personally on such person or by mailing a copy thereof by certified or registered mail, with return receipt requested, to the most current business or residence address of such person.

**Section 5-8-7. Violation; Penalty.**

It shall be unlawful and constitute an offense for any person to violate any of the provisions of this chapter, and any person found guilty of violating any provisions shall be deemed guilty of an offense, and is subject, upon conviction, to a fine of not more than one hundred dollars (\$100.00), including costs, and each day that an act or omission is continued shall constitute a violation of this chapter and shall be construed as a separate offense.

**Chapter 9. Racial Profiling**

**Section 5-9-1. Racial Profiling Prohibited; Policy Adopted.**

The town board of trustees hereby adopts a detailed written policy that prohibits racial profiling, and clearly defines the elements constituting racial profiling, as submitted by the Oklahoma human rights commission, and in compliance with 22 Oklahoma Statutes section 34.3. One copy of said policy shall be and remain on file in the office of the town clerk-treasurer.

## TITLE 6 – MOTOR VEHICLES AND TRAFFIC

### Chapter 1. Traffic Code; General Traffic Provisions

#### **Section 6-1-1. State Traffic Code Adopted.**

The provisions of the state motor vehicle code, title 47 Oklahoma Statutes section 1-101 et seq., and the rules of the road, title 47 Oklahoma Statutes section 11-101 et seq., 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. At least one copy is on file in the office of the town clerk- treasurer for public use, inspection and examination.

#### **Section 6-1-2. Definitions.**

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this title 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 title:

**ALLEY:** 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".

**AUTHORIZED EMERGENCY VEHICLES:** A vehicle of the fire department, police department or other law enforcement agencies, state and national, ambulances, and such other emergency vehicles of municipal departments or public service corporations as are authorized by the chief of police, and all of which are equipped with sirens capable of giving audible signals and with flashing red lights displayed openly on the front when engaged in emergency runs.

**BICYCLE:** Every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty inches (20") in diameter.

**COMMERCIAL VEHICLE:** Every vehicle designed, maintained, or used primarily for the transportation of property.

**CURB LOADING ZONE:** A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

**DRIVER:** Every person who drives or is in actual physical control of a vehicle.

**INTERSECTION:** 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.

**MOTOR VEHICLE:** 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.

**MOTORCYCLE:** 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 or motorized bicycle.

**OFFICIAL TIME:** Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the town.

**OFFICIAL TRAFFIC CONTROL DEVICES:** All signs, barricades, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

**PARK OR PARKING:** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

**PEDESTRIAN:** Any person afoot.

**POLICE OFFICER:** 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.

**PRIVATE ROAD OR DRIVEWAY:** A way or place in private ownership or leading to property in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner.

**RAILROAD:** A carrier of persons or property upon cars operated upon stationary rails.

**RAILROAD TRAIN:** A steam engine, diesel, electric or other motor, with or without cars coupled thereto, operated upon rails.

**RIGHT OF WAY:** The privilege of the immediate use of the roadway.

**ROADWAY:** 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.

**SIDEWALK:** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

**STAND OR STANDING:** The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

**STOP:** When required, shall mean 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.

**STREET OR HIGHWAY:** 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.

**THROUGH STREET:** 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 the 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 title.

**TRAFFIC:** Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any street for purposes of travel.

**TRAFFIC CONTROL SIGNAL:** Any device, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop and permitted to proceed.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

### **Section 6-1-3. Application of Regulations.**

- A. **Public Ways And Property:** The provisions of this title 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. (1984 Code § 15-102)
- B. **Pushcarts, Animals And Animal Drawn Vehicles:** Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal drawn vehicle shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which by their very nature can have no application. (1984 Code § 15-111)
- C. **Authorized Emergency Vehicles:** The provisions of this title 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, or of flashing red or blue lights or a combination of flashing red and blue lights; except, that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle. 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.

### **Section 6-1-4. Driver's and Vehicle Licenses.**

- A. **Driver's License Required; Compliance With Restrictions:** 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. (1984 Code § 15-202)
- B. **Vehicle Licenses:**
1. **License And Display Required:** No person shall drive, propel, move, or park on the streets of the town a vehicle of any kind unless said vehicle is licensed as required by state law, and the license is conspicuously displayed thereon. (1984 Code § 15-203; amd. 2004 Code)
  2. **Unlicensed Vehicles:** It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag on any street or highway within the town.

### **Section 6-1-5. Insurance Requirements.**

- A. **Definitions:** For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:

**COMPULSORY INSURANCE LAW:** The law requiring liability insurance in conjunction with the operation of a motor vehicle in the state as found in 47 Oklahoma Statutes article VI, chapter 7, and section 7-606.

**OPERATOR'S POLICY:** An operator's policy of liability insurance which shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

**OWNER'S POLICY:** An owner's policy of liability insurance which:

1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;
2. Shall insure the person named therein and insure any other persons, except as provided in subsection 3 of this definition, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;
3. May provide for exclusions from coverage in accordance with existing laws; and
4. Shall be issued by an authorized carrier providing coverage in accordance with 47 Oklahoma Statutes section 7-204.

SECURITY:

1. A policy or bond meeting the requirements of 47 Oklahoma Statutes section 7-204;
  2. A deposit of cash or securities having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond; or
  3. Self-insurance, pursuant to the provisions of 47 Oklahoma Statutes section 7-503, having the equivalency of limits required under 47 Oklahoma Statutes section 7-204 as acceptable limits for a policy or bond.
  4. For vehicles registered pursuant to the provisions of 47 Oklahoma Statutes section 1127, a policy or bond meeting or exceeding the requirements of 47 Oklahoma Statutes section 7-204, provided, the policy or bond may be issued by an insurance company or surety company authorized to do business in the state of residence or domicile of the member of the armed forces and the motor license agent or other registering agency shall accept the security verification form issued by such insurance company or surety company.
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; (1984 Code § 15-126)
  3. Fleet vehicles maintaining current vehicle liability insurance as required by the state corporation commission or any other regulating entity. (2004 Code)
  4. Any licensed taxicab; and
  5. Any vehicle owned by a licensed used motor vehicle dealer.

SECURITY VERIFICATION FORM: A form, approved by the state insurance commissioner, verifying the existence of security required by the compulsory insurance law of the state of Oklahoma.

D. Enforcement And Penalty:

B. Proof Of Insurance Required:

1. Every operator of a motor vehicle registered in the state shall, while operating or using such vehicle within the town's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, provided the operator is not excluded from coverage thereon, or an equivalent form issued by the department of public safety, reflecting liability coverage.
2. The owner of a motor vehicle registered in the state and operating the vehicle within the town's boundaries shall carry in such vehicle at all times a current owner's security verification form listing the vehicle, or an equivalent form which has been issued by the state department of public safety, which shall be produced by a 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.

1. Violation; Penalty: 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 police department upon request of any peace officer of the police department shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in section 1-4-1 of this code.
2. Suspension Of Penalty: A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court. (1984 Code § 15-126)
3. Proof Of Insurance In Court: Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge upon payment of court costs; however, if proof of security verification is presented to the court within forty eight (48) hours after the violation, the charge shall be dismissed without payment of court costs. (1984 Code § 15-126; amd. 2004 Code)
4. Notice To State: 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.

C. Exemptions: 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;

**Section 6-1-6. Improvements on Public Ways; Street Closures.**

- A. Authority To Close Streets: 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. **Obedience To Barricades And Traffic Control Devices During Street Closures:** When any street has been closed to traffic under the provisions of subsection A of this section and traffic control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around 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. **Traffic Control Devices Required During Construction:** 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, flagpersons, or other traffic control devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

#### **Section 6-1-7. Accidents.**

- A. **Duty To Stop; Provide Information; Render Aid:** The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle 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. **Report Required:** The driver of a vehicle which 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. **Violation; Penalty:** 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 1-4-1 of this code.

### **Chapter 2. Traffic Control Signs, Signals and Markings**

#### **Section 6-2-1. Effect of Signs for Enforcement Purposes.**

No provision of this title 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.

#### **Section 6-2-2. 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 6-2-3. Ratification of Existing Devices.**

All traffic control signs, signals, devices and markings placed or erected prior to the adoption of this title 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 6-2-4. 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 6-2-5. Flashing Signals.**

- A. **Signal Legend:** 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.

B. Exemptions: This section shall not apply at railroad grade crossings.

**Section 6-2-6. Placement of Traffic Control Signs.**

A. Through Streets; Signs Posted: The board of trustees, by motion or resolution, may designate any street or part of a street a through street. 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.

B. One-Way Streets And Alleys: Whenever any ordinance or resolution of the 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.

**Section 6-2-7. Obedience to Traffic Control Devices.**

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this title unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

**Section 6-2-8. Interference with, Damage to Traffic Control Devices.**

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, including any 911 emergency telephone service route markers, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

**Chapter 3. Driving Rules**

**Section 6-3-1. Careful, Prudent Driving.**

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.

**Section 6-3-2. Authorized Emergency Vehicles.**

A. Operation Of Vehicle On Approach Of Authorized Emergency Vehicle: Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the

requirements of the laws of the state, or of a police vehicle properly and lawfully making use of an audible signal or red flashing lights, 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. This subsection shall not be construed to require a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals nor shall this section operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the road or highway.

B. Following Emergency Vehicles:

1. The driver of any vehicle other than one on official business shall not follow any fire apparatus, traveling in response to a fire alarm, closer than five hundred feet (500'), or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1984 Code§ 15-115)

2. The driver of any vehicle other than one on official business shall not follow any emergency vehicle or shall not purposely drive to any location on a highway where an emergency exists which would interfere with the free movement of authorized emergency vehicles or any other traffic using the highway at that location. For the purpose of this subsection, the definition of "emergency" shall include traffic accidents, airplane accidents, disasters, explosions, civil disturbances and (without limitation by the foregoing) any other related circumstances which tend to cause traffic congestion. The purpose of this subsection 82 is to eliminate sightseers and other persons who do not have official business at the scene of an emergency, and whose presence would tend to cause traffic congestion. (2004 Code)

C. Driving Over Fire Hose: No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

**Section 6-3-3. Right of Way.**

A. Entering Uncontrolled Intersections:

1. 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. (1984 Code § 15-208)

2. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, except as provided in subsection A1 of this section, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. (1984 Code§ 15-208; amd. 2004 Code)

- B. Turning Left At Intersection: 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 title, 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. (1984 Code § 15-209)

- C. 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.

**Section 6-3-4. One-Way Streets; Stop and Yield Intersections.**

- A. Procedure On One-Way Streets: 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. (1984 Code § 15-309)

- B. Procedure At Stop Signs: 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. 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. (1984 Code§ 15-312)

- C. 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.

**Section 6-3-5. Speed Restrictions.**

- A. Reasonable And Proper:

1. 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.
2. The driver of every vehicle shall, consistent with the requirements of subsection A1 of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a 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. (1984 Code § 15-220)

- B. Speed Limits Established:

1. Generally: 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 the town.
2. Authority To Alter Speed Limits: 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.

**Section 6-3-6. Driving on Right Side of Roadway.**

- A. 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. (1984 Code § 15-207)
  3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.
  4. Upon a roadway restricted to one-way traffic. (2004 Code)
- B. 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.

#### Section 6-3-7. Driving Within Traffic Lanes.

- A. Where traffic lanes have been marked, it is 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: (1984 Code § 15-308)
1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety and then given a signal, not less than the last one hundred feet (100') traveled by the vehicle, of his intention to change lanes; (1984 Code § 15-308; amd. 2004 Code)
  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 signposted 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.

#### Section 6-3-8. Turning Movements.

- A. Required Position, Method Of Turning: 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; and
  2. Left Turns On Two-Way Roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection, and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (1984 Code § 15-250)
- B. Turning Movements And Required Signals:
1. No person shall turn a vehicle at an intersection, a public or private road, or a driveway, unless the vehicle is in proper position upon the roadway as required in subsection A of this section, or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal as provided in this subsection, in the event any other traffic may be affected by such movement. (2004 Code)
  2. A signal of intention to turn right or left, when required, shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.
  3. 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.
  4. When any person is properly preparing for, attempting or executing a left turn, as described in subsection B1 of this section, no other person operating another vehicle immediately following the turning vehicle shall pass or attempt to pass the turning vehicle to the left. Such other person shall come to a complete stop if necessary at a safe distance behind the person preparing for, attempting or executing the turn or may proceed to the right of the turning vehicle as provided by 47 Oklahoma Statutes section 11-304. (2004 Code)
- C. Prohibited Turns:

1. 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.
2. 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.
3. 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.

**Section 6-3-9. Overtaking and Passing Stopped School Bus.**

- A. The driver of a vehicle meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, is to stop his vehicle before it reaches the school bus and not proceed until the loading signals are deactivated and then proceed past such school bus at a reduced speed and with caution for the safety of such school children and other occupants. (1984 Code§ 15-128)
- B. Every school bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than eight inches (8") in height and shall be equipped with visual signals in accordance with the requirements of state law, which signals shall be activated by the driver of the school bus whenever such vehicle is stopped on the roadway for the purpose of receiving or discharging school children, and only at such times. (1984 Code§ 15-128; amd. 2004 Code)
- C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
- D. If the driver of a school bus witnesses a violation of the provisions of subsection A of this section, within twenty four (24) hours of the alleged offense, he or she shall report the violation, the vehicle color, the license tag number, and the time and place such violation occurred to the law enforcement authorities of the town. The law enforcement authorities of the town shall issue to the person in whose name the vehicle is registered, a letter of warning on the alleged violation, in the form provided by the attorney general of the state.
- E. A warning letter issued pursuant to subsection D of this section shall not be recorded on the driving record of the person to whom such letter is issued. Issuance of a warning letter pursuant to subsection D of this section shall not preclude the imposition of other penalties as provided by law.

**Section 6-3-10. Restrictions on Driving.**

- A. Backing Vehicles: 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. (1984 Code § 15-213)
- B. Cutting Corners:
  1. No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself of the services offered on the premises served by the service drive or parking facility.
  2. No person shall drive a vehicle through any service drive or across any parking facility for the purpose of shortening the travel distance, avoiding a traffic control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in the opposite direction on the street from which it entered the drive.
- C. Driving On Sidewalks: The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. (1984 Code§ 15-212)
- D. Minibikes, Golf Carts, All-Terrain Vehicles And Utility Vehicles: The statutes of the state of Oklahoma regulating minibikes, golf carts, all-terrain vehicles and utility vehicles are hereby adopted and shall be applicable to the operation of the described vehicles within the town of Union City, except as provided herein.
  1. Definitions:

ALL-TERRAIN VEHICLE: A self-propelled vehicle powered by an internal combustion or electric engine manufactured and used exclusively for off highway use traveling on four (4) or more low pressure tires, and having a seat designed to be straddled by the operator and handlebars for steering.

GOLF CART: A self-propelled vehicle manufactured for use on a golf course to transport persons playing golf.

MINIBIKE: Any self-propelled vehicle or motor driven cycle having less than an eight inch (8") wheel rim, or less than forty inch (40") wheelbase or less than a twenty five inch (25") seat height.

UTILITY VEHICLE: A vehicle powered by an internal combustion engine larger than three hundred (300) CC or an equivalent electric motor which produces the same energy, manufactured and used exclusively for off highway use, equipped with seating for two (2) to four (4) people and a steering wheel, traveling on four (4) or more wheels.
  2. Minibikes: Minibikes shall be prohibited from operation on streets, highways, alleys or other public ways within the town of Union City except when used in a parade.

3. All-Terrain Vehicles: All-terrain vehicles shall be prohibited from operating on streets, highways, alleys or other public ways within the town of Union City except when operated for an official government purpose.
4. Golf Carts:
  - i. Golf carts may be operated on streets and highways within the town of Union City subject to the following restrictions:
    - a) Golf carts may be operated on state or federal highways within the town of Union City only if making a perpendicular crossing of the highway;
    - b) Golf carts may be operated only on city streets with a speed limit of thirty five (35) mph or less;
    - c) Golf carts may operate on city streets only during daylight hours;
    - d) The operator is required to possess a valid motor vehicle operator's license;
    - e) Golf carts must comply with the financial responsibility laws of the state of Oklahoma and the operator must carry proof of such insurance;
    - f) Golf carts shall have the following equipment: rear stop- light, turn signals, rearview mirror, brakes, horn and a manufacturer's serial number plate;
    - g) A town of Union City permit shall be affixed to the dash area of the vehicle in plain view. The permit shall be issued by the town of Union City to the owner upon inspection of the vehicle and proof of compliance with the requirements of this section and payment of a permit fee will be set by resolution by the Union City board of trustees.
  - ii. Operators of golf carts shall be subject to the same rules of the road and traffic regulations established by the state of Oklahoma and the town of Union City regulating operation of motor vehicles, violation of which shall be subject to the same penalty applicable to operators of motor vehicles.

**Section 6-3-11. Miscellaneous Prohibitions.**

- A. Boarding Or Alighting From Vehicles: No person shall board or alight from any vehicle while such vehicle is in motion.
- B. Unlawful Riding: No operator of a motor vehicle shall allow a passenger to ride outside the passenger compartment of the vehicle. This subsection shall not apply to persons so riding on private property or for parades or special events nor shall this subsection apply to passengers riding on the bed of a pickup truck. (2004 Code)

- C. Truck-Tractor: A "truck-tractor" is every motor vehicle designed and primarily used for drawing other vehicles and carries a load so drawn.

It shall be prohibited for any truck-tractor equipped with a motor/ compression brake, otherwise known as a jake brake to be used on the highways, streets and roadways within the town of Union City and it shall be posted as such. Anyone who violates said ordinance shall be guilty of a misdemeanor and be subject to a fine of one hundred dollars (\$100.00) for each violation.

**Section 6-3-12. 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 wilful or wanton disregard for the safety of persons or property or at a heedless or dangerous rate of speed.

**Section 6-3-13. Driving Under Influence of Intoxicants.**

- A. Alcohol: It is unlawful for any person who is under the influence of alcohol to drive, operate, or be in actual physical control of any motor vehicle within the town.
- B. Drugs: It is unlawful for any person who is a habitual user of or under the influence of any substance included in the uniform controlled dangerous substances act, 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 the town. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such alcohol or controlled substance or any other intoxicating substance shall not constitute a defense against any charge of violating this subsection.

**Chapter 4. Parking Regulations**

**Section 6-4-1. Parking Prohibited in Specified Places.**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- A. On a sidewalk;
- B. In front of a public or private driveway;
- C. Within fifteen feet (15') of a fire hydrant;
- D. Within an intersection;
- E. On a crosswalk;
- F. Within twenty feet (20') of a crosswalk at an intersection;
- G. Within thirty feet (30') upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

- H. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the authority having jurisdiction indicates a different length by signs or marking;
- I. Within fifty feet (50') of the nearest rail of a railroad crossing;
- J. Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy five feet (75') of said entrance (when properly signposted);
- K. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- L. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- M. Upon any bridge or other elevated structure upon a highway or within a highway underpass;
- N. At any place where official signs prohibit stopping.

**Section 6-4-2. General Parking Restrictions.**

- A. Obstructing Traffic: 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 feet (10') of the width of the roadway for free movement of vehicular traffic. (1984 Code § 15-230; amd. 2004 Code)
- B. Vehicle On Street More Than Forty Eight Hours: No vehicle shall be parked, stored, stood or otherwise left on any street in the town for a period of time longer than forty eight (48) hours.
- C. Selling Merchandise From Parked Vehicle Prohibited; Nuisance Declared: 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 title, 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 6-4-3. Method of Parking.**

- A. Park Within Marked Space: In an area where parking spaces have been marked on the surface of the street, a driver parking a vehicle shall park within a parking space as thus marked off and not on or over a line delimiting a space. (1984 Code § 15-231)
- B. Method Of 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 inches (18") of the curb or roadway edge. (1984 Code § 15-232)
- C. Angle Parking:

- 1. Definition: "Angle parking", for the purpose of this title, shall mean parking at the curb at approximately a forty five degree (45°) angle between the right side of the vehicle and the curb.
- 2. Authority To Permit Angle Parking: 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. (1984 Code § 15-233)
- 3. Method Of Angle Parking:
  - i. 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.
  - ii. 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 6-4-4. Parking in Areas Designated for Persons with Disabilities.**

It is unlawful for any person to place or park a motor vehicle in any parking space, wheelchair ramp or wheelchair unloading area 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 47 Oklahoma Statutes section 15-112, and such insignias are displayed as provided in 47 Oklahoma Statutes section 15-112, or regulations adopted pursuant thereto. Any person who shall violate any of the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be punishable by a fine as provided in section 1-4-1 of this code.

**Section 6-4-5-. Operation of Vehicle During and After Parking.**

- A. 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. (1984 Code§ 15-107)
- B. Starting 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 6-4-6. Curb Parking in Front of Certain Businesses.**

Any business, garage or filling station duly licensed by the state and/or town may reserve such portions along the curb in front of the business establishments as is necessary to be used by the business or the customers of the business in the conduct of business. Those desiring to avail themselves of the benefits of this section shall provide markers on the curb designating the space so reserved at their own expense.

**Section 6-4-7. Loading and Unloading.**

- A. Designation Of Curb 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 subsection are applicable. (1984 Code § 15-237)
- B. Use Of Passenger Curb Loading Zone: 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.
- C. Use Of Freight Curb Loading Zone:
  - 1. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up 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.
  - 2. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

**Section 6-4-8. Parking in Prohibited Areas unlawful.**

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle at any time upon any of the designated streets, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

**Chapter 5. Vehicle Equipment and Condition**

**Section 6-5-1. Compliance with State Law; Use of Equipment Required.**

Every vehicle operated upon the streets of the town shall be equipped as required by law. It is unlawful for any person to:

- A. Operate a vehicle upon a street of the town which is not equipped as required by law.
- B. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law.
- C. Operate a vehicle which has equipment prohibited by law upon a street in the town.

**Section 6-5-2. Vehicle Size and Weight.**

- A. General Requirements: 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.
- B. Vehicles Over Ten Thousand Pounds:
  - 1. Permit Required: No vehicle weighing more than ten thousand (10,000) pounds shall be operated upon the streets, alleys and other public ways within the town, unless the vehicle has a special permit as herein provided. An individual permit will be necessary for each motor vehicle.
  - 2. Permit Fee: The cost of a special permit shall be five dollars (\$5.00) and shall be valid only for a twenty four (24) hour period.
  - 3. Issuance Of Permit; Conditions: Upon proper application to the town clerk-treasurer, the clerk-treasurer may issue a special permit to allow the operation of a motor vehicle weighing more than ten thousand (10,000) pounds upon prohibited streets, alleys and other public ways where it is made to appear to the clerk-treasurer that:
    - i. The vehicle is to be used to perform work within the area of the public way and that no other reasonable access exists; or
    - ii. The vehicle is to be used to deliver goods or merchandise to some area served by the public way. (1984 Code§ 15-104)
- C. Vehicles In Excess Of Two Axles; Truck Routes:
  - 1. Truck Routes Established: Vehicles in excess of two (2) axles are banned from all streets within the town limits, with the exception of State Highway 152, U.S. Highway 81, Division Street, and that portion of Pine Street located north of Division Street. Oklahoma Highway 152, U.S. Highway 81, Division Street, and that portion of Pine Street located north of Division Street shall be known as "arterial streets" and shall be designated as truck routes.
  - 2. Businesses Required To Provide Maneuvering Space: Any owner of a business within the town which is served by, or which serves, or which relies in whole or in part upon vehicles in excess of two (2) axles shall provide, on site, sufficient space for

maneuvering such vehicles so that ingress to and egress from the site can be had directly to and from one of the arterial streets named herein, without causing damage to public or private property.

3. Violation; Penalties:

- i. Penalty: Any person, firm, or corporation who violates any of the provisions of this subsection or fails to comply with any of the terms hereof, or who aids, abets or assists in such violation, shall be deemed guilty of an offense and shall be punished as provided in section 1-4-1 of this code. Each incident of violation or each day or portion of a day during which any violation of this subsection shall continue shall constitute a separate offense.
- ii. Liability For Damages: Any person, firm, or corporation who violates any of the provisions of this subsection or fails to comply with any of the provisions hereof, or who aids, abets or assists in such violation, where such violation causes damage to public or private property, shall be liable for the amount of damage so caused.
- iii. Provisions Cumulative: The remedies and penalties provided for by this subsection are cumulative and not exclusive.

**Section 6-5-3. Loads on Vehicles.**

- 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. (1984 Code § 15-105)
- 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. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have the load covered so as to prevent the blowing or escaping of the load from the vehicle. (1984 Code§ 15-105; amd. 2004 Code)
- 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 6-5-4. Seat Belts.**

- A. Seat Belts Required: Every operator and front seat passenger of a passenger car operated in the 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 a vehicle; except, that "passenger car" shall not include trucks, truck tractors, recreational vehicles, motorcycles, motorized bicycles or farm or agricultural equipment or machinery.

B. Exemptions:

1. Subsection A of this section shall not apply to an operator or passenger of a passenger car who possesses a written verification from a physician licensed in the state that he is unable to wear a safety belt system for medical reasons. Provided, that 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.
2. Subsection A of this section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. postal service.

**Section 6-5-4. Mandatory Use of Child Passenger Restraint System.**

- A. Every driver, when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system. For purposes of this section "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.
- B. Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraints system or a seatbelt.
- C. The provisions of subsections A and B shall not apply to: 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; The driver of an ambulance or emergency vehicle; The driver of a vehicle in which all of the seatbelts are in use; The transportation of children who for medical reasons are unable to be placed in such devices, provided there is written documentation from a physician of such medical reason; or the transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds.

Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall

be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

- D. This ordinance is considered a primary violation and a law enforcement officer may make routine stops of motorists for the sole purpose of enforcing this act.

### **Chapter 6. Bicycles**

#### **Section 6-6-1. Applicability of Provisions; Compliance and Responsibility.**

- A. **Applicability Of Provisions:** 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.
- B. **Compliance With Provisions:** It is unlawful for any person to do any act or fail to perform any act required by the provisions of this chapter. (1984 Code § 15-401)
- C. **Responsibility Of Parent Or Guardian:** The parent of any child under eighteen (18) years of age or the guardian of any ward under eighteen (18) years of age shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

#### **Section 6-6-2. State Traffic Laws 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 the state declaring rules of the road applicable to vehicles or by the traffic ordinances of the 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.

#### **Section 6-6-3. Obedience to Traffic Control Devices.**

- A. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected indicating 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.
- C. Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians.

#### **Section 6-6-4. Rules of Operation.**

- A. **Riding On Bicycles:**

1. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

B. **Riding On Roadways:**

1. **Riding On Right:** 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. (1984 Code § 15-405)
2. **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. (1984 Code § 15-406)

- C. **Speed Limit:** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1984 Code § 15-407)

- D. **Riding On Sidewalks:** Bicycles may not be ridden upon any sidewalk within the town.

#### **Section 6-6-5. Equipment.**

- A. **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 feet (500') 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 fifty feet (50') to three hundred feet (300') 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 feet (500') to the rear may be used in addition to the red reflector. (1984 Code § 15-409; amd. 2004 Code)
- B. **Brake:** Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

### **Chapter 7. Enforcement and Penalties**

#### **Section 6-7-1. Administration and Enforcement of Provisions.**

The police department shall have the power to enforce the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the 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 6-7-2. Authorizing or Permitting Violations.**

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 title. No parent of any child under eighteen (18) years of age or guardian of any ward under eighteen (18) years of age shall cause, authorize or knowingly permit such child or ward to violate any provision of this title.

### Section 6-7-3. Parking Violations; Prima Facie Proof.

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. The presumption in this section shall apply only when the procedure as prescribed in this title has been followed.

### Section 6-7-4. Citations.

#### A. Issuance Of Citation Tags:

1. 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 title.
2. Notice may be given by delivering the tag to the violator or by affixing it to the vehicle involved in the violation.
3. 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.
4. 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.
5. Nothing in this subsection shall be construed to abridge the power of a police officer to arrest any violator and take him into custody. (1984 Code § 15-119)

#### B. Failure To Obey Citations:

1. Generally: 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. (1984 Code § 15-120)
2. Citation 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 subsection. (1984 Code§ 15-121)

C. Cancellation Of Citations Prohibited: 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. (1984 Code§ 15-122)

#### D. Records Of Citations:

##### 1. Town Records And Disposition:

- i. Every police officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of the state or any traffic law of the 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.
- ii. 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.
- iii. 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.
- iv. 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. (1984 Code§ 15-123)

##### 2. Court Records; Abstract To State:

- i. 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. (1984 Code§ 15-124)
- ii. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this title or other law regulating the operation of vehicles on highways, the municipal

judge or clerk of the court 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. (1984 Code § 15-124; amd. 2004 Code)

- iii. 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 6-7-5. Impoundment of Vehicles.

A. Purpose And Effect: The impoundment of vehicles under authority of the provisions of this section 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.

B. Authority To Impound Vehicles: Members of the police department are hereby authorized within the limits set forth in this section 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 section. (1984 Code§ 15-504)

1. Disabled Vehicle: A disabled vehicle upon a street or highway may be impounded under the following circumstances:
  - i. If left unattended and improperly parked on a street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or
  - ii. 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. (1984 Code § 15-505)
2. Vehicle 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. (1984 Code § 15-506)
3. Arrest And Detention Of Driver: 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. (1984 Code § 15-507)

4. Vehicle Creating 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. (1984 Code § 15-508)

5. Illegal Trespass By Vehicle:

- i. An unattended vehicle found to be parked in violation of this code may be impounded when the required complaint has been properly made and filed as provided in this subsection.

- ii. 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.

- iii. 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.

6. Vehicle 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 subsection 6-4-2B of this title, regarding more than forty eight (48) hours, shall be impounded. (1984 Code § 15-510; amd. 2004 Code)

7. 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. (1984 Code § 15-511)

8. Vehicles Unattended Or Disabled 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. (1984 Code§ 15-512)

9. Stolen Vehicles:

- i. 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 of impoundment, and the registered owner of the vehicle shall be notified as soon as possible by the police department of the location of the place of impoundment.
  - ii. 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.
10. 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 title.
- C. Place Of Impoundment: Every vehicle that is impounded under the provisions of this section shall be removed to the nearest garage or place of safekeeping designated by the town board of trustees, and to no other place. {1984 Code§ 15-502}
- D. Duration Of Impoundment; Release Of Vehicle:
1. Except as otherwise provided, any vehicle impounded under the authority of this section 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.
  2. 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.
  3. No order of release of an impounded vehicle shall be issued until all fines and costs due the town because of traffic law or other law violations involving the vehicle have been paid.
- E. 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.

**Section 6-7-6. Penalty.**

Any violations of the provisions of this title shall be punishable by fine as provided in section 1-4-1 of this code.

**TITLE 7 – PUBLIC WAYS AND PROPERTY**

across any sidewalk, parking, street, alley or other public way.

**Chapter 1. Streets, Sidewalks and Public Ways**

**Section 7-1-1. Use of Public Ways; Obstructions.**

- A. Obstructing Public Ways:
  - 1. 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. (1984 Code§ 14-103)
  - 2. 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. (1984 Code § 14-104)
- B. Obstructing 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 7-1-2. Hazardous Sidewalks.**

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 7-1-3. Trash Deposits.**

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 7-1-4. Mud and Water Drainage.**

- A. Washing Vehicles:
  - 1. The washing of an automobile or other vehicle in any street of the town is hereby prohibited. (1984 Code§ 14-107)
  - 2. No automobile or other vehicle shall be washed at any place within the town where the water, dirt, mud or other substances removed therefrom by or during the washing thereof shall drain into or upon any street or sidewalk of the town. (1984 Code § 14-109)
- B. Service 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

**Section 7-1-5. Playing 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 7-1-6. Trees and Shrubs.**

- A. Trimming Required:
  - 1. The owner of any premises abutting on any street of the 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 herein required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet (10') above the roadway of a street or alley, nor lower than eight feet (8') above the sidewalk.
  - 2. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in subsection A1 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. (1984 Code§ 14-101)
- B. Injury To Trees And Shrubs Prohibited 1 : 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 7-1-7. Violation; Penalty.**

Any person, firm or corporation who violates any provisions of this chapter shall be guilty of an offense and, upon conviction thereof, shall be fined as provided in section 1-4-1 of this code.

**Chapter 2. Railroads**

**Section 7-2-1. Improvement of Streets and Alleys.**

- A. Streets: When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two feet (2') 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.

- B. Alleys: 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.

C. Tracks Crossing Streets:

1. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two feet (2') 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.
2. When more than one track crosses a street within a distance of one hundred feet (100'), measuring from inside rail to inside rail, the railroad company shall grade, 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.

- D. Maintenance Of Improvements: Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

**Section 7-2-2. Sidewalk Construction.**

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 7-2-3. 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 the line of duty, or to board any train or railroad car, including a passenger, freight, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in the line of duty.

## TITLE 8 – UTILITIES

### Chapter 1. General Provisions for Utilities

#### **Section 8-1-1. Application for Utility Service.**

Every person, firm or corporation desiring to have his premises connected with any of the town's utilities, water, sewer, or trash collection shall make application and sign a contract therefor upon a printed form to be furnished for that purpose, and shall pay the regular fees and deposits for installation of the service.

#### **Section 8-1-2. Separate Services Required.**

Every separate premises supplied must have its own separate service connection with the mains or lines, and the premises so supplied shall not be allowed to supply water or sewer to any other premises.

#### **Section 8-1-3. Authority to Establish Rates and Charges.**

The town board of trustees shall establish future rates, charges, deposits, and fees for utility services by ordinance, motion or resolution, as the case may be. A copy of the current rates and charges shall be available in the town clerk-treasurer's office.

#### **Section 8-1-4. Bills for Service; Delinquencies.**

- A. Bills Established; Rendered: All fees and charges in connection with any customer's use of the town's sanitary sewer system, the town's water facility system, or the operation of the town's collection and disposal of refuse and garbage are billed in accordance with applicable rates set as provided in section 8-1-3 of this chapter. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. (1984 Code§ 17-109)
- B. Failure To Pay Bill:
1. Upon failure of any customer to pay any part of a utility bill for any utility services by the due date on the bill, the following actions and penalties may result:
    - i. A ten percent (10%) penalty of all amounts owing on a utility bill is added to any utility bill which is not paid by the due date on the bill; and
    - ii. If the bill remains unpaid as of ten (10) days after the due date on the bill, then the following actions may result:
      - a) The authorized agents of the town may disconnect or discontinue any or all utility services to the customer after mailing written notice to the customer of the intent of the town to disconnect or discontinue any or all of the utility services;
      - b) The authorized agents of the town, upon direction of the town board of trustees, may discontinue to furnish water to any customer refusing or

neglecting to pay all or any part of a utility bill submitted after mailing written notice to the customer of the intent to disconnect the water service.

2. If any utility service is discontinued or disconnected pursuant to this subsection, the town, or its agents, shall not reconnect or reestablish the service until the full amount of any outstanding utility service bill is paid, plus the penalty provided in this subsection, plus any applicable charges or expenses in reconnecting or reestablishing the service.
  3. If town personnel goes to the premises to shut off the service and the occupant pays the town personnel prior to his shutting off the service, there shall be added to the bill a sum for the trip made by the town personnel to shut off such services.
  4. All bills, penalties and fees collected as hereinabove specified shall be paid over to the town clerk-treasurer. Nothing herein shall be construed as preventing the town from instituting suit for the recovery of any delinquent accounts.
- C. Payment Of Both Water And Sewer Bills Required: The town clerk- treasurer may not accept payment of a water bill without payment of the sewer service charge, nor shall the clerk-treasurer accept payment of a sewer bill without payment of the water bill. The failure to pay any utility bill in accordance with subsection B of this section shall be grounds for discontinuing any or all of the utility services furnished to the customer whose bill is delinquent.
- D. Discontinuance Of Services: The failure to pay any utility bill in accordance with subsection B of this section shall be grounds for discontinuing any or all of the utility services furnished to the customer whose bill is delinquent.

#### **Section 8-1-5. Authority to Interrupt Service.**

The town reserves the right to shut off the supply of water without notice for repairs, extensions, nonpayment of rates, or for any other reason, and no liability shall attach therefrom.

#### **Section 8-1-6. Damage To, Interference with Systems.**

- A. Damage To Systems: It is unlawful and an offense for any person to destroy or injure any water pipe, hydrant, faucet, pole, or other sewer or water equipment erected or placed by or belonging to the town.
- B. Interference With Mains And Fire Hydrants: It is unlawful and an offense for any person to disturb, interfere with, open, operate, close, turn on, turn off, attach any pipe or hose to, or connect anything with any fire hydrant or stop valve or stop cock belonging to the town. However, this subsection shall not apply to any member of the fire department when in the lawful discharge of his duties as such or to any person endeavoring to

prevent or put out any fire in any lawful manner. (1984 Code § 17-106)

- C. Tampering With Meters: The tampering with water meters or meter boxes of the town, or the placing of any bypass connection on or around the meters, or the use of any other device tending to interfere with the proper registration of same is unlawful.

### **Chapter 2. Water Use and Service**

#### **Section 8-2-1. Connections to Water System.**

- A. Connections Required: Each occupied residence and each occupied business or commercial building in the town shall connect to the town's water system; provided, however, such service shall be brought within at least one hundred fifty feet (150') of the residence or business property line.
- B. Application For Service: Any person desiring to make a connection to a water main of the town is required to file a written application to the town clerk-treasurer to make the connection. The application for water service shall constitute a contract on the part of the person making the application:
1. To pay for the water consumed at the rate prescribed by ordinance at the time the water is consumed;
  2. To recognize the right of the town to change the rate by ordinance at any time;
  3. To recognize the right of the town to temporarily discontinue water service at any time without notice to the consumer, to install, repair or remove a water meter or for any other proper cause;
  4. Stating that the contract is subject to all the ordinances in effect at the time of making the contract and which may be passed and go into effect thereafter;
  5. Stating that the town shall not be responsible for any damage by water or other cause resulting from defective plumbing or appliances, and the fact that an agent of the town has inspected plumbing or appliances shall not be pleaded as a basis for recovery in case of damage to the premises from defective plumbing or appliances installed by the owner or occupant of such premises;
  6. Provided, that the town shall not be liable for damages resulting from the interruption or failure of the supply of water, regardless of the cause thereof, and that such failure for any reasonable period of time shall not be held to constitute a breach of contract on the part of the town nor relieve the consumer from performing the obligations of his contract; and
  7. Provided, that the water deposit, or so much thereof as may be necessary, may be retained by the town and applied by the town on any unpaid water bill of the consumer; and provided further, that unless the water deposit

is claimed by the consumer within six (6) months after the consumer ceases to use the water or within six (6) months after the water is turned off by the town for any cause, then the consumer forfeits all right, title or interest in and to the water deposit. (1984 Code §§ 17-201, 17-204)

C. Procedures:

1. Connection And Compliance Required:
  - i. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes situated within the town and abutting on any street, alley or right of way in which there is now located or may in the future be located a water line of the town is hereby required to connect to such water line in accordance with the provisions of this chapter within ten (10) days after official notice to do so.
  - ii. At such time as a water line becomes available to a property served by a private water well, a direct connection shall be made to the public water line in compliance with this subsection.
2. Failure To Connect; Disconnection Of Sewer Service: When connection to a water line becomes available as described above, the failure to connect any dwelling, public building, commercial or industrial building to such water line within ten (10) days shall result in the disconnection of any such building from the town's sanitary sewer system by the town water/sewer department, and the owner of any such building shall become subject to a fine of the same amount per month as such building would be charged if it were connected to the water line. The fine shall continue each month until such connection is made. A charge shall be made for reconnection of sanitary sewer service to any such building. (1984 Code § 17-201; amd. 2004 Code)
3. Permit Requirements: No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water line or appurtenance thereof, and before commencement of the construction of any dwelling, public building, commercial or industrial building, any person shall obtain a written permit signed by the town clerk-treasurer. The application for such permit shall be made on a form furnished by the town, and the connection shall be inspected by a person designated by the town board of trustees.
4. Costs:
  - i. During the construction of any water line by the town, the property abutting such line may be connected with the line at no cost to the owner of the property. After the completion of the construction of the

water line by the town, a charge will be made for each connection.

- ii. All costs and expenses incident to the installation and connection of any building with the public water line shall be borne by the owner. The owner of any such building shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation or connection of such building with the public water line. (1984 Code § 17-201.1)

- D. Deposit Required: Any person who connects to the water mains of the town shall deposit with the town clerk-treasurer as a meter deposit the amount which is established. The board of trustees may establish classifications of customers, such as residences, mobile homes, and various types of businesses, for different deposit requirements.

#### **Section 8-2-2. Damaged, Inaccurate Meters.**

- A. Repair And Replacement Costs To Owner: In all cases where meters or meter boxes are lost, injured or broken by wilful action or by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired at the expense of the owner or occupant.
- B. Estimate Of Bill: In the event of a meter getting out of order or failing to register properly, the consumer shall be charged on an estimate made by the water superintendent of the average monthly consumption during the last three (3) months when the meter was in good condition or from what he may consider to be the most reliable data at his command.

#### **Section 8-2-3. Nonpayment of Bill.**

In case of nonpayment, the water shall be cut off and will not be turned on until such charges are paid.

#### **Section 8-2-4. Water Shortages.**

- A. Declaration Of Emergency: Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the mayor is hereby authorized to restrict or prohibit the use of water from the town's water system. An emergency exists whenever the mayor reasonably determines that the town's water system is unable or will, within sixty (60) days, become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection. (1984 Code§ 17-206)
- B. Proclamation Of Emergency; Restrictions On Water Use:
  1. Upon the determination that such an emergency exists, the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the town system. The order may:

- i. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and
  - ii. Prohibit usages not essential to public health and safety.
2. The order may be revised from time to time as the mayor deems necessary.
  3. A duly proclaimed emergency shall continue, and the terms of the proclamation shall be in force for thirty (30) days or until such time as the mayor shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the board of trustees, by resolution approved by a majority of all its members, votes to terminate the emergency and proclamation upon a different date. (1984 Code§ 17-207)

#### **C. Notice Of Emergency Proclamation:**

1. The proclamation required by the subsection B of this section shall be published in a newspaper of general circulation in the town, or if there is no such newspaper in which the proclamation may be published within twenty four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the town. The emergency shall be in full force and effect upon publication. Substantial compliance with this subsection is sufficient to effect the emergency.
2. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. However, if any means other than that required in subsection C1 of this section is used, the proclamation shall be republished in accordance with said subsection C1 within twenty four (24) hours of the first notice. (1984 Code § 17-208)

- D. Grievances With Water Restrictions: Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the town board of trustees or to any emergency session called to discuss the water emergency. The board of trustees may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the board of trustees by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the board of trustees, all water users shall be bound by the proclamation.

- E. Violation; Penalty: Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Any violation of the provisions of the mayor's proclamation or action of the board of trustees shall be punishable by a fine as provided in section 1-4-1 of this code.

### **Chapter 3. Sewer Use and Service**

#### **Section 8-3-1. Definitions.**

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

**SANITARY SEWAGE OR SEWAGE:** The liquid waste, which may or may not contain solids, originating in the sanitary conveniences for personnel of a dwelling, business building, factory or institution.

**SANITARY SEWER OR SEWER:** Means and includes all sanitary sewer trunk lines, main lines, submain lines, lateral lines and sewage treatment plants, and all sewer lines connected to the town's sewer lines or treatment plants, whether owned by the town or not.

**USER OF THE SEWER SYSTEM:** The person, firm or corporation having a contract for water service at a particular location, if the location has a sanitary sewer connection with the town's system, or in case there is no water contract on file, then the person, firm or corporation which is charged with water bills for the location, or whoever pays the same, or in case a private water supply is used, then the proprietor of the location having the sewer connection.

#### **Section 8-3-2. Connection Requirements.**

##### **A. Compliance With Provisions:**

1. All connections to the sewers of the town shall conform to the rules and regulations prescribed by the town. (1984 Code § 17-301)
2. No person, firm or corporation shall hereafter make\_ any connection on any public sewer or any connection to any private sewer which in turn is connected with a public sewer without complying with the rules and regulations herein set out.

##### **B. Connection Required:**

1. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right of way in which there is now located or may in the future be located a sanitary sewer line of the town, is hereby required to install suitable toilet and sewage disposal facilities directly with the public sanitary sewer system, in accordance with the provisions of this chapter, within ten (10) days after official notice to do so.
2. At such time as a public sanitary sewer line becomes available to a property served by a private sewage disposal system, a direct

connection shall be made to the public sanitary sewer system in compliance with this section, and any septic tank, cesspool and any similar private sewage disposal facility shall be abandoned and filled with suitable materials. No septic tank or cesspool shall be permitted to discharge into the public sanitary sewer system.

##### **C. Permit Requirements:**

1. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer line or appurtenance thereof without a written permit signed by the town clerk-treasurer, and before commencement of the construction of any dwelling, public building, commercial or industrial building, said person shall obtain a written permit signed by the town clerk-treasurer.
2. Application For Permit; Inspection: The application for such permit shall be made on a form furnished by the town, and the connection shall be inspected by a person designated by the town board of trustees. (1984 Code § 17-307)

##### **D. Connection Charges And Costs:**

1. A charge prescribed by section 8-3-3 of this chapter for each connection made to the sanitary sewer system of the town, regardless of whether the connection is made on what has heretofore been designated as a public sewer or a private sewer, is hereby levied for the right of the person, firm or corporation to make the connection to the sanitary sewer system of the town. It is hereby declared to be the duty of the town clerk-treasurer to make this collection for issuing a permit to the applicant. (1984 Code§ 17-304)
2. All costs and expenses incident to the installation and connection of any building with the public sanitary sewer system shall be borne by the owner. The owner of any such building shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation or connection of such building with the public sanitary sewer system.
3. During the construction of any sewer line by the town, the property abutting such line may be connected with the line at no cost to the owner of the property. After the completion of the construction of the sanitary sewer line by the town, a charge will be made for each connection. (1984 Code§ 17-307)

- E. Failure To Connect; Disconnection Of Water Service: When sanitary sewer facilities become available, the failure to connect any dwelling, public building, commercial or industrial building with such facilities within ten (10) days shall result in the disconnection of any such building from the town's water lines by the water superintendent and the owner of any such building shall become subject to

a fine of the same amount per month as such building would be charged if it were connected to the sewer system. The fine shall continue each month until such connection is made. A charge shall be made for reconnection of water service to any such building.

- F. Separate Connections Required: No person, firm or corporation shall connect more than one building to a single lateral leading to the public sewer system of the town. (1984 Code § 17-303)
- G. Improper Connections: Any person who connects to the sewers of the town in violation of this chapter or any other ordinance of the town or of the laws of the state will be denied further sewer service until such ordinances and laws are complied with. It shall be the duty of the plumbing inspector or other person designated by the town board of trustees to disconnect any sewers which have not been connected in compliance with the ordinances and laws.

### Section 8-3-3. Sewer Service Charges.

For the purpose of providing funds for the maintenance of the sanitary sewerage system of the town and for other purposes, there are hereby fixed and established charges for the use of the sanitary sewer system to be levied against each respective user thereof with the town in such amounts and according to such classifications of users as the board, by resolution or motion, may determine. A copy of the current charges in effect shall be kept on file in the town clerk-treasurer's office.

### Section 8-3-4. Discharges into Public System.

- A. Prohibited Discharges: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers or private sewer systems:
  - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process or facility or constitute a hazard in the receiving waters of the sewage treatment plant effluent;
  - 3. Any waters or wastes having a pH lower than 5.5, or causing the pH of the sewage plant influent to rise above 9.5, or having any other corrosive property capable of causing damage or hazard to processes, structures, equipment or personnel of the sewage works;
  - 4. Solid, viscous or liquid substances in quantities or of such size as to cause or be capable of causing obstruction to the flow of 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, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings,

entrails, paper products such as dishes, cups or milk containers, either whole or ground by garbage grinders, slops, chemical residues, or bulk solids;

- 5. Any strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not; (1984 Code§ 17-308)
- 6. Any unusual volume of flow or concentration of wastes constituting "slugs"; (1984 Code§ 17-308; amd. 2004 Code)
- 7. Any substance that may pass through the treatment plant without being effectively treated or otherwise reduced to acceptable concentrations by normal treatment methods such that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters;
- 8. Any waste containing rhenium, strontium or tellurium; and
- 9. Any waters or wastes containing substances in excess of the limits established in subsection B of this section or that have been diluted solely for the purpose of meeting any concentration limits listed or implied in this subsection and subsection B of this section. (1984 Code § 17-308)

### B. Limitation On Certain Discharges:

- 1. No person shall discharge or cause to be discharged any of the following described substances, materials, waters or wastes in concentrations, quantities or rates in excess of those listed except as hereinafter provided:
  - i. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) or sixty five degrees centigrade (65°C), or any substance which causes the temperature of the total sewage plant influent to increase at a rate of ten degrees Fahrenheit (10°F) or more per hour or a combined total increase of plant influent temperature to one hundred ten degrees Fahrenheit (110°F);
  - ii. Any water or waste containing fats, wax, grease or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (0° and 65°C);
  - iii. Any garbage that has not been properly shredded. The installation and operation of any garbage shredder equipped with a motor of three-fourths (3/4) horsepower (0.75 hp-metric) or greater is subject to review and approval of the town board;

- iv. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits to be established by the town board on a case by case basis in compliance with and after consultation with the appropriate regulatory agencies;
- v. Any substance with a BOD or suspended solids concentration in excess of three hundred (300) mg/l; except, that upon receipt of a written application and establishment of appropriate charges, the town board may, if the sewage works has sufficient unused or uncommitted capacity, authorize the discharge of wastes containing BOD or suspended solids concentrations in excess of three hundred (300) mg/l each;
- vi. Any waters or wastes with total dissolved solids concentrations greater than three thousand (3,000) mg/l plus the dissolved solids in the town water supply;
- vii. Any waters or wastes containing excessive discoloration or causing excess discoloration of the effluent, including, but not limited to, dye wastes and vegetable tanning solutions;
- viii. Any waters, wastes or other substances containing one or more of the following constituents in excess of the concentrations listed:

	Average for 30 Consecutive Days (mg/l)	Maximum for Any One Day (mg/l)
Antimony	0.01	
Boron	1.0	
Cadmium	0.5	1.0
Chromium – hexavalent	1.0	
Chromium – total	5.0	
Copper	1.0	
Cyanide	1.0	
Lead	0.4	0.8
Mercury	0.002	
Silver	0.3	1.0
Vanadium	10.0	
Zinc	5.0	
Phenols	0.1	
Fluoride	1.5	
Nickel	1.8	3.6
Arsenic	0.1	

- 2. Limitation on elements or compounds not listed will be established or limitations for elements or compounds listed will be lowered if necessary to ensure that effluent of the wastewater treatment plant is in full compliance with legal requirements of county, state or federal regulatory agencies. (1984 Code § 17-309)

C. Authority Of Town Regarding Certain Prohibited Wastes:

- 1. 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 subsection B of this section and which, in the judgment of the town board, 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 town board may:
  - i. Reject the wastes;
  - ii. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - iii. Require control over the quantities and rates of discharge; or
  - iv. 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 8-3-6 of this chapter.
- 2. If the town board permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment is subject to the review and approval of the town board and subject to the requirements of all applicable codes, ordinances and laws.

**Section 8-3-5. Special Equipment.**

- A. Interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the town board, they are necessary for 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 town board and shall be located as to be readily and easily accessible for cleaning and inspection. (1984 Code§ 17-311)
- B. Pretreatment Or Flow Equalizing Facilities: 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.
- C. Manhole: When required by the town board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable 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 town board. 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 8-3-6. Agreement for Discharge of Industrial Wastes.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern in accordance with section 8-3-3 of this chapter.

**Section 8-3-7. Protection of System from Damage.**

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**Section 8-3-8. Power and Authority of Enforcement Officials.**

A. Measurements, Tests And Analyses: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 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 the pH is determined from periodic grab samples. (1984 Code§ 17-314)

B. Entry Powers:

1. The plumbing inspector and other duly authorized employees of the town bearing proper credentials and identification are permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The plumbing inspector or his representatives 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.
2. The plumbing inspector and other duly authorized employees of the town bearing proper credentials and identification are

permitted to enter all private properties through which the 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 the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

C. Liability For Damages And Injuries: While performing the necessary work on private properties referred to in subsection 82 of this section, the plumbing inspector or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town 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.

**Section 8-3-9. Violation; Penalty.**

Any person, firm or corporation who violates any of the provisions of this chapter or fails to comply herewith, or with any of the requirements hereof, shall be deemed guilty of an offense and shall be punished as provided in section 1-4-1 of this code. Each day or any portion of a day during which any violation of this chapter shall continue shall constitute a separate offense.

**Chapter 4. Refuse Collection and Disposal**

**Section 8-4-1. Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

GARBAGE: All putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowl from any premises within the town limits.

PERSON: Any institution, public or private corporation, individual, partnership, or other entity.

PREMISES: Land, buildings or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored.

REFUSE: All solid wastes, including garbage and rubbish.

RUBBISH: Tin cans, bottles, papers, tree limbs (which shall be cut into lengths not exceeding 31/2 feet), leaves, etc., from any premises within the town limits.

RUBBLE: Brushwood, cardboard boxes and other bulky earthen, wooden, or metal refuse like materials longer, larger and/or heavier than refuse.

**TOWN HEALTH OFFICER:** 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 8-4-2. Duty to Request Garbage Service.**

To assist in maintaining the general sanitation of the town, it shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the town clerk-treasurer at the beginning of such occupancy and request, accept and use the garbage pick up 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 herein prescribed and causing the fees or charges therefor to be paid.

**Section 8-4-3. Accumulation of Garbage and Refuse; Storage Requirements.**

- A. **Containers Required; Specifications:** 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, rodentproof and flyproof, 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; provided, that each container shall have a capacity of not more than thirty two (32) gallons, except where approved type bulk storage containers are in use; and provided further, that 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. **Location Of Containers:** 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.
- C. **Maintenance Requirements:** All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times. (1984 Code§ 17-02)
- D. **Tree Limbs, Scrap Lumber, Boxes:** 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, cut into lengths not exceeding three and one-half feet (3 ½' ), and placed in a location easily accessible to the collector.

**Section 8-4-4. Contract for Collection and Disposal.**

- A. **Authority To Contract; Limitations:** 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 chapter; and provided further, that the method of disposal contracted for must be in accordance with the requirements of this chapter.
- B. **Application For Contract; Bids For Service:** Every person desiring to engage in the collection and disposal of refuse shall have the right to make written application to the town and shall make written application setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection and/or disposal of such refuse, the place of disposal and the method of disposal to be practiced. Upon approval of application, all bids will be considered six (6) months prior to the expiration of the then existing contract, if any.
- C. **Denial Of Application; Hearing:** Any person whose application has been denied may request and shall be granted a hearing before the town board of trustees.
- D. **Refuse Collection And Disposal Without Contract Prohibited:** It is unlawful for any person who does not do so under a contract with the town, to engage in the business of refuse collection or refuse disposal for compensation in the town.

**Section 8-4-5. Collection and Disposal of Garbage and Rubbish.**

- A. **Weekly Collections:** The town or its authorized representative shall collect from all areas of the town not less than once weekly all garbage and rubbish; provided, that it shall be the duty of any person in possession or control of any premises to place the containers required by this chapter in a location easily accessible to the collector as directed by the town health officer.
- B. **Excessive Accumulations:** 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 his charge, or collection agent shall secure permission from the town health officer for removal and disposal of same.
- C. **Collection And Disposal Of Certain Materials:**
  - 1. **Animal Carcasses:** 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 his charge and by the method directed by the town health officer1•

2. Bulky, Heavy Materials: 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.
  3. Manure1, Oils, Dangerous Substances: Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animal or fowl pens, and waste oils from garages or filling stations or materials considered hazardous and/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.
- D. Improper Placement Of Garbage And Rubbish: 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.
- E. Tampering With Containers Prohibited: The meddling with refuse containers or in any way pilfering, scattering contents, or dumping in any alley or street within the town limits is prohibited.

#### **Section 8-4-6. Fees and Charges.**

- A. Fees And Charges Established:
1. Collection Charges: There is charged, assessed and collected from each residential and commercial unit such amounts as set in accordance with this code.
  2. Additional Fees: There is imposed upon each customer of the refuse and garbage service a state mandated landfill fee and fee for related expenses of the town of twenty five cents (\$0.25) per month per residence and six cents (\$0.06) per month per loose ton for business or commercial users. The fee shall be in addition to any periodic charges for refuse or garbage services. The fee shall be included in each billing cycle, stated separately from any other periodic charges, and shall be collected, insofar as practicable, at the same time as, and in the same manner as, the periodic charges for refuse and garbage service in accordance with the regular billing practice of the town.
- B. Charges On Water Bill: All bills for sanitary (refuse) service charges and other fees shall be included on water bills, carrying the same due dates, grace periods and penalties as water bills

#### **Section 8-4-7. Inspections.**

It is the duty of the town health officer, and he is hereby directed, to make all necessary inspections and

investigations of any and all premises to see that the terms of this chapter are complied with.

#### **Section 8-4-8. Penalty.**

Any person violating any of the provisions of this chapter shall be fined as provided in section 1-4-1 of this code.



## TITLE 9 – BUILDING REGULATIONS

### Chapter 1. Building Code and Regulations

#### Section 9-1-1. Building Official.

The building official of the 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 building inspector is different than the Building Official and must be on the Approved list of Inspectors before being able to inspect property in Union City. 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 inspector, unless a separate electrical inspector, plumbing inspector, and/or gas inspector is appointed by the town board of trustees.

#### Section 9-1-2. Building Code.

- A. Code Adopted: The 2009 International Building Code is hereby adopted as the building code of the town for control of buildings and structures as therein provided. Each of all of the regulations, provisions, penalties, conditions and terms of the 2009 International Building Code referred to, adopted, incorporated and made a part hereof as if fully set out in this town code with the additions, insertions, deletions and changes, if any, prescribed in this chapter. One copy of the code adopted herein is on file in the office of the town clerk-treasurer.
- B. Amendments To Code: The following sections of the building code are hereby revised as follows:

Section 100.1, insert: "town of Union City".

Section 114.3.1, insert: "the fee schedule shall be as set or amended by ordinance or resolution".

Section 117.4, insert: "offense, punishable by fine as provided in section 1-4-1 of the town code of ordinances".

Section 118.2, insert: "fine as provided in section 1-4-1 of the town code of ordinances".

Section 123.3, insert: "as set by the town board of trustees".

Section 501.2, insert: "the boundaries of the fire limits as provided in section 9-1-3 of the town code of ordinances".

Section 1807.2.1 and 1807.2.2, insert: "a number of feet to be determined by the town board of trustees by motion or resolution" in both locations.

Section 1906.1, insert: "amounts as set by the town board of trustees by motion or resolution".

#### Section 9-1-3. Fire Limits.

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

#### Section 9-1-4. Building Permits.

- A. Permit Required upon the following occurrences:

1. Exterior: When additions, subtraction or movement of the following items occur on a resident's property a building permit is required prior to installation, deletion or movement of the items listed below:

Fences, carports, outside storage buildings, barns, dwellings and additions to dwellings, workshops, barns or garages, roof replacements, swimming pools and storm shelters.

This includes all new construction, deletion, replacement or movement of the above aforementioned items.

A permit must be obtained prior to any work being performed. This is to ensure no boundaries, property lines, easements are impeded upon before installation, construction, deletion and/or movement of any structures or fences as stated above.

2. Interior: When remodeling, new construction or other improvements inside a residence require the need for inspection of electrical/plumbing or other code verifications, a building permit will be required to verify that the contractor hired is licensed as required by town ordinance to complete the work and where an inspection can be performed by a city approved inspector to ensure work is up to code as required by the state of Oklahoma.

3. Natural Disasters:

- i. The board of trustees may vote in the event of a natural disaster to waive permit fees for repairs being made due to damages incurred during the course of a natural disaster.

- ii. Waivers for replacement of roofs and/or other damages (i.e., home replacements, etc.) as a result of a natural disaster must be applied for within ninety (90) days of the occurrence of the damages to be eligible for the fees to be waived.

- B. Application For Permit: A person desiring a building permit shall submit an application therefor to the town clerk-treasurer. The applicant shall submit with the application such reasonable information as the clerk-treasurer 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. Issuance Of Permit:

1. Compliance With Provisions; Payment Of Fee: If the application is in accordance with the requirements of the ordinances and laws, the clerk-treasurer 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-treasurer.

2. Flood Hazard Conditions : A building permit shall be issued by the town clerk-treasurer only after the building official has determined that the proposed building site is reasonably safe from flooding; or if a flood hazard exists, any proposed new construction or substantial improvement, including prefabricated and mobile/manufactured homes, must meet requirements of this code.
- D. Scope Of Permit: A building permit covers the initial plumbing and electrical installations to be made in connection with the building and does not include inspection fees. Required inspection fees will be assessed and paid to the approved inspector
- E. Length Of Permit: A building permit will be valid for one year from the date of issuance. Should construction take longer than one year another building permit must be obtained.
- F. General Contractor: Any person or entity who obtains a building permit for construction within the town of Union City and hires a person to oversee the construction (general contractor) shall have that person (general contractor) obtain a license to work within the town limits as a contractor. The fee for this shall be a sum of two hundred fifty dollars (\$250.00). License will be valid for one calendar year from the date of purchase. General Contractor must include a copy of current Liability Insurance and a copy of valid workers comp insurance with application.
- G. Requirements for Inspections: All residential Home Construction and Commercial Building construction, which involves electrical, mechanical, and plumbing improvements, and all new residential and commercial construction, shall be required to have all applicable inspections completed and an Occupancy Permit issued before being occupied. It shall be the Property Owner or General Contractor's responsibility to schedule all necessary inspections to be completed by an inspector who is listed on the Approved List of Inspectors for the Town of Union City and to pay all costs resulting from these inspections. The list of Approved Inspectors may be obtained from the Town of union City during normal business hours.
- H. Proof of Inspections: The property owner of General Contractor, whichever the case may be, must provide the Town of Union City with a copy of the completed inspection form stating that the structure passed all necessary inspections INCLUDING, but not limited to, the areas of Electrical, Plumbing, and Mechanical before an Occupancy Permit can be issued. The completed inspection form must be submitted no later than 10 days after final inspections. Failure to comply with this ordinance can result in a fine of no more than One Hundred Dollars (\$100.00) per day.
- I. Plan review/filing fees: The fees for residential Plan review fees are as follows:

Residential single-family	\$40.00
Residential multifamily	\$50.00
Church/public use building Unless located in an already approved zoning exempt area.	\$40.00
Plus, per square foot	\$0.06
Commercial	\$50.00
Plus, per square foot	\$0.06

J. Building Permit Fees:

Residential	\$40.00
Plus per square foot	\$0.06
Plus Floodplain fee	\$25.00
Occupancy Permit	\$10.00
Uniform Building Code Commission Fee	\$4.50
Commercial	\$50.00
If property in question has a valid Floodplain permit on file, this fee will not be assessed.	
Plus per square foot	\$0.06
Plus Floodplain fee	\$25.00
If property in question has a valid floodplain permit on file, this fee will not be assessed.	
Conditional Use Permits	
Application Fee	\$100.00

This application fee is due and payable at the time application is submitted for consideration and review.

Application Fee is Non-refundable.

The renewal fee must be paid annually and should be accompanied by all documents necessary to make a decision as whether to allow the permit to be renewed or not.

**Section 9-1-5. Violation; Penalties.**

- A. A person who violates a provision of this code or fails to comply herewith or with any of the requirements hereof, 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 hereunder or of a permit or certificate issued hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum as provided in section 1-4-1 of the town code, including costs. Each day upon which a violation continues shall be deemed a separate offense. (1984 Code§ 5-103)

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

**Chapter 2. Plumbing Code**

**Section 9-2-1. Code Adopted.**

A certain document, one copy of which is on file in the office of the town clerk-treasurer, being marked and designated as the BOCA national plumbing code, ninth edition, 1993, 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 herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA national plumbing code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions and changes, if any, prescribed in section 9-2-2 of this chapter. One copy of the code adopted herein is on file in the office of the town clerk-treasurer.

**Section 9-2-2. Amendments to Code.**

The following sections are hereby revised as follows:

Section P-101.1 - Title: These regulations shall be known as the Plumbing Code Of Union City hereinafter referred to as "this code". (Ord. 169, 5-1-1995)

Section P-113.3 - The town clerk-treasurer of the town of Union City, Oklahoma, shall, upon presentation by the holder of a valid, unrevoked and unexpired license as a journeyman plumber, plumber's apprentice or plumbing contractor, issued by the state of Oklahoma, collect and issue receipt for the following fees:

	First Year	Renewal
Plumbing contractor	\$50.00	\$50.00
Journeyman plumber	\$25.00	\$25.00
Apprentice plumber	\$5.00	\$5.00

All licenses shall be for one (1) year and shall expire one year from date of issue, unless sooner revoked. (Ord. 176, 7-8-1996)

Section P-116.4 - Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense punishable as provided in section 1-4-1 of the code of ordinances of the town of Union City. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section P-117.2 - Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punishable as provided in section 1-4-1 of the code of ordinances of the town of Union City.

Section P-304.3 - Public Systems Available: A public water main or public sewer system shall be considered available to a structure where the structure is located within 150 feet of the public water main or sewer1 • (Ord. 169, 5-1-1995)

Section P-304.4 is hereby added and will read as follows: All new construction or replacement of sewer lines within the town of Union City will require a 4 inch clean-out to be placed within 3 feet of the house and also at the sewer main tap site.

Sewer lines must be no less than 4 inches in diameter and schedule 40 or greater.

Section P-309.4 - Freezing: Water service piping shall be installed below recorded frost penetration but not less than one (1) foot and six (6) inches below grade. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be protected against freezing by insulation or heat or both.

Section P-309.5 - Sewer Depth: Building sewers that connect to private sewage disposal systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches below grade.

**Section 9-2-3. Violation; Penalties.**

Misdemeanor Violation; Penalty: Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate, or certificate of registration is required by this chapter, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this chapter or by the code adopted by this chapter, or who shall otherwise violate any provision of this chapter or of the code adopted by this chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code. (1984 Code § 5-801; amd. 2004 Code)

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

**Chapter 3. Electrical Regulations**

**Section 9-3-1. Definition.**

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.

**Section 9-3-2. Electrical Contractors.**

- A. Registration Required; Fee: 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 electrical inspector. The initial fee for an electrical contractor's registration certificate, and any renewal, to be paid to the town clerk-treasurer, shall be as set by the town board.

- B. State License Required; Qualifications: The applicant must possess the appropriate state license and demonstrate the qualifications of the applicant for the certificate applied for.
- C. Bond Requirements:
  - 1. Every person receiving a registration certificate as an electrical contractor or apprentice electrician shall file with the town clerk- treasurer a bond in the 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:
    - i. 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;
    - ii. The principal shall, without further cost to the person for whom the work was done, remedy any defective or faulty work caused by poor workmanship or inferior or nonstandard material; and
    - iii. The town will be fully indemnified and held harmless from any and all costs, expenses or damages resulting from the performance of his work as an electrical contractor or apprentice electrician, as the case may be.
  - 2. The bond must be approved by the building inspector. No certificate shall be issued to any such person until the bond shall have been filed and approved. Any such certificate issued shall be valid only while the bond is in effect.
- D. Expiration And Renewal Of Certificate: All such certificates shall expire June 30. 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.
- E. Nontransferability Of Registration: The certificate is not transferrable to any other individual or company.
- F. Revocation Of Registration: After adequate opportunity for a hearing and for just cause, the town board may revoke the certificate of an electrical contractor, an apprentice electrician, or a journeyman electrician.
- G. Exemptions From Registration And Bond: For the installing of bell, telephone, or signal systems not using over twelve (12) volts, no certificate or bond will be required, but the installation of same must comply with all other requirements of the ordinances of the town.

**Section 9-3-3. Compliance with Provisions, Electrical Code and Underwriters' Standards.**

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

**Section 9-3-4. Permit Requirements.**

- A. Permit Required: 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 the town or make extensions to any existing electrical installations without first securing a permit from the town clerk-treasurer.
- B. Application For Permit: Applications for electrical permits shall be made to the town clerk-treasurer, and the applicant shall provide such plans, specifications and other data as may be reasonably necessary.
- C. Permit Fee: The town clerk-treasurer of the town of Union City, Oklahoma, shall, upon presentation by the holder of a valid, unrevoked and unexpired license as a journeyman electrician, electrician's apprentice or electrical contractor, issued by the state of Oklahoma, collect and issue receipt for the following fees:

	First Year	Renewal
Electrical contractor	\$50.00	\$50.00
Journeyman electrician	\$25.00	\$25.00
Apprentice electrician	\$5.00	\$5.00

**Section 9-3-5. Electrical Requirements and Specifications.**

- A. Pilot Light Required For Electric Irons In Mercantile Occupancies: In all mercantile occupancies where electric irons are used, they must be installed with an approved pilot light. If the pilot light is in an enclosure such as an alteration room, an additional light must be installed in a visible position outside the enclosure.
- B. Branch Circuits: In residential and mercantile occupancies, lighting branch circuits shall be confined to one thousand (1,000) watts, and not more than eight (8) outlets per circuit will be allowed in the fire limits<sup>1</sup> • Branch circuit conductors shall not be smaller than no. 12. Type C lamp cord will not be permitted in the kitchens of restaurants or like places where grease accumulates, nor in any part of a building where live poultry is confined. (1984 Code § 5-306; amd. 2004 Code)
- C. Basement Installations: A circuit of not less than no. 12 wire shall be installed in basements in any area subject to floods. Ground connections shall not be made in toilets, adjacent to salt storage, acid vapors or in any location where the grounding conductor and fitting is likely to become corroded.

**Section 9-3-6. 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 electrical inspector.

**Section 9-3-7. Special Rulings.**

The town board of trustees, 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 9-3-8. Violation; Penalties.**

- A. Misdemeanor Violation; Penalty: Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or certificate of registration is required by this chapter, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this chapter or by the code adopted by this chapter, or who shall otherwise violate any provision of this chapter or of the code adopted by this chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code.
- B. Relief In Courts: No penalty imposed by and pursuant to this chapter shall interfere with the right of the town also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation.

**Chapter 4. Fuel Gas Code**

**Section 9-4-1. Code 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 town 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. One copy of the code adopted herein is on file in the office of the town clerk-treasurer.

**Section 9-4-2. Violation; Penalties.**

- A. Misdemeanor Violation; Penalty: Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate, or certificate of registration is required by this chapter, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this chapter or by the code adopted by this chapter, or who shall otherwise violate any provision of this chapter or of the code adopted by this chapter, shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of the town code. (1984 Code § 5-801; amd. 2004 Code)
- B. Relief In Courts: No penalty imposed by and pursuant to this chapter shall interfere with the right of the town also to apply to the proper courts of the state for a mandamus, an injunction or other appropriate action against such person, firm or corporation.

**Chapter 5. Well Drilling**

**Article A. Oil and Gas Wells**

**Section 9-5A-1. Fee and Bond Amounts.**

- A. Permit filing fee: Five thousand dollars (\$5,000.00).
- B. Processing fee (where permit is refused): Five hundred dollars (\$500.00).
- C. Annual inspection fee per well: Four hundred dollars (\$400.00).
- D. Consulting fee: In the event that the town of Union City determines that because of the complexity of the drilling procedure involved on any particular well, it would be necessary for the health, welfare, and safety of the citizens of the town to hire an independent consultant to provide information to the council concerning the well, the town of Union City may, at its discretion, seek reimbursement from the oil company not to exceed two thousand five hundred dollars (\$2,500.00).
- E. Oil and gas well bond: Initial one hundred thousand dollars (\$100,000.00). Reduces to ten thousand dollars (\$10,000.00) after completion and compliance with chapter.

**Section 9-5A-2. Location of Oil and Gas Wells; Exceptions.**

A. No oil or gas well or disposal well shall be drilled as follows:

1. On property zoned for residential use;
2. In platted residential subdivisions;
3. On tracts of land less than five (5) acres in size;
4. Within three hundred fifty feet (350') from a dwelling or in case of a residential lot with no dwelling located thereon, within three hundred fifty feet (350') from the building setback lines of the residential lot. Distance shall be measured from the wellhead; or
5. Within three hundred fifty feet (350') of a church, school, or other use where large numbers of people assemble; including, but not limited to, hospitals, nursing homes, restaurants, entertainment facilities. Distance shall be measured from the wellhead.

B. Where owing to special conditions the above restrictions will result in an unnecessary hardship, the applicant may request a location exception from the planning commission and board of trustees.

1. Upon receiving such an application the town clerk-treasurer shall publish notice and mail notice of a public hearing before the board of trustees and planning commission at least ten (10) days prior to the hearing to all persons within three hundred feet (300') of the exterior boundaries of the tract wherein the well is proposed to be located. At the public hearing the board of trustees may grant a location exception only upon finding that:

- i. The application of the provisions of this section to the particular piece of property would create an unnecessary hardship; or
- ii. Granting the special location exception will not cause substantial detriment to the public good or impair the purposes and intent of this chapter, and will not create an unnecessary risk or harm to surrounding properties.

2. At the public hearing the planning commission makes such recommendations to the board of trustees as it deems appropriate. The town will, after holding a public hearing, either grant or deny the location exception. The decision of the board of trustees is final. In granting a location exception the town board may impose such reasonable conditions as it deems necessary for the protection of the public health, safety, and welfare. In reviewing the application for a location exception the planning commission and town board shall consider all the following circumstances in determining whether to grant or deny same:

- i. Dangers of fire and explosion;
- ii. Adequacy of existing streets and roads to serve drilling site;
- iii. Impact of truck traffic to the surrounding neighborhood;
- iv. Impact of drilling activity on quality of life and environment in area of proposed well;
- v. Feasibility of proposed site as contrasted with other available drilling sites;
- vi. Density of population in area surrounding proposed well site;
- vii. Accessibility of proposed drilling site to fire, police, and other emergency services;
- viii. Proximity of proposed drilling site to schools, churches, dwellings, and other buildings; and
- ix. Adequacy of public services, i.e., fire, police, water, etc., to serve or protect surrounding properties from dangers associated with drilling activity.

C. For wells approved in those areas requiring a location exception under this section, no boiler, gas powered heater or electric lighting generator shall be located closer than one hundred feet (100') to any producing oil or gas well or oil tank. This subsection shall not apply to existing wells which are operating under valid permits.

**Section 9-5A-3. Application and Filing Fee.**

A. Every application for a permit to drill an original well or to reenter an abandoned well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the town of Union City and be accompanied by a filing fee. The application shall contain full information required by the town of Union City including the following:

1. Name and address of applicant and date of application;
2. Where applying for a proposed original well:
  - i. A block map of the area within a three hundred fifty foot (350') radius of wellhead, including thereon the location of the proposed well, and distance therefrom to all existing dwelling houses, buildings, or other structures, designed for the occupancy of human beings or animals within three hundred fifty feet (350') of any such well, and the location of all existing oil, gas, or freshwater wells within the ten (10) acre tract; and
  - ii. The names of the surface owners;

3. A drilling prognosis to specify in detail the amount, weight, and size of conductor pipe and surface pipe, and the procedures to be used for cementing such. Plugging procedures to be used in the event production is not established shall also be specified;
  4. A statement of the provisions for water for the drilling and completion rig;
  5. A written plan for disposal of deleterious substances produced during the drilling operations and any deleterious substances produced as a result of production from the well. This plan shall include the method of transportation and name of transporter or transport contractor for the deleterious substances and the name and location of the permitted disposal site, including a copy of the permit for the disposal site and a contract with the owner of the permitted site for the disposal of the deleterious substances, or in the alternative, provide proof of ownership of the permitted disposal site. The permittee shall provide monthly reports to the town of the amount of salt water and other deleterious substances produced along with receipts for disposal of same;
  6. A complete site development plan drawn to scale (showing all facilities of the drilling operation, including proposed production equipment, pipelines, and fence). Access to the drilling site shall be clearly identified. All existing improvements (houses, wells, barns, etc.) within a three hundred fifty foot (350') radius of the wellhead shall be shown including any watercourse, ponds, etc.;
  7. The name and address of the person within the state upon whom service of process upon applicant may be made; and in the case of any nonresident person who has no such service agent within this state there shall be attached to the application the designation of such a service agent resident in Oklahoma or Canadian County, Oklahoma, and a consent that service of summons may be made upon such person in any action to enforce any of the obligations of the applicant hereunder;
  8. A list of all current property owners as shown on current year tax rolls within three hundred feet (300') of the exterior boundaries of the subject property (when location exception is requested), certified by a bonded abstractor or an attorney licensed to practice in the state;
  9. A verification of the above information by the applicant hereunder.
- B. A copy of the approved drilling permit from the corporation commission and a copy of the staking plat shall be filed with the town prior to issuance of the municipal permit.
- C. Where the application is one for the reentry of an abandoned well, the application shall contain all

the information required by this section, with the exception that the code enforcement officer may vary the requirements thereof to suit the application before him/her. Provided, that such an application for a permit to reenter an abandoned well shall provide the following information in every case:

1. A statement of:
  - i. The then condition of the well;
  - ii. The depth to which it is proposed such well shall be deepened;
  - iii. The proposed casing program to be used in connection with the proposed deepening;
2. Evidence of adequate current tests showing that the casing strings currently passed the same tests that are required in the case of the drilling of an original well.

#### **Section 9-5A-4. Issuance or Refusal of Permit.**

- A. The code enforcement officer, after the filing of an application for a permit under this chapter, shall determine whether or not the application complies in all respects with the provisions of this chapter and applicable federal and state law; and, if it does, shall issue the permit. Each permit issued under the terms of this chapter shall:
1. By reference have incorporated therein all the provisions of this chapter with the same force and effect as if this chapter were copied verbatim therein;
  2. By reference have incorporated therein all the provisions of applicable state law and the rules, regulations, and standards adopted in accordance therewith relating to the protection of human beings, animals, and natural resources;
  3. Specify that the term of the permit shall be for a period of one year from the date of issuance thereof, and for like periods thereafter upon the successful inspection for the permittee's well and operations, as is provided for elsewhere herein;
  4. Specify such conditions imposed by the town of Union City as are by this chapter authorized; and
  5. Specify that no actual operations shall be commenced until the permittee shall file and have approved the required bonds and certificate of insurance in the appropriate amounts as provided for elsewhere herein.
- B. If the permit is issued it shall be signed by the code enforcement officer or town clerk and the permittee and when so signed shall constitute the permittee's license to drill and operate in the town and the contractual obligation of the permittee to comply with the terms of such permit, such bonds as are required, and applicable state law, rules, regulations, standards, and directives. One

executed original copy of the permit shall be retained by the town of Union City; the other shall be retained by the permittee and shall be kept available for inspection by any town or state law enforcement official who shall demand to see same. A signed copy of the approved permit must also be posted at the entrance to the well site.

- C. If the permit is refused or if the applicant notifies the town of Union City in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bonds of the applicant be not approved, then upon the happening of any of the events the cash fee filed with the application shall be refunded to the applicant, except that there shall be retained therefrom by the town the sum as set by the council as a processing fee.

**Section 9-5A-5. Permittee's Insurance and Bond.**

- A. In the event a permit shall be issued by the town of Union City, no actual operations shall be commenced until the permittee shall file with the town bonds and a certificate of insurance as follows:

A bond in the principal sum as set by the council. The bond shall be executed by a reliable insurance company authorized to do business in the state, as surety, and with the applicant as principal, running to the town for the benefit of the town and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this chapter in the operation of the well for either natural or artificial production, injection, or disposal. The bond shall become effective on or before the date the same is filed with the town and remain in force and effect for at least twelve (12) months subsequent to the expiration of the permit term, and in addition the bond will be conditioned that the permittee will promptly pay fines, penalties, and the assessments imposed upon the permittee by reason of his breach of any of the terms, provisions, and conditions of this chapter, and that the permittee will promptly restore the streets, sidewalks, and other public property of the town which may be disturbed or damaged in permittee's operations to their former condition; and that the permittee will promptly clear all premises of all litter, trash, waste, and other substances, and will, after abandonment, grade, level, and restore the property to the same surface condition, as practicable as is possible, as existed prior to commencing operations; and when required, plug an abandoned well.

- B. In addition to the bond required in subsection A of this section, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, including pollution coverage, and completed operations coverage, and including contractual liability covering bodily injuries and property damage, naming the permittee and the town of Union City, issued by an insurer authorized to do business within the state. The policy or

policies shall provide the following minimum coverage:

Bodily injuries and property damage: five hundred thousand dollars (\$500,000.00) per person; one million dollars (\$1,000,000.00) per accident.

Permittee shall file with the town of Union City certificates of the insurance as above stated, and shall obtain the written approval thereof of the code enforcement officer who shall act thereon promptly after the date of such filing. The insurance policy or policies shall not be canceled without written notice to the town of Union City at least twenty (20) days prior to the effective date of such cancellation. In the event the policy or policies are canceled, the permit granted shall immediately thereupon terminate without any action on the part of the town of Union City, and permittee's rights to operate under the permit shall cease until permittee files additional insurance as provided herein.

**Section 9-5A-6. Annual Inspection Fee.**

An annual inspection fee is hereby levied upon each well operated or maintained under a permit issued by the town of Union City. Such fee shall be payable to the town on or before January 1 of each year. No permit for any well shall be considered valid for any year for which the annual fee has not been paid. Failure to pay any required permit fee within thirty (30) days of the delinquent notice sent to the latest address provided by the permittee will result in cancellation of said permit.

**Section 9-5A-7. Penalty.**

Any person, partnership, or corporation violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-4-1 of this code for each such violation. Each day of violation shall constitute a separate offense under this article.

**Article B. Saltwater and Waste Disposal Wells**

**Section 9-5B-1. Purpose.**

The purpose of this article is to provide adequate control over the drilling, use and operation of saltwater and waste disposal wells within the corporate limits of the town, in order to effect the most beneficial use of land, and to protect the health and general welfare of the inhabitants of the town.

**Section 9-5B-2. Definitions.**

For the purposes of this article, the following definitions shall apply:

DELETERIOUS SUBSTANCE: Any chemical, saltwater, oil field brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, production, transportation, refining and processing of oil, gas or condensate.

OIL AND GAS DISTRICT: That area which is comprised of all of the incorporated area of the town, except the original townsite and the platted additions thereto.

**PERMIT:** A written permit allowing and authorizing the holder thereof to drill one or convert one existing well for the disposal of saltwater or any other waste, byproduct produced in the production of oil and gas, or any deleterious substance within the oil and gas district of the town.

**PERMITTEE:** Any person to whom a permit is issued.

**PERSON:** Any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization.

**WASTE DISPOSAL WELL:** Unless specifically qualified, any hole or holes, bore or bores, to any depth drilled or used for the purpose of disposing, by injection or other means, of any deleterious substance.

### **Section 9-5B-3. Permit Required.**

It is unlawful and an offense for any person acting for himself or acting as agent, servant, employee, subcontractor, or independent contractor of any other person, to commence to drill an original well, or to operate or use an existing well for saltwater or waste disposal purposes without first having obtained a permit issued by the town allowing such use.

### **Section 9-5B-4. Application for Permit; Filing Fee.**

All applications for permits to drill an original well or to operate or to use an existing well for waste disposal purposes shall be made to the town planning commission, in writing, on the prescribed form supplied by the town clerk-treasurer, and all information requested on such form shall be supplied in full and verified by each applicant. Each application must be accompanied by a filing fee of three thousand dollars (\$3,000.00), and no application shall request a permit to drill, operate or use more than one such waste disposal well. In considering the application for the permit, the planning commission and the board of trustees shall consider the dangers of fire, explosion, pollution, noise, street damage and the traffic generated by the activity for the purpose of assessing the impact of such operations upon the environment of the area and its affect upon the inhabitants of the town.

### **Section 9-5B-5. Regulatory Fee.**

An annual regulatory fee is hereby levied upon each saltwater or waste disposal well operated or maintained under a permit issued by the town. Such fee shall be in the amount of two hundred fifty dollars (\$250.00), payable to the town on or before the annual anniversary date of the issuance of any permits under this article. No permit for any well shall be considered valid for any year for which the annual fee has not been paid.

### **Section 9-5B-6. Issuance or Denial of Permit.**

- A. **Issuance Of Permit; Lapse:** The town planning commission, at its next regularly scheduled meeting, shall determine whether or not the application complies in all respects with the provisions of this code, including this article, and applicable federal and state law and, if it does, shall recommend to the mayor and the board of trustees that the permit be issued. Each permit issued under the terms of this article shall specify that the permit shall lapse and become void if not exercised within one year from the date of issuance.

- B. **Denial Of Permit; Reconsideration:** In the event the permit is refused, the town board of trustees shall notify the applicant of the reasons therefor in writing and allow the applicant thirty (30) days from the date of the notification within which to correct and alleviate the problems which resulted in the refusal of the permit by the board. If, within the thirty (30) day period, the board is notified by the applicant and, upon reconsideration of the application for such permit, finds that the applicant is in full compliance with the provisions of this code, including this article, and applicable federal and state laws, the permit shall be issued.
- C. **Refund Of Fee:** If, upon reconsideration by the board, the permit is again refused, or if, for any reason or at any time after the filing of such application, same is withdrawn by the applicant, the board shall refund the cash fee filed with the application to the applicant; except, that there shall be retained therefrom by the town the sum of two hundred dollars (\$200.00) as a processing fee.

### **Section 9-5B-7. Bond and Insurance Requirements.**

In the event a permit shall be issued by the town, no actual operations shall be commenced until the permittee shall file with the town bonds and a certificate of insurance as follows:

- A. **Bonds Required:**
  1. A bond in the principal sum of at least twenty five thousand dollars (\$25,000.00). The bond to be executed by a reliable insurance company authorized to do business in the state, as surety, and with the applicant as principal, running to the town for the benefit of the town, and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this article in the operation of the well for waste disposal purposes either by injection or other means. The bond shall become effective on or before the date the same is filed with the town and shall remain in force and effect for at least twelve (12) months subsequent to the expiration of the permit term, and in addition, the bond will be conditioned that the permittee will properly pay fines, penalties and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions and conditions of this article, and that the permittee will properly restore the streets, sidewalks and other public property of the town which may be disturbed or damaged in the permittee's operations to their former condition; and that the permittee will properly clear all premises of all litter, trash, waste or other substances, and will, after abandonment, grade, level and restore the property to the same surface condition, as practicable as is possible, as existed prior to commencing operations; and further, that the permittee shall indemnify and hold harmless the town from any and all liability attributable to granting the permit.
  2. In addition to the bond required in subsection A1 of this section, the permittee shall obtain a bond in the principal sum of at least one

million dollars (\$1,000,000.00). The bond shall be executed by a reliable insurer licensed to do business in the state, as surety, and with applicant as principal, running to the town for the benefit of the town and all persons concerned, conditioned that:

- i. The permittee will comply with every applicable federal and state law, rule, regulation, standard or directive relating to the maintenance of the safe and beneficial physical, chemical and biological properties of any natural waters of the town;
- ii. The permittee shall obtain the necessary permits from the town and state with regard to any operations which have the potential of rendering such waters harmful or detrimental or injurious to the public health, safety and welfare;
- iii. The permittee shall bear all the cost necessary and incidental to the correction of any pollution to the waters caused by the permittee or permittee's agents, servants, employees, subcontractors or independent contractors;
- iv. The permittee shall pay all fines, penalties, assessments or judgments resulting directly or incidentally from the permittee's activities or which result in pollution of town waters; and
- v. The permittee shall indemnify and hold harmless the town from any and all liability resulting from the pollution of town waters.

**B. Liability Insurance:**

1. In addition to the bonds required in subsections A1 and A2 of this section, the permittee shall carry a policy or policies of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the town, issued by an insurer authorized to do business within the state. The policy or policies in the aggregate shall provide for the following minimum coverage:
  - i. Bodily injuries - one hundred thousand dollars (\$100,000.00) per person, three hundred thousand dollars (\$300,000.00) per accident; and
  - ii. Property damage five hundred thousand dollars(\$500,000.00).
2. Permittee shall file with the town certificates of the insurance as above stated and shall obtain the written approval thereof of the board of trustees, who shall act thereon promptly after the date of such filing. The insurance policy or policies shall not be cancelled without written notice to the town board of trustees at least ten

(10) days prior to the effective date of such cancellation. In the event the policy or policies are cancelled, the permit granted shall immediately thereupon terminate without any action on the part of the town, and permittee's rights to operate under the permit shall cease until permittee files additional insurance as provided.

**Section 9-5B-8. Disposal of Saltwater and Other Substances.**

- A. **Safe Disposal; Plan Required:** Every permittee shall be responsible for the safe disposal of saltwater or other deleterious substances authorized to be disposed of within the corporate limits of the town and shall provide a detailed plan for such disposal for the approval by the town before any actual operations of such well are commenced. Such disposal operations shall not result in pollution of the waters of the town and shall not result in any other environmental hazard. Such disposal facility and operation shall incorporate the best available design, techniques and equipment as are now applied within the industry.
- B. **Open Pits Prohibited:** No person shall store or dispose of any deleterious substance, which includes saltwater, in open pits, whether lined or unlined, within the corporate limits of the town, either on a permanent or temporary basis.
- C. **Storage Tanks:** Should it be necessary to contain deleterious substances aboveground prior to the disposal of such substances, permittee shall construct, use or operate for such purpose no more than two (2) tanks at each well, each tank with a capacity not exceeding five hundred (500) barrels, which tanks must be constructed of steel and so constructed and maintained as to be vapor tight. The tanks shall be encircled with or by a dike or retaining wall, sufficient to repel floodwater, lined with concrete, with a storage capacity of at least one and one-half (1 1/2) times the liquid capacity of such tanks.
- D. **Leaking Substances:** In the event of any leakage or spillage of any pollution or deleterious substance, whatever the cause thereof, the permittee shall immediately cause the town to be notified thereof by notifying either the town clerk-treasurer or some member of the board of trustees. If, in the judgment of the board of trustees or the mayor, such leakage or spillage represents a potential environmental hazard, the board of trustees may issue whatever corrective orders are deemed appropriate and additionally may require the appropriate testing of the surface and subsurface for pollutant incursion, the cost of such test or tests to be borne by the permittee.

**Section 9-5B-9. Location of Wells.**

No permit shall be issued for the drilling of any waste disposal well or for the conversion of any existing well for waste disposal purposes which is nearer than two hundred feet (200') to any permanent residence or commercial building, which is closer than three hundred feet (300') to a producing fresh water well, which is outside of the town's oil

and gas district, or which is nearer than five hundred feet (500') to any property line.

**Section 9-5B-10. Fence and Maintenance Requirements.**

- A. Fence Required: All disposal facilities permitted hereunder must be enclosed by a fence sufficiently high and properly built so as to ordinarily keep persons and animals out of the enclosure, with all gates thereto to be kept locked when the permittee or his employees are not within the enclosure. A duplicate set of keys to the lock shall be marked and filed with the town clerk-treasurer.
- B. Maintenance: All such facilities shall be painted and properly maintained.

**Section 9-5B-11. Inspections; Hazardous Conditions.**

- A. Authority To Inspect: The mayor or any person designated and appointed by him shall have the authority to go upon and inspect any premises covered by the terms of this article to ascertain whether the provisions of this code, including this article, and the applicable laws, rules, regulations, standards and directives of the state are being complied with. Failure to permit access to the mayor or any person authorized by him to make such inspection shall be deemed a violation of this article. (1984 Code§ 5-731)
- B. Hazardous Conditions; Order To Cease Operations: If the mayor of the town finds that, in his judgment, a hazard to life or natural resources exists, he shall order immediate rectification of the cause. If the permittee takes no immediate measure to reduce the hazard, or if the situation be so perilous as to constitute an imminent threat to safety, then, in either of these events, the mayor of the town may order the prompt cessation of activity and, if necessary, the clearance of the premises, until such time as the hazard has been rectified.

**Section 9-5B-12. Violation; Penalties.**

- A. Violation; General Penalty: It is unlawful and an offense for any person to violate or neglect to comply with any provisions hereof irrespective of whether or not the verbiage of each section hereof contains the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any provisions of this article, or any of the provisions of a permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this article, or who shall neglect to comply with the terms hereof, shall be punished as provided in section 1-4-1 of this code, and the violation of each separate provision of this article and of the permit and of the bond shall be considered a separate offense, and each day's violation of each separate provision hereof shall be considered a separate offense.
- B. Revocation Of Permit: In addition to the foregoing penalties, it is further provided that the town board of trustees, at any regular or special session or meeting thereof, may, provided ten (10) days' notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this

article and under which operations are being conducted in the event the permittee thereof has violated any provision of the permit, the bond, or of this article. In the event the permit is revoked, the permittee may make application to the board of trustees for reissuance of such permit, and the action of the town board of trustees thereon shall be final.

- C. Nuisance Declared: Any continuing offense shall be considered a public nuisance, the remedies for which, under law, shall be in addition to those hereinbefore enumerated.

**Chapter 6. Mechanical Code**

**Section 9-6-1. Adoption of Mechanical Code**

A certain document, one copy of which is on file in the office of the town clerk of the town of Union City, being marked and designated as the international mechanical code, 2009 edition, be and is hereby adopted as the mechanical code of the town of Union City in the state of Oklahoma; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said international mechanical code, 2009 edition, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 9-6-2 of this chapter.

**Section 9-6-2. Additions, Insertions and Changes.**

The following sections are hereby revised as follows:

- A. Title: These regulations shall be known as the Mechanical Code Of The Town Of Union City hereinafter referred to as "this code".
- B. Inspections: All inspections are to be completed by an inspector listed on the approved inspection list by the town of Union City and all inspection fees are to be paid directly to the inspector.
- C. Fee Schedule: The fees for all mechanical licenses shall be as indicated in the following schedule:

	First Year	Renewal
Mechanical Contractor	\$50.00	\$50.00

**Section 9-6-3. Violation; Penalties.**

- A. Offense: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense punishable as provided in section 1-4-1 of the town code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- B. Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be

punishable as provided in section 1-4-1 of the town code.

### **Chapter 7. Communications Towers**

#### **Section 9-7-1. Definitions.**

**ANTENNA AND ANTENNA ARRAY:** The arrangement of wires or metal rods used in transmission, retransmission, and/or receptions of radio, television, electromagnetic, or micro-wave signals (includes microwave reflectors/antennas).

**ANTENNA SUPPORT STRUCTURE OR TOWER:** Any tower, mast pole, tripod, lattice, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic radio, television, or microwave signals.

**APPLICANT:** Any person, corporation, or other establishment seeking an approved location and design for a communications tower and subsequent site.

**COMMUNICATIONS OPERATIONS (AMATEUR):** The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.

**COMMUNICATIONS OPERATIONS (COMMERCIAL):** The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.

**HEIGHT:** The total elevation of the antenna, whether mounted to a building, tower, or other structure.

**MICROWAVE REFLECTOR/ ANTENNA:** An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. This definition is meant to include, but is not limited to, what are commonly referred to as satellite receive only earth stations (TVROS) or satellite dishes.

**TELEVISION AND RADIO BROADCAST TOWERS:** A structure used to house an antenna designed for the transmission or retransmission of radio, television, electromagnetic, or microwave signals, but shall not include wireless communications facilities.

**WIRELESS COMMUNICATIONS (FACILITIES):** Any personal wireless services as defined in the telecommunications act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar services as defined. Wire- less communications does not include commercial broadcast of radio and television signals.

#### **Section 9-7-2. Exclusion and Application Process.**

##### **A. Exclusions:**

1. Any tower installed by a government entity that is for emergency communications systems is exempt from these standards.

2. Any antenna of less than thirty five feet (35') in total height is exempt from this chapter, but subject to existing rules and regulations and building permit requirements.
3. All existing structures established prior to this chapter are permitted as they were previously.
4. All antennas used exclusively for amateur communications are exempt from this chapter.

##### **B. Application For Communication Tower Conditional Use Permit:**

1. All new communication antennas and towers, and radio and tele- vision broadcast towers require a conditional use permit if they exceed thirty five feet (35') in height.
2. Applications must be made at least thirty (30) days prior to the following planning commission meeting to be heard. All applications must be reviewed by the planning commission, and approved by the town board of the town of Union City.
3. Plans for the entire facility certified by a licensed engineer must be on file with the town of Union City at the time when application is made. These plans must contain the following:
  - i. A site plan drawn to scale specifying the location of the tower(s), guy anchors (if any), transmission or support building(s), and other accessory uses, parking areas, access roads, and detailed landscaped areas. Plan must also include provisions for proper drainage.
  - ii. A report from a registered structural or civil engineer indicating the tower foundation height and design, structure, installation, and total anticipated capacity of the structure (including the number and types of antennas which could be accommodated). This data shall satisfactorily demonstrate that the proposed tower conforms to all applicable requirements of the international building codes and American National Standards Institute standards (ANSI - EIA - TIA - 222).

##### **C. Fees For Application And Permit: Application processing fee is one thousand dollars (\$1,000.00), which is nonrefundable.**

##### **1. Permit Fees:**

The permit fee for construction of a communications tower will be an additional two thousand five hundred dollars (\$2,500.00), payable at the time of requesting the building permit, and said fee is nonrefundable.

##### **2. Sales Tax:**

All commercial tower permits must reflect the town of Union City as the point of sale with regard to communications using said tower. Union City sales tax shall be collected as required by applicable sales tax ordinances.

- D. Leasing Public Properties: The town of Union City encourages applicants to locate antennas on public facilities.
- E. Hearings: All antenna applications will be heard by the planning commission, and its recommendation shall be forwarded to the town board for approval or disapproval of antenna applications.
- F. Ownership List Required: The application shall submit a list of names and addresses of all record property owners within a three hundred foot (300') radius of the exterior boundaries of the proposed site of the tower. Regardless of the distance requirement, the list shall include the names and addresses of all property owners who own property abutting the parcel on which the tower is located. Where the tower is located on leased property, the list shall include those persons abutting the entire tract owned by the lessor. (For example: If the tower site is leased from a quarter section of land, then the owners abutting the quarter section would be notified.) The list shall be current and certified by a registered professional engineer, a registered land surveyor, attorney, or a bonded abstractor. Where the proposed tower exceeds one hundred feet (100') in height, then the list of surrounding property owners shall be extended to include those property owners within a radius of the site equal to three (3) times the height of the proposed tower, plus all abutting landowners.
- G. Notice Of Hearing: At least twenty (20) days prior to hearing before the planning commission the town clerk or code enforcement officer shall mail a notice of public hearing to all persons within the areas described in subsection F of this section. The notice shall include the following: 1) legal description and approximate street address of area for location of the tower; 2) a brief description of the proposed tower; and 3) date, time, and place of public hearing.

#### **Section 9-7-3. Criteria for Review of Applications.**

- A. All existing antennas must be constructed on public land or facilities on public land, unless it is proven by the applicant that this requirement is ineffective, not feasible, or impossible.
- B. If location on public land is not possible, then all new antennas must be erected on an existing communications tower already located in Union City, Oklahoma, unless it is proven by the applicant that this requirement is ineffective or not feasible.
- C. If collocation on an existing tower or location on public land is not effective, feasible or possible, then the planning commission and town board of trustees may consider approval of an antenna support structure in an agricultural (A-1), commercial (C-1, C-2) or industrial zoning district. The factors to be considered in review are:

- 1. Compatibility of tower with existing land uses.
- 2. Future land use plans of surrounding properties.
- 3. Topography of existing and surrounding property.
- 4. Potential for negative impact on surrounding property values.
- 5. Conformity with comprehensive land use plan.

#### **Section 9-7-4. Facility Requirements.**

The following general requirements shall apply to all new wireless communications facilities:

- A. Noise Requirements: Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generators used in emergency situations where regular power supply for a facility is temporarily interrupted; provided, that any permanently installed generator shall be equipped with a functional residential muffler.
- B. Compliance With Federal Regulations: Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the town of Union City.
- C. Lighting And Signage:
  - 1. Wireless communications facilities shall be lighted only if required by the federal aviation administration (FAA). Security lighting or motion activated lighting may be used around the base of a tower and within the wireless communication facility; provided, that the lighting is shielded in such a way that no light is directed toward adjacent properties or rights of way. If lighting is FAA required, then dual lighting of strobe and flashing red lights is required.
  - 2. Signs shall be limited to those needed to identify the property and the owner and warn of danger. No signs, symbols, identifying emblems, advertisements, flags, or banners shall be allowed on towers.
- D. New Towers: New wireless communications towers shall meet the following requirements:
  - 1. Type Of Tower Allowed: New towers shall be limited to monopole type and guyed tower structures capable of supporting at least three (3) antennas.
  - 2. Tower Or Antenna Height Limitations: Towers or alternative tower structures are permitted to a maximum height of two hundred fifty feet (250').
  - 3. Fall Zone: The minimum distance from the base of any tower to the property line on any

- abutting property shall be one hundred twenty five percent (125%) of the height of the tower or required setback, whichever is greater. This setback is considered a "fall zone".
4. Camouflaging Or Stealth Technology For New Towers: If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent possible, including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees.
  5. Color Of Towers: To the extent that any antenna extends above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.
  6. Information Required To Process New Tower Requests:
    - i. Provide a map of the geographic area that the project will serve;
    - ii. Provide a map that shows other existing or planned facilities that will be used for the wireless communication service provider who is making the application;
    - iii. Provide a map that shows other potential stand alone locations for the proposed facility that have been explored;
    - iv. Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage, specifications of proposed lighting of the facility, and specifications for all weather access road;
    - v. Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;
    - vi. Describe efforts to collocate the proposed facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to collocate with other carriers. The planning commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for collocation. Such good faith effort includes:
      - a) A survey of all existing structures that may be feasible sites for collocating wireless communications facilities;
      - b) Contact with all other wireless communications facilities;
      - c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation; and
      - d) Letter from tower owner stating why collocation is not feasible.
  - vii. Describe how other antenna arrays will be accommodated that could collocate on the proposed facility. Describe how this accommodation will impact both the proposed pole or tower, and the ground mounted facilities. Provide documentation of the provider's willingness to accommodate other providers who may be able to collocate on the proposed facility.
7. Sightline Representation: A sightline representation shall be drawn from four (4) points ninety degrees (90°) apart and one hundred feet (100') from the proposed tower. Each sightline shall be depicted in profile, drawn at one inch equals forty feet (1" = 40'). The profiles shall show all intervening trees and buildings.
  8. Structural Integrity And Inspections Of Towers:
    - i. The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.
    - ii. If a tower fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within thirty (30) days, the town of Union City may terminate the owner's conditional use permit and/or cause the removal of such tower (at the owner's expense).
    - iii. By making application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences, and outbuildings owned by applicant which are located in the town of Union City. The applicant further agrees to conduct inspections of all such facilities not less frequently than

every twelve (12) months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

9. Security Fencing And Anticlimbing Device: Through the use of security fencing, towers and equipment shall be enclosed by wood board or chainlink fencing not less than six feet (6') in height. The tower shall also be equipped with an appropriate anticlimbing device. The facility shall place signs indicating "No Trespassing", "High Voltage", or other pertinent information on the outside of the fence, unless it is decided that the goals of this chapter would be better served by waiving this provision in a particular instance. Barbed wire fencing or razor wire shall be prohibited.
  10. Vegetative Screening Requirements: At the discretion of the planning commission and board of trustees, wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility, or a combination of both.
  11. Setbacks From Property Lines: Wireless communication facilities shall meet current setbacks as required by zoning, plus meet the fall zone requirements.
- E. Collocation: Applicants for collocation shall meet the following requirements:

1. Administrative Approval Of Antenna Collocations And Locations On Other Structures: The code enforcement officer, without requiring the issuance of a conditional use permit, upon review may approve the following antenna installation:
  - i. Locating On Existing Structures: Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, electric transmission tower, and similarly scaled public utilities/facilities, water tower, or other freestanding, nonresidential structure), provided that the addition of the antenna does not add more than twenty feet (20') in height to the original structure;
  - ii. Locating On Existing Towers: Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed addition would add no more than twenty feet (20') in height to the original height of the tower. The addition or modification, to the extent possible,

should be designated to minimize visibility; and

- iii. Tower Capacity; Shared Space: For the purpose of collocation, the applicant must submit information from a licensed professional engineer certifying the capacity of the tower for additional providers and a letter of intent from the applicant indicating their intent to share space.

F. Other Requirements:

1. Wireless Communications Facilities Placed On Top Of Buildings: When a wireless communications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
2. Wireless Communications Facilities Placed On Side Of Buildings: Antennas which are side mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

G. Existing Towers: All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with this chapter. All existing guyed towers shall be subject to the following conditions:

1. A demolition permit shall be issued prior to a building permit being issued for the replacement tower.
2. The demolition permit shall expire within ninety (90) days and shall require the existing tower to be demolished within ninety (90) days from issuance of the building permit for the replacement tower.
3. The new tower shall be constructed as close as technically feasible to the existing tower.
4. Additional antennas may be installed on an existing tower of any height, and additional buildings or other supporting equipment used in connection with such additional antennas may be placed at the tower site so long as the proposed additions would add no more than twenty feet (20') to the original height of the existing tower. The addition or modification, to the extent possible, should be designed to minimize visibility.
5. The replacement structure may be increased in width to a maximum of thirty six inches (36"). Existing guyed towers over thirty-six inches (36") shall not be increased in width with a replacement tower.

- H. Abandoned Antennas And Towers: At such time that a licensed carrier abandons or discontinues operation of a wireless communication facility, such carrier will notify the town of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event the licensed carrier fails to give such notice, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
1. Removal of antenna, equipment shelters, and security barriers from the subject property;
  2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
  3. Restoring the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- I. Notification Of Change Of Ownership/Operator: Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within thirty (30) days to the town of Union City.

#### **Section 9-7-5. Television and Radio Broadcast Towers.**

Television and radio broadcast towers are allowed on private property as a special use granted by the board of trustees in the agricultural, commercial, and industrial zoning districts, in accordance with the provisions contained in this chapter. The following design standards are the minimum criteria that must be met:

- A. Construction: The federal communications commission (FCC) must authorize the height of the television or radio tower. Towers up to two hundred feet (200') in height must be of a monopole design. Guyed structures are permitted if taller than two hundred feet (200'), provided engineering data is provided that shows a collapsed structure will be contained within the area of the guywires, and the entire facility is located on the applicant's property.
- B. Setback: The tower must observe a setback from any property line equal to one hundred twenty five percent (125%) of the height of the tower, but not less than two hundred feet (200'). Guywire anchors must be located at least twenty five feet (25') from any common property line.
- C. Appearance: No lights, signals, or illumination shall be permitted on any tower unless required by the federal communications commission (FCC), the federal aviation administration (FAA), or any city agency. If lighting is required, only "dual lighting" shall be allowed (white lights during the day, red lights at night). All lighting shall be the least

intrusive on nearby properties. No commercial advertising, signage, or flags shall be allowed on any tower. Towers and accessory facilities should be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC or FAA.

- D. Location: At the discretion of the planning commission and the board of trustees, towers in excess of two hundred feet (200') in height must be located at least one mile from any subdivision filed of record and served by public water and sewer systems.
- E. Collocation: To minimize tower proliferation, all reasonable efforts should be made to collocate facilities on existing or new towers. Provisions should be made on new television or radio towers to allow antennas for personal wireless service or mobile radio service systems.
- F. Site Design: All proposed or contemplated structures, towers, parking, and fencing must be included on a proposed site plan, and particular attention should be paid to screening and landscaping which would mitigate any visually intrusive elements from nearby property owners.
- G. Notice: Because of the potential visual impact of all broadcast towers, the notification area for any tower needing special use approval shall include all property owners within one-half (1/2) mile of the applicant's property.
- H. Procedure And Criteria: The procedures and criteria set forth in sections 9-7-1 through 9-7-4 of this chapter, except as modified in this section, shall apply to television and radio broadcast towers.

## TITLE 10 – PLANNING AND DEVELOPMENT

### Chapter 1. Planning Commission

#### **Section 10-1-1. Commission Created; Appointment and Terms; Qualifications.**

A town planning commission is hereby created. It shall consist of five (5) appointive members, all of whom shall be residents of the town. The mayor shall serve as ex officio member of the commission. The five (5) appointive members shall be appointed by the mayor with the consent of the board of trustees and shall serve for terms of three (3) years or until their successors take office. Of the original appointive members, however, one shall serve a term of one year, two (2) shall serve a term of two (2) years, and two (2) shall serve a term of three (1) years. Thereafter, the terms of members shall be three (3) years. Members shall be appointed solely with reference to their fitness and not party affiliation.

#### **Section 10-1-2. Vacancies and Removals; Compensation.**

Vacancies occurring other than by expiration of the term shall be filled for the unexpired terms. The board of trustees may remove a member of the planning commission only for inefficiency, neglect of duty, or malfeasance in office. The members shall serve without compensation. Ex officio members shall receive no compensation for their work on the planning commission other than the fixed salary of the office.

#### **Section 10-1-3. Organization.**

- A. Officers: The commission shall elect a chairman, a vice chairman, and a secretary and may create and fill such other offices as it may deem necessary. The term of the chairman, vice chairman and secretary shall be one year with eligibility for reelection.
- B. Meetings: The planning commission shall hold at least one regular meeting each month.
- C. Rules: The planning commission shall adopt rules for the transaction of business and keep a record of its regulations, transactions, findings and determinations, which record shall be a public record.
- D. Quorum: Three (3) members of the commission shall constitute a quorum for the transaction of business; provided, however, that no action shall be taken which is binding upon the commission, unless concurred by not less than a majority of all members comprising the commission.
- E. Staff: The commission shall have the power, subject to the approval of the board of trustees, to employ planners, engineers, attorneys, clerks and other help deemed necessary for the efficient operation of the commission, within the limits of appropriation fixed by the board of trustees. The salaries and compensation of such employees shall be fixed by the board of trustees and shall be paid out of the town treasury as other officers and employees, and the necessary expenses incurred by the commission shall be paid out of the town treasury as other legal expense of the town government.

#### **Section 10-1-4. Powers and Duties.**

- A. The commission shall have the power and duty to prepare and recommend to the board of trustees for adoption a comprehensive plan for the physical development and betterment of the town.
- B. In conducting its work, the commission may consider and investigate any subject matter pertaining to the development, betterment and zoning of the town and make recommendations as it may deem advisable concerning the adoption thereof by the board of trustees.
- C. The commission may make or cause to be made surveys, studies, maps and plans for the conduct of its activities, and before final action is taken by the board of trustees on the location or design of any public buildings, statues or memorials, parks, or boulevards, streets, alleys, playgrounds, public grounds, or bridges, or any change in the location of any street or alley, the question shall be submitted to the commission for investigation and report.
- D. The commission may recommend extending, amending or changing any portion of the comprehensive plan.

#### **Section 10-1-5. Comprehensive Plan.**

In the preparation of the plan, the commission shall make careful and comprehensive surveys and studies of the present conditions and future growth of the town and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted development of the town and its environs which will be in accordance with present and future needs and best promote health, safety and morals, order, convenience, prosperity and general welfare.

#### **Section 10-1-6. Zoning Regulations.**

- A. The commission shall prepare and recommend to the board of trustees a zoning plan to regulate and restrict the height, number of stories, the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of building structures and land for trade, industry, residences or other purposes.
- B. The commission may recommend the division of the town into districts of such number, size and area that may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of building throughout the district, but the regulations from one district may differ from those of other districts.
- C. Zoning regulations shall be made in accordance with the comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to promote adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the

adequate provisions of transportation, water, sewage, schools, parks and the public requirements, such regulations to be made with a reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings, and encourage the most appropriate use of land throughout the town.

#### **Section 10-1-7. Subdivision of Land.**

The commission may prepare and recommend to the board of trustees for adoption rules and regulations governing subdivisions of land within the town limits. All plans, plats and replats of land laid out in two (2) or more lots, plats or parcels, or streets or alleys, or other ways intended to be dedicated for public use shall be first submitted to the commission for its recommendations. The commission shall check the proposed dedication or subdivision to ensure compliance with the comprehensive plan. The disapproval of any plan, plat or replat by the town shall be deemed the refusal of the dedication thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement, shall be entitled to record unless it bears the signature of the mayor, attested by the town clerk-treasurer, certifying the approval and acceptance by the board of trustees.

### **Chapter 2. Board of Adjustment; Appeals**

#### **Section 10-2-1. Board Crated; Appointment and Terms; Vacancies.**

There is hereby created a zoning board of adjustment consisting of five (5) members, citizens of the town, each to be appointed by the mayor with the approval of the board of trustees for a term of three (3) years. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose term becomes vacant. For the first appointment under the provisions of this chapter, however, one member shall be appointed for a term of one year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years. One member of the board shall be appointed from the membership of the town planning commission and one member shall be appointed from the membership of the town board of trustees. The board shall elect a chairman from its membership to serve for a term of two (2) years.

#### **Section 10-2-2. Rules, Meetings and Procedures.**

- A. Rules: The board shall adopt rules in accordance with the provisions of this chapter.
- B. Meetings:
  - 1. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.
  - 2. The chairman, or in his absence the acting chairman, may administer oaths and require the attendance of witnesses by subpoena.
- C. Minutes And Records: The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official

actions, all of which shall be immediately filed in the office of the town clerk-treasurer and shall be a public record.

- D. Vote Required To Reverse Decisions: The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any zoning ordinance or code, or to effect any variation in such ordinance or code.

#### **Section 10-2-3. Appeals to Board.**

- A. Authority: The board of adjustment shall have the powers to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of the zoning regulations set forth in title 11 of this code.
- B. Right Of Appeal: Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the administrative officer.
- C. Filing Appeal; Fee: Such appeal shall be taken within thirty (30) days after the decision by filing with the officer from whom the appeal is taken and with the town clerk-treasurer notice of appeal specifying the grounds therefor, and by paying a filing fee of fifteen dollars (\$15.00) at the office of the town clerk-treasurer at the time the notice is filed.
- D. Records To Board: The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- E. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.
- F. Hearing: The board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof as well as due notice to the parties in interest, and decide same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

#### **Section 10-2-4. Zoning Variances.**

The board of adjustment shall have the power to authorize, upon appeal in specific cases, such variances from the terms of the zoning regulations in title 11 of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the

zoning regulations will, in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

- A. At the time of the original adoption of the regulations, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, or other extraordinary or exceptional situation or condition of a specific piece of property;
- B. The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;
- C. Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area;
- D. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in title 11 of this code.

#### **Section 10-2-5. Exceptions to Provisions.**

The board shall have the power to hear and decide special exceptions to the terms of this title and titles 11 and 12 of this code upon which the board is required to pass. Upon appeal, the board is empowered to permit the following exceptions:

- A. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record;
- B. To interpret the provisions of this title and titles 11 and 12 of this code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the office of the town clerk-treasurer; and
- C. To grant exceptions to the off street parking requirements set forth in title 11, chapter 8 of this code when it is determined that the size and shape of the lot to be built on is such that off street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

#### **Section 10-2-6. Board Decisions.**

In exercising its powers, the board may, in conformance with the provisions of this title and titles 11 and 12 of this code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this title and titles 11 and 12 of this code, the board shall, in making its

findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the town. Every ruling made upon any appeal to the board shall be accompanied by written findings of fact based upon the testimony received at the hearing afforded by the board and shall specify the reason for granting or denying the appeal.

#### **Section 10-2-7. Appeals to District Court.**

- A. Right Of Appeal; Notice Filed: An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the town to the district court by filing notice of appeal with the town clerk- treasurer and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal.
- B. Records To Court Clerk: Upon filing of the notice of appeal as herein provided, the board shall transmit to the court clerk the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.
- C. Stay Of Proceedings: An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment, from which the appeal is taken, certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court or superior court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this title and titles 11 and 12 of this code, and upon notice to the chairman of the board of adjustment from which the appeal is taken, and upon due cause being shown.
- D. Court Decisions: The court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

### **Chapter 3. Mobile Homes, Trailers, Parks and Subdivisions**

#### **Section 10-3-1. Definitions.**

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

**DEPENDENT MOBILE HOME:** A mobile home which does not have a flush toilet and a bath or shower. For purposes of regulation under this chapter, a "dependent mobile home" shall be considered to be the same as a travel trailer, unless otherwise specified.

**FREESTANDING MOBILE HOME OR TRAVEL TRAILER:** Any mobile home or travel trailer not located in a mobile home park or travel trailer park or in an approved mobile home subdivision.

**HEALTH OFFICER:** The legally designated health authority of the town or his authorized representative.

**INDEPENDENT MOBILE HOME:** A mobile home which has a flush toilet and a bath or shower. Unless otherwise indicated in the text of this chapter, the term "mobile home" shall mean an independent mobile home.

**LICENSEE:** Any person licensed to operate and maintain a mobile home park under the provisions of this chapter.

**MOBILE HOME:** A detached residential dwelling unit designed for long term occupancy and containing sleeping accommodations and designed for transportation, after fabrication, on its own wheels with the carriage frame for transportation being an integral part of the construction of the unit, including axles, wheels and hitch, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary foundation, and connection to utilities.

**MOBILE HOME PARK:** Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

**MOBILE HOME SPACE:** A plot of ground within a mobile home park designed for the accommodation of one mobile home, and not located on a mobile home sales lot.

**MOBILE HOME SUBDIVISION:** A subdivision designed and intended for residential use where residence is in mobile homes exclusively, and where mobile home lots are sold for occupancy.

**NONRESIDENTIAL MOBILE TRAILER:** Any vehicle having the basic characteristics of either a mobile home or travel trailer, but which is used for purposes other than residential and is not being offered for sale as indicated by a clearly displayed sign on or near the trailer.

**PARK:** A mobile home or travel trailer park.

**PERMITTEE:** Any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of this chapter.

**PERSON:** Natural individual, firm, trust, partnership, association or corporation.

**PUBLIC WATER SYSTEM OR PUBLIC SEWER SYSTEM:** Any such system built and owned by or dedicated to and accepted by the town; all other systems are private.

**RURAL:** Any area shown on the town area general plan for suburban or rural development and which is zoned agricultural.

**SERVICE BUILDING:** A building housing toilet and bathing facilities for men or women, and may also include buildings containing laundry facilities and other facilities.

**SUBDIVISION:** Mobile home subdivision, unless otherwise indicated.

**TRAILER PARK OR TRAVEL TRAILER PARK:** Any plot of ground upon which two (2) or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

**TRAVEL TRAILER OR TRAILER:** All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use not included in the definition of "independent mobile home". For purposes of regulation under this chapter, a "dependent mobile home" shall be considered to be the same as a "travel trailer", unless otherwise specified.

**TRAVEL TRAILER SPACE:** A plot of ground within a travel trailer park designed for accommodation of one travel trailer.

### **Section 10-3-2. Park License Provisions.**

- A. **License Required:** It is unlawful for any person to construct, maintain or operate any mobile home park or travel trailer park within the town limits, unless he holds a valid license issued annually by the town clerk-treasurer with the approval of the code enforcement officer of the town, in the name of such person for the specific mobile home park.
- B. **Application For License; Notice Of Sale Or Transfer Of Park:**
  1. **Original License:** Application shall be made to the planning commission, which, acting jointly with the code enforcement officer, shall issue a license upon compliance by the applicant with all pertinent provisions of this chapter and other ordinances and regulations of the town. Every person holding such a license shall notify the code enforcement officer in writing within twenty four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control to the person succeeding to the ownership or control of such mobile home park or travel trailer park. Application for original licenses shall be in writing signed by the applicant and accompanied by an affidavit of the applicant as to the truth of the application and shall contain the following:
    - i. Name and address of the applicant;
    - ii. The interest of the applicant in and the location and legal description of the park;
    - iii. A complete plan of the park showing compliance with all applicable provisions of this chapter and regulations promulgated hereunder; and
    - iv. Such further information as may be requested by the code enforcement officer.
  2. **Renewals:** Applications for renewals of licenses shall be made in writing by the holder of the license and shall contain the following:
    - i. Any change in the information submitted since the time the original license was issued or the latest renewal granted; and

- ii. Other information requested by the code enforcement officer.
- 3. Park Plan: A complete plan, as required by subsection 81c of this section for the purpose of obtaining a license to be issued, shall show:
  - i. The area and dimensions of the tract of land;
  - ii. The number, locations, and sizes of all mobile home spaces or travel trailer spaces;
  - iii. The location and width of roadways, walkways, buffer strips and recreational areas;
  - iv. The locations of service buildings and other proposed structures;
  - v. The location and size of utility and treatment facilities; and
  - vi. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park.
- C. Suspension Of License; Hearing And Revocation:
  - 1. Whenever the code enforcement officer or planning commission finds conditions existing in violation of this chapter, or of any regulation adopted pursuant hereto, notice shall be given in writing to the person to whom the license was issued that, unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, not to exceed sixty (60) days, the code enforcement officer shall reinspect the park, and if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license was issued. Upon receipt of notice of suspension, such person shall cease operation of such park except as provided in subsection 10-3-14C of this chapter.
  - 2. Any person whose license has been denied or suspended, or who has received notice from the planning commission or code enforcement officer that his license will be suspended unless certain conditions or practices at the park are corrected, may request and shall be granted a hearing on the matter before the town code enforcement officer; provided, that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.
- D. License Fee, Expiration And Posting:
  - 1. Fee For License: The town clerk-treasurer shall charge and collect for each mobile home

park or travel trailer park an initial license fee per park in such sum as set by the board of trustees by motion or resolution.

- 2. Expiration Of License: The initial license shall expire one year from the date of issue unless renewed upon such conditions as the town board of trustees may direct from time to time.
- 3. License To Be Posted: The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park or the travel trailer park at all times.

### Section 10-3-3. Site Requirements for Parks.

#### A. Types Of Parks:

- 1. Parks shall be of three (3) types: mobile home parks, travel trailer parks and mixed mobile home and travel trailer parks.
- 2. No travel trailer shall be located in a mobile home park. No mobile home shall be located in a travel trailer park. In a mixed park, separate areas shall be reserved for mobile homes and for travel trailers; no mobile home shall be permitted in the travel trailer sector, and no travel trailer shall be permitted in the mobile home sector.
- 3. It is unlawful to permit a mobile home to occupy a travel trailer space, a travel trailer to occupy a mobile home space and for any mobile home or travel trailer to be located in a park unless in a designated mobile home or travel trailer space.

B. Drainage: The mobile home park shall be located on a well drained site and shall be so located that its drainage will not endanger any water supply. All such mobile home parks shall be in areas free from marshes, swamps, or other potential breeding places for insects or rodents.

C. Minimum Area: The minimum area of any park shall be ten (10) acres. However, parks in existence on the effective date of this chapter can continue to operate with less than ten (10) acres in area, but if the park is to be expanded, it must at that time have a minimum area of ten (10) acres, and expansion requirements are as set out for new developments.

#### D. Density Of Use:

- 1. Intensity of development shall be limited to no more than nine (9) mobile homes per gross acre for a mobile home park and no more than thirteen (13) travel trailers per gross acre for a travel trailer park. Area used for sewage treatment facilities shall not be included in density computations.
- 2. Mobile home spaces shall be at least thirty feet (30') wide where pads are closest to driveways. Travel trailer spaces shall be at least twenty five feet (25') wide where travel trailers are located closest to the driveway.

- E. Setbacks: It is unlawful to locate a mobile home or travel trailer less than twenty five feet (25') from any public street or highway or so that any part of such mobile home or travel trailer will obstruct any roadway or walkway in a mobile home park. means of ingress and egress on, at least a primary thoroughfare.
- F. Spaces:
1. Every mobile home space and travel trailer space shall be clearly defined.
  2. Mobile homes and travel trailers shall be parked in such spaces that at the nearest point, they shall be at least ten feet (10') from any other mobile home or travel trailer.
- G. Driveways And Walkways:
1. All mobile home spaces shall abut upon a sealed surface driveway of not less than twenty feet (20') in width if on street parking is prohibited and twenty five feet (25') in width if on street parking is permitted on one side of the street only. Driveways must have unobstructed access to a public street or highway.
  2. All driveways and walkways within a park shall have at least four inch (4") of concrete with roadway having curbing and proper drainage.
- H. Parking Requirements:
1. Existing Parks: In mobile home parks or travel trailer parks existing at the effective date of this chapter, parking on or adjacent to the street within the park is permissible so long as it does not obstruct free movement of traffic. Whether or not a safety hazard exists is a question to be determined by the planning commission, with final appeal to the town board of trustees. If, upon final appeal before the town board of trustees, it is determined by the board of trustees that a safety hazard does in fact exist, the mobile home park or travel trailer park concerned will be required to comply with the subsection H3 of this section.
  2. New Mobile Home Parks: In new mobile home parks, at least two (2) clearly defined parking spaces will be provided for each mobile home space either on or adjacent to the mobile home space.
  3. New Travel Trailer Parks: In new travel trailer parks, at least one parking space shall be provided for each space either on or adjacent to the space.
- I. Ingress And Egress:
1. New Mobile Home Parks: In the town's urban area, new mobile home parks should abut, and have their major means of ingress and egress on, at least a secondary thoroughfare.
  2. Travel Trailer Parks And Mixed Parks: Travel trailer parks and mixed parks in the town's urban area shall abut, and have their major
- J. Buffer Plantings: All mobile home parks shall have and maintain a buffer planting strip, not less than three feet (3') in width, along all park boundaries not bordering a street. Such strip shall consist of not less than one row of shrubs, spaced not more than eight feet (8') apart, which grow to a height of five feet (5') or more after one full growing season, and which will eventually grow to a height of not more than eight feet (8').
- K. Recreation Areas: In all mobile home parks, at least fifteen percent (15%) of the gross area shall be developed into an acceptable recreation and playground area, and the area shall be adequately enclosed.

#### **Section 10-3-4. Utilities.**

##### **A. Sewage Disposal:**

1. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park shall be discharged into a public sewer and disposal plant, septic tank system or private sewer and lagoon system of such construction and in such manner as approved by the Oklahoma state health department and in accordance with all applicable ordinances of the town.
2. Each mobile home space shall be provided with at least a four inch (4") sewer connection at least four inches (4") above the surface of the ground. The sewer connection should be protected by a concrete collar of at least four inches (4") thick and have a minimum outside diameter of twenty four inches (24") above the surface of the ground. The sewer connection shall be fitted with a standard ferrule and close nipple and provided with a screw cap. Connection between the mobile home's drain and the sewer must be watertight and self-draining. Mobile homes with fixtures from which back siphonage may occur shall not be connected to the park's water system until the defect has been corrected.
3. No sewer connections shall be made to travel trailer spaces.
4. In the event that a public sewer system is or becomes available within one hundred fifty feet (150') of a mobile home park or travel trailer park, connection must be made to the public system within one hundred eighty (180) days.
5. Every mobile home occupying a mobile home park space shall tie into the park sewerage system and shall dump any accumulated waste into the system. Every dependent trailer shall dump all accumulated waste into a receptacle provided in the travel trailer park upon entering and upon leaving the park. Such receptacles must be approved by the Oklahoma state health department. Any other

dump of accumulated waste within the town is prohibited.

6. The design of private sewage treatment facilities shall be based on the maximum capacity of the park. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The state health department must approve the type of treatment proposed and the design of any disposal facilities and sewer systems prior to construction.
7. Sewer connections shall be watertight. Park licensees shall maintain trailer and mobile home connections to sewer and water systems in good condition and be responsible that there is no sewerage or water leakage on the park premises.

B. Water Supply:

1. An accessible, adequate, safe and potable supply of water shall be provided in each park, capable of furnishing a minimum of two hundred fifty (250) gallons per day per mobile home space.
2. Where a public supply of such quality is available within one hundred fifty feet (150') of any mobile home or travel trailer park 1, connection shall be made thereto and its supply shall be used exclusively. Where private water supplies must be developed, the code enforcement officer must approve the location, construction and development of both the water well and pipe system and connections. No private source other than a water well shall be used.
3. The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home spaces. Each mobile home shall be provided with a cold water tap at least four inches (4") above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.
4. All water piping shall be constructed and maintained in accordance with state and local law. The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage. All water connections shall be weathertight.
5. Individual water service connections which are provided for direct use by mobile homes or travel trailers shall be of such construction so that they will not be damaged by the parking of such mobile homes or travel trailers. The park system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home or travel trailer connections.

6. Provisions shall be made within one hundred fifty feet (150') of each travel trailer space to supply water for travel trailer reservoirs.
7. No well casing, pumps, pumping machinery or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space aboveground which is walled in or otherwise enclosed, unless such rooms, whether aboveground or belowground, have free drainage by gravity to the surface. All floors shall be watertight, sloped from the pump pedestal to the drain, and floors shall extend at least two feet (2') from the wall in all directions. The pedestal shall not be less than twelve inches (12") above the floor. This shall not be construed as prohibiting submersible pumps.
8. All water storage reservoirs shall be watertight and constructed of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.
9. Where drinking fountains are for public use, they shall be of a type and in locations approved by the health officer.

C. Garbage And Refuse:

1. General Requirements: The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
2. Containers:
  - i. All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located within one hundred fifty feet (150') of any mobile home space or travel trailer space.
  - ii. Containers shall be so provided in sufficient numbers and capacity to properly store all refuse.
3. Collection And Disposal:
  - i. Use Of Town Services Required: Where municipal refuse disposal service is available, it must be used.
  - ii. Collection Of Refuse:
    - a) All refuse shall be collected at least once weekly.
    - b) Where municipal garbage collection is not available from municipal or private agencies, the mobile home park operator shall either employ a

private agency or provide this service.

- c) All refuse shall be collected and transported in covered vehicles or covered containers.

**Section 10-3-5. Electricity; Exterior Lighting.**

- A. Electricity: An electrical outlet supplying at least sixty (60) amperes shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances<sup>1</sup>. Such electrical outlets and extension lines shall be grounded and weatherproofed. Plug receptacles shall also be grounded and weatherproofed. All power supply lines shall be underground.
- B. Exterior Lighting: Public streets and driveways within mobile home and travel trailer parks shall be lighted with street lights meeting the current standards of the illuminating engineering society or one-half (1/2) candlepower, whichever is higher.

**Section 10-3-6. Fire Prevention and Protection; Water.**

- A. Compliance With Regulations: The mobile home park area shall be subject to the rules and regulations of the town fire prevention authority.
- B. Fuel Piping: All piping from outside fuel storage tanks or cylinders to mobile homes shall be of acceptable material as determined by the inspection officer and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home nor less than five feet (5') from any mobile home exit.
- C. Flammable Materials: Mobile home park areas shall be kept free of litter, rubbish, and other flammable materials.
- D. Fire Extinguishers: Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and at all other locations designated by the fire prevention authority and shall be maintained in good operating condition.
- E. Water Supply And Hydrants:
  - 1. Water mains shall be provided to the mobile home park, with standard fire hydrants located every five hundred feet (500').
  - 2. Where the water supply system does not provide at least six inch (6") water main, there shall be provided a two inch (2") frost protected water riser within three hundred feet (300') of each mobile home or building.

**Section 10-3-7. Insect and Rodent Control.**

- A. Insect and rodent control measures to safeguard public health as required by the planning commission or code enforcement officer shall be

applied in the mobile home park or travel trailer park.

- B. Effective larvicidal solutions may be required by the code enforcement officer or health officer for fly or mosquito breeding areas which cannot be controlled by other, more permanent measures.
- C. The code enforcement officer or planning commission may require the park operator to take suitable measures to control other insects and noxious weeds.
- D. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.
- E. When rats or other objectionable rodents are known to be in the park, the park operator shall take definite action, as directed by the code enforcement officer or health officer, to exterminate them.

**Section 10-3-8. Service Building for Travel Trailer Parks.**

- A. Service Building Required: Each travel trailer park shall be provided with at least one service building adequately equipped with flush type toilet fixtures and other sanitary facilities as required in this chapter. No service building shall contain less than one toilet for females, one toilet for males, one lavatory and shower or bathtub for each sex, and one laundry tray. All sanitary facilities required by subsection 10-3-4A of this chapter shall be located in service buildings.
- B. Location And Construction:
  - 1. Travel trailer spaces shall not be more than two hundred feet (200') from a service building.
  - 2. Service buildings shall:
    - i. Be located twenty five feet (25') or more from any travel trailer space;
    - ii. Be of permanent construction, and be adequately lighted;
    - iii. Be of moisture resistant material to permit frequent washing and cleansing;
    - iv. Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit (70°F) during cold weather and to supply adequate hot water during time of peak demands; and
    - v. Have all rooms well ventilated, with all openings effectively screened.
- C. Lavatories And Toilets: Each park accommodating travel trailers shall provide the following:
  - 1. Toilet facilities for males shall consist of not less than two (2) flush toilets and one urinal for the first ten (10) travel trailers or fraction thereof, and for travel trailers in excess of ten (10), not less than one additional flush toilet and one additional urinal for every ten (10)

additional travel trailers or fractional number thereof;

2. Toilet facilities for females shall consist of not less than two (2) flush toilets for the first six (6) travel trailer spaces or any less number thereof, and for travel trailer spaces in excess of six (6), not less than one additional flush toilet for every ten (10) additional travel trailer spaces or fractional number thereof in excess of six (6);
3. Each sex shall be provided with not less than two (2) lavatories and two (2) showers or bathtubs with individual dressing accommodations for the first ten (10) travel trailer spaces or any less number thereof and, for travel trailer spaces in excess of ten (10), not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten (10) additional travel trailer spaces or fractional number thereof;
4. Each toilet for females and each shower or bathtub with individual dressing accommodations for females shall be in a private compartment or stall;
5. The toilet and other sanitation facilities for males and females shall either be separate buildings or shall be separated, if in the same building, by a soundproof wall; and
6. There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans and other containers of human excreta or a slop sink with at least a three inch (3") trap and an adequate supply of hot running water for cleansing such bed pans or containers.

- D. Laundry Facilities: Laundry facilities shall be provided in the ratio of one laundry unit to every thirty (30) travel trailer spaces and shall be in a separate soundproof room of a service building or in a separate building. A laundry unit shall consist of not less than one clothes washing machine and one clothes drying machine.
- E. Maintenance Required: All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace.

#### **Section 10-3-9. Alterations and Additions.**

- A. Permit Required; Exemptions: A permit issued by the planning commission shall be required before any construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home shall take place. No permit shall be required for the addition of steps, canopies, awnings or antennas.
- B. Construction Requirements And Restrictions: No construction or addition or alteration to the exterior of a mobile home located in a mobile home park shall be permitted unless of the same type of

construction or materials as the mobile home affected. All such construction, additions or alterations shall be in compliance with local and state laws.

- C. Plumbing And Electrical Alterations: All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable local regulations.
- D. Skirting: Skirting of mobile homes is mandatory within sixty (60) days of moving the home in and within sixty (60) days of notification to require skirting for existing mobile homes. Skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.
- E. Number Of Structures Per Space: No structure other than a mobile home shall be permitted on a mobile home space, except one structure, of not to exceed one hundred (100) cubic feet, to be used for storage on each such space.

#### **Section 10-3-10. Park Supervision.**

The licensee or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this chapter to which the licensee is subject.

#### **Section 10-3-11. Registration of Owners and Occupants.**

- A. Each licensee shall keep a register containing a record of all mobile home and travel trailer owners and occupants located within the park. The register shall contain the following information:
  1. The name and address of the owner or occupant of each mobile home and motor vehicle by which it is towed.
  2. The make, model, year and license of each mobile home and motor vehicle.
  3. The state, territory or country issuing such license.
  4. The date of arrival and of departure of each mobile home.
  5. Whether or not each mobile home is a dependent or independent mobile home.
- B. Each mobile home or travel trailer shall be identified while in a park space with some clear, legible and orderly external method of identification or numbering system.

#### **Section 10-3-12. Minimum Housing Regulations for Mobile Homes; Space Requirements.**

- A. Compliance With Provisions:
  1. Mobile Homes: Every mobile home located in either a mobile home park, a mobile home subdivision, or as a freestanding mobile home shall meet the provisions of the town except as otherwise provided in this section.

2. Travel Trailers: This section shall not apply to travel trailers insofar as floor area, flush toilet, bath or shower or ceiling height is concerned.
  3. Dependent Mobile Homes: Dependent mobile homes shall not be required to have a flush toilet or a bath or shower.
- B. Minimum Gross Floor Area:
1. Every mobile home shall contain the following minimum gross floor area of habitable space:
    - i. Three hundred (300) square feet for one or two (2) occupants;
    - ii. Two hundred (200) additional square feet for third occupant; and
    - iii. One hundred fifty (150) square feet additional for each additional occupant thereafter.
  2. Habitable space in a mobile home shall have a minimum ceiling height of seven feet (7') over fifty percent (50%) of the floor area, and the floor area where the ceiling height is less than five feet (5') shall not be considered in computing minimum gross floor area.
- C. Exits: A mobile home shall have a safe and unobstructed primary exit and an emergency exit located remote from the primary exit.
- D. Sleeping Rooms: Rooms occupied for sleeping purposes must contain at least sixty (60) square feet of floor space if used by more than one person and at least forty (40) square feet if used by one person.

**Section 10-3-13. Wrecked, Damaged Homes and Trailers in Parks.**

Wrecked, damaged or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or travel trailer park. The code enforcement officer shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes the mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises.

**Section 10-3-14. Inspection of Parks; Violations.**

- A. Inspections:
1. The code enforcement officer is hereby authorized and directed to make inspections to determine the condition of mobile home and travel trailer parks located within the town in order to perform the duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.
  2. The code enforcement officer shall have the power to inspect the outside premises of private or public property for the purpose of inspecting and investigating conditions in

relation to the enforcement of this chapter or of regulations promulgated hereunder.

3. The code enforcement officer shall have the power to inspect any register containing a record of all mobile homes and occupants using the park.
  4. It is the duty of every occupant of a park to give the owner thereof or his agent or employee access to any part of the mobile home park or travel trailer park or the premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or with any lawful regulations adopted hereunder, or with any lawful order issued pursuant to the provisions of this chapter.
- B. Notice Of Violation: Whenever the code enforcement officer determines violations of this chapter or pertinent laws or ordinances exist, he shall notify the owner or his agent of the alleged violation. The notice shall:
1. Be in writing;
  2. Include a statement of the reasons for its issuance;
  3. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and other pertinent regulations;
  4. Allow a reasonable time, not to exceed ninety (90) days, for the performance of any act it requires; and
  5. Be served upon the owner or his agent, as the case may require. The notice or order shall be deemed as properly served upon the owner or agent when a copy thereof has been sent by certified mail to his last known address.
- C. Hearing: Any person affected by any notice issued under this chapter or resulting regulation may request and shall be granted a hearing on the matter before the code enforcement officer. Such person shall file with the code enforcement officer a written request for such hearing and setting forth briefly the grounds for such request within ten (10) days after the notice was served. When no request for such hearing shall have been filed within ten (10) days following the day on which notice was served, a violation shall be deemed to have been automatically in existence at the expiration of the ten (10) day period. The filing of the request shall not stay the notice in cases of orders issued under this section. The hearing shall be held at the earliest possible time.
- D. Decisions And Appeals: After the hearing, the code enforcement officer shall compile the findings as to compliance with this chapter and pursuant regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice which shall be served as provided in this section. Upon failure to comply with such order, the license of the park shall be revoked. Appeals

from decisions of the code enforcement officer shall be to the planning commission, and from thence to the board of trustees, and from thence to the board of adjustment, and from thence to the district court.

- E. Summary Action: Whenever the code enforcement officer or planning commission finds that an emergency exists which requires immediate action to protect the public health, the code enforcement officer or planning commission may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as may be deemed necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately but, upon petition to the code enforcement officer, shall be afforded a hearing as soon as possible.

**Section 10-3-15. Location of Freestanding Mobile Homes and Travel Trailers.**

- A. Prohibited In Urban Areas: No freestanding mobile home or travel trailer shall be permitted in the town's urban area limits, unless it is being offered for sale or parked for storage. Those freestanding mobile homes which are nonconforming uses under the provisions of this chapter may continue as nonconforming uses; provided, that they shall not be stored in front yards or on side yards abutting a street on corner lots.
- B. Permitted In Rural Areas: Freestanding mobile homes are permitted in the town's rural area but only in R-1 residential zoning districts, or in A-1 general agricultural districts. Permits for freestanding mobile homes shall be issued by the planning commission but only when the applicant agrees, in writing, to remove the mobile home within one week after either the mobile home site is rezoned to a district other than R-1 residential or A-1 agricultural, only when the applicant agrees, in writing, or is abutted within one thousand three hundred twenty feet (1,320') by districts other than R-1 residential. Such freestanding mobile homes must comply with all town regulations.
- C. Structures For Sale: Except for mobile homes or travel trailers within regular commercial mobile or travel trailer sales lots or in other than R-1 residential districts, each such freestanding mobile home or travel trailer offered for sale must be clearly marked as such and shall not be occupied for either living or sleeping purposes. Freestanding mobile homes or travel trailers located within regular commercial mobile home or travel trailer sales lots need be neither individually marked for sale nor removed within one week if not sold. A property owner shall not store, nor permit to be stored, more than one mobile home or travel trailer on a residential lot.
- D. Farm Workers/Relatives: In addition to the other requirements of this section regarding freestanding mobile homes, one freestanding mobile home shall be allowed for each one hundred sixty (160) acres which will be occupied by a person or persons

related to the third degree by affinity or consanguinity to and who is engaged in operating a farm owned by the person who owns the land on which the mobile home is located.

**Section 10-3-16. Nonresidential Mobile Trailers.**

- A. License Required: No nonresidential mobile trailer shall be permitted in the town, unless a license for its operation is issued by the code enforcement officer. Such license shall specify the permitted use of the nonresidential mobile trailer, the location of such operation and the termination date of the license. No license shall be issued for a use which would violate any town ordinance or state or federal law or regulation.
- B. Fee: A quarterly fee of twenty dollars (\$20.00) shall be charged for each nonresidential mobile trailer license. No governmental or nonprofit agency shall be charged a license fee.
- C. Exemptions From License: Operation of nonresidential trailers by contractors on construction projects for which building permits have been issued or which are otherwise approved by governmental units is permitted during the term of such construction project without issuance of a license.
- D. Limitations: This section is not to be construed as permitting or authorizing the permanent location of any nonresidential mobile trailer in the town.

**Section 10-3-17. Existing Parks.**

Mobile home parks and travel trailer parks in existence upon the effective date of this chapter, July 5, 1983, which have concrete pads indicating the location of mobile home spaces or travel trailer spaces, need not comply with those sections of this chapter which would require the moving of concrete pads. They must, however, comply with all other requirements in accordance with subsection 10-3-2D of this chapter. In addition, any park expansion shall be in full compliance with provisions of this chapter.

**Section 10-3-18. Mobile Home Subdivisions.**

- A. Prohibited: No new mobile home subdivisions will be permitted within the town limits of the town of Union City.
- B. Compliance With Provisions: Mobile home subdivisions shall comply with the subdivision and zoning ordinances of the town except as otherwise provided.
- C. Mobile Homes Only: No residences except mobile homes shall be permitted in a mobile home subdivision.
- D. Minimum Size Of Subdivisions: The minimum size of a mobile home subdivision shall be ten (10) acres.
- E. Minimum Lot Requirements:
  - 1. Minimum effective lot widths in a mobile home subdivision shall be fifty feet (50') measured at the front building line, and minimum lot areas

shall be thirteen thousand two hundred (13,200) square feet; provided, that at least a ten foot (10') side yard shall be provided on each lot beyond any mobile home and additions thereto; and further provided, that in areas not serviced by the public sewer, the minimum additional lot area shall be determined by the health officer on the basis of safe and sanitary sewer service. The effective lot width of a mobile home shall be determined for interior lots by measuring at right angles across the lot from one diagonal side line to the other, and for corner lots, the measurement shall be made at right angles from the diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard to the opposite lot line or on extension thereof.

2. Side line of lots in mobile home subdivisions need not be at right angles to straight street lines or radial to curved street lines.
3. Regardless of the effective lot width, mobile home subdivision lots must abut a public street for at least twenty five feet (25').

- F. Greenbelt Planting Strip: All mobile home subdivisions shall have a greenbelt planting strip, not less than twenty feet (20') in width, along all subdivision boundaries. Such greenbelt shall be composed of one row of deciduous and/or evergreen trees, spaced not more than forty feet (40') apart, and not less than three (3) rows of shrubs, spaced not more than eight feet (8') apart and which will grow to a height of five feet (5') or more after one full growing season and which shrubs will eventually grow to a height of not more than eight feet (8').

#### **Section 10-3-19. Penalty; Relief in Courts.**

Any person violating the provisions of this chapter shall, upon conviction, be punished as provided in section 1-4-1 of this code. No penalty imposed by or pursuant to this chapter 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 any person.

### **Chapter 4. Floodplain Regulations**

#### **Section 10-4-1. Statutory Authorization.**

The legislature of the state of Oklahoma has in 82 Oklahoma Statutes sections 1601 through 1618, as amended, delegated the responsibility of local governmental units to establish floodplain boards and for these boards to adopt regulations designed to minimize flood losses. Therefore, the town of Union City, Oklahoma, has adopted the following regulations.

#### **Section 10-4-2. Findings of Fact.**

- A. The flood hazard areas of the town of Union City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for

flood protection and relief, all of which adversely affect the public health, safety and general welfare.

- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

#### **Section 10-4-3. Purpose.**

It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- G. Ensure that potential buyers are notified that property is in a flood area.

#### **Section 10-4-4. Methods of Reducing Flood Losses.**

In order to accomplish its purposes, these regulations use the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

#### Section 10-4-5. Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application.

**ACCESSORY STRUCTURES:** Structures which are on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure (such as garages and storage sheds).

**AREA OF SHALLOW FLOODING:** A designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO or A1-99.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION:** The elevation in feet above mean sea level of the base flood or one percent (1%) chance flood.

**BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all sides.

**BOARD:** The Oklahoma water resources board.

**CRITICAL FEATURE:** An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT:** Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING:** A nonbasement building built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

**EXISTING CONSTRUCTION:** For the purposes of determining rates, means structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community on which the federal emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the floodway width, section area and mean velocity.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD PROTECTION SYSTEM:** Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within 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.

**FLOODPLAIN ADMINISTRATOR:** A person accredited by the board and designated by a floodplain board to administer and implement the laws and regulations relating to the management of floodplains.

**FLOODPLAIN MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPLAIN OR FLOOD PRONE AREA:** Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY (REGULATORY FLOODWAY):** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FUNCTIONALLY DEPENDENT USE:** A use, which 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 shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the department of the 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.

**LEVEE:** A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM:** A flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is

not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the national flood insurance program regulations.

**MANUFACTURED HOME:** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL:** For purposes of the national flood insurance program, the North American vertical datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**NEW CONSTRUCTION:** For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 3, 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 floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE:** A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (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.

**START OF CONSTRUCTION:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 and/or walkways; nor does it include excavation for basement,

footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** A walled and roofed building, including a gas or liquid storage tank that is principally above-ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any 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, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- B. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure".

**VARIANCE:** A grant of relief to a person from the requirement of these regulations when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see section 60.6 of the national flood insurance program regulations.)

**VIOLATION:** The failure of a structure or other development to be fully compliant with this community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION:** The height, in relation to the North American vertical datum (NAVO) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **Section 10-4-6. General Provisions.**

- A. **Lands To Which These Regulations Apply:** These regulations shall apply to all areas of special flood hazard within the jurisdiction of the town of Union City, Oklahoma.
- B. **Basis For Establishing The Areas Of Special Flood Hazard:** The areas of special flood hazard identified by the federal emergency management agency in a scientific and engineering report

entitled, "The Flood Insurance Study For Canadian County And Incorporated Areas", dated September 26, 2008, with accompanying flood insurance rate maps (FIRMs) are hereby adopted by reference and declared to be a part of these regulations. However, the current regulations adopted by the Union City floodplain board shall remain in effect until September 26, 2008.

- C. **Establishment Of Development Permit:** A development permit shall be required to ensure conformance with the provisions of these regulations.
- D. **Compliance:** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of these regulations and other applicable regulations.
- E. **Abrogation And Greater Restrictions:** These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **Interpretation:** In the interpretation and application of these regulations, all provisions shall be:
  1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. **Warning And Disclaimer Of Liability:** The degree of flood protection required by these regulations 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 manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

#### **Section 10-4-7. Floodplain Administrator.**

- A. **Designation:** The town of Union City floodplain board designates the code enforcement officer as floodplain administrator to administer and implement the provisions of these regulations and other appropriate sections of 44 CFR (national flood insurance program regulations) pertaining to floodplain management.
- B. **Duties And Responsibilities:** Duties and responsibilities of the flood- plain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of these regulations.
2. Review permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of these regulations.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal water pollution control act amendments of 1972, 33 USC 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Oklahoma water resources board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with subsection 10-4-6B of this chapter, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of sections 10-4-10 and 10-4-11 of this chapter.
9. Become accredited in accordance with 82 Oklahoma Statutes sections 1601 through 1618, as amended.
10. After a disaster or other type of damage occurs to structures in the town of Union City, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged and enforce the substantial improvement requirement.

manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
  2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 10-4-10B2 of this chapter;
  4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  5. Maintain a record of all such information in accordance with subsection 10-4-7B1 of this chapter.
- B. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of these regulations and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  3. The danger that materials may be swept onto other lands to the injury of others;
  4. The compatibility of the proposed use with existing and anticipated development;
  5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  8. The necessity to the facility of a waterfront location, where applicable;
  9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  10. The relationship of the proposed use to the comprehensive plan for that area.

#### **Section 10-4-8. Permit Procedures.**

- A. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of

**Section 10-4-9. Variance Procedures.**

- A. Appeal Board: The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of these regulations.
- B. Error By Floodplain Administrator: The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of these regulations.
- C. Courts: Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- D. Records: The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.
- E. Historic Structures: 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 these regulations.
- F. Lot Size: Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 10-4-8B of this chapter have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- G. Conditions: Upon consideration of the factors noted above and the intent of these regulations, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations (section 10-4-3 of this chapter).
- H. Increase In Flood Levels: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Continued Designation As Historic Structure: Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites For Granting Variances:
  - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - 2. Variances shall only be issued upon:
    - i. Showing a good and sufficient cause;
    - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 3. A written notice will be sent to any applicant that is issued a variance for the construction of a structure below the base flood elevation and it will inform them flood insurance will be commensurate of the increased risk.
- K. Functionally Dependent Use: Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - 1. The criteria outlined in subsections A through I of this section 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.
- L. Filing Fee: Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of twenty five dollars (\$25.00).
- M. Period Of Effectiveness: Pursuant to 82 Oklahoma Statutes section 1615C, as amended, in no case shall a variance be effective for a period longer than twenty (20) years.
- N. Copy Sent To Board: A copy of any variance issued shall be sent to the board within fifteen (15) days of issuance.
- O. Requests Published: Variance requests must be published in accordance with 82 Oklahoma Statutes section 1615C, as amended.
- P. Costs Incurred By Town: All publication fees, as well as other actual costs incurred by the town, including, but not limited to, attorney fees, engineering fees, and other professional costs shall be paid by the applicant prior to the variance being granted.

**Section 10-4-10. Provisions for Flood Hazard Reduction.**

- A. General Standards: In all areas of special flood hazard 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 floodwaters into the system;
  6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
  7. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided as set forth in: 1) subsection 10-4-68, 2) 10-4-788, or 3) 10-4-11C of this chapter, 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 feet (2') above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in subsection 10-4-BA 1 of this chapter, is satisfied.
  2. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least two feet (2') above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. The floodplain administrator shall maintain a record of each certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed.
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:
    - i. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - ii. The bottom of all openings shall be no higher than one foot (1') above grade.
    - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  4. Manufactured Homes: Require that all manufactured homes to be placed within zone A on the town of Union City's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  5. Accessory Structures:
    - i. Structure is low valued and represents a minimal investment.
    - ii. Structure shall be small and not exceed six hundred (600) square feet in size.
    - iii. Structure shall be unfinished on the interior.
    - iv. Structure can be used only for parking and limited storage.
    - v. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).

- vi. Service facilities such as electrical and heating equipment must be elevated to or above the BFE or floodproofed.
  - vii. Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters.
  - viii. Structure is designed to have low flood damage potential, i.e., constructed with flood resistant materials.
  - ix. Structure is firmly anchored to prevent flotation, collapse, and lateral movement.
  - x. Floodway requirements must be met in the construction of the structure.
  - xi. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE.
  - xii. Structure is to be located so as not to cause damage to adjacent and nearby structures.
6. Pipelines are to be buried 72 inches under creek/rivers, 48 inches in the rest of the Floodplain. Company must sign Statement of Burial Depth Compliance after the construction is complete.

#### **Section 10-4-11. Standards for Subdivision Proposals.**

- A. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with sections 10-4-2, 10-4-3 and 10-4-4 of this chapter.
- B. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of subsection 10-4-6C; section 10-4-8; and the provisions of sections 10-4-10 and 10-4-11 of this chapter.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to subsection 10-4-68 or 10-4-788 of this chapter.
- D. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

### **Chapter 5. Fire Hydrant Protection**

#### **Section 10-5-1. Fire Hydrant Protection Required.**

In the interest of public safety and welfare of its citizens, the town of Union City is requiring that fire hydrant protection be made a mandatory requirement for all future housing and business developments. Approval for future building permits, subdivisions, rezoning, and any other business developments are subject to the following requirements.

##### **A. Hydrants Required: Fire hydrants shall be required:**

- 1. Upon rezoning from agriculture to residential district unless there is an existing, working fire hydrant within five hundred feet (500') of the property to be rezoned.
- 2. When a residence is built or placed in the agriculture district and there is not an existing working fire hydrant located within one thousand feet (1,000') of the proposed home to be built.
- 3. When a tract of land is to be divided into two (2) or more tracts where there is not a working fire hydrant within five hundred feet (500') of the property.
- 4. Upon application to the town of Union City for a subdivision or any development consisting of two (2) or more homes to be built. Hydrants must be placed every five hundred feet (500') within the proposed development.
- 5. In commercial districts on property where there is not currently a working fire hydrant within five hundred feet (500') of the proposed business.

##### **B. Minimum Fire Hydrant Requirements:**

- 1. Fire hydrants in residential areas shall have a minimum of two (2) 2 1/2-inch and one 4 1/2-inch national hose thread outlet connections, capable of a sustained flow of not less than three hundred fifty (350) gpm, with a residual pressure of at least ten (10) psi (when the hydrant is flowing 350 gpm, there must be at least a 10 psi flow pressure) for a minimum of at least two (2) hours of continuous flow.
- 2. Fire hydrants for commercial development (business) shall have a minimum of two (2) 2 1/2-inch and one 4 1/2-inch outlets capable of a sustained flow of not less than five hundred (500) gpm, with a residual pressure of at least ten (10) psi for a minimum of not less than four (4) hours of continuous flow. For businesses with hazardous processes or high fire loads, hydrant flow and spacing shall be according to current NFPA standards for flow and spacing.
- 3. Fire hydrants must be accessible for the fire department at all times (all weather access roads, not behind fences or gates, etc.). The fire department must also be allowed to conduct a flow test at least once a year for

each hydrant or alternative hydrant/water source.

**Section 10-5-2. Alternative Water Source.**

In the event a public, commercial, or private water system is not available, or incapable of providing the required water flow, one of the following alternatives may be used:

- A. Dry Hydrant System: Dry hydrant system installed in accordance to NFPA standards with a water supply capable of supplying water during all anticipated weather (freezing, drought, etc.). Dry hydrants shall have a four and one-half inch (4.5") national standard hose thread connection. Each dry hydrant should have all weather accessibility (paved or graveled road) and should be accessible to any and all fire department vehicles. Dry hydrants should not be located behind any physical barriers (gates, fences, etc.) that would prevent ready accessibility to the fire hydrant by the fire department. Water source for a dry hydrant should be capable of supplying water of at least fifteen thousand (15,000) gallons year round. Dry hydrants must also be accessible for the fire department to be able to conduct a flow test at least once a year.
  
- B. Above Or Below Ground Storage Tank: Aboveground or belowground storage tank of not less than fifteen thousand (15,000) gallons connected to a fire hydrant with at least one 4 1/2-inch national standard hose thread connection. The hydrant must be designed so that it will not freeze in cold weather. The water tank may be filled by connection to a water well, public, private, or commercial water source capable of refilling the tank within three (3) days. Water connection should be capable of automatically refilling the tank. The hydrant should be positioned so that it has all weather accessibility with spacing in accordance to standard fire hydrant spacing requirements. Hydrants shall not be placed behind any physical barriers (gates, fences) that would prevent ready accessibility to the fire hydrant by the fire department at all times. The fire department shall be allowed to conduct a flow test at least once a year.

## TITLE 11 – ZONING REGULATIONS

### Chapter 1. General Zoning Provisions

#### Section 11-1-1. Statute Authority.

This title, In pursuance of the authority granted by the legislature of the state, shall be known as the ZONING ORDINANCE and shall be cited as such.

#### Section 11-1-2. Purpose.

The regulations set forth herein are to promote the public health, safety, morals, and general welfare by protecting existing land use from Incompatible development and provide the town a means to supervise its own growth.

#### Section 11-1-3. application of and Compliance with Provisions.

The provisions of this title shall apply to all land, properties, buildings, and structures located within the corporate limits of the town. Except as hereinafter otherwise provided, no land shall be used and no building, structure or improvement shall be made, erected, constructed, moved, or altered except in accordance with the provisions contained In these regulations.

#### Section 11-1-4. Definitions.

In this title, words used in the present tense shall include the future tense; words In the singular number Include the plural number: and words .In the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. As used In this title, the definitions set out below. shall govern the interpretation of the words to which they are attached:

**ACCESSORY BUILDING:** A building customarily incidental and subordinate to the main building and located on the same lot with the main building.

**ACCESSORY USE:** A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

**ADVERTISING SIGN OR STRUCTURE:** Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible In any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as "advertising signs" for the purpose of this definition.

**AGRICULTURE:** The use of land for agricultural purposes including farming, . dairying, pasturage, horticulture. animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the product; provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities; and

provided further, that the above uses shall not include the commercial feeding of swine or other animals, stockyards or commercial feedlots for cattle.

**ALLEY:** A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

**APARTMENT HOUSE OR MULTIPLE-FAMILY DWELLING:** A single detached dwelling designed for and occupied by three (3) or . more families living independently of each other as separate house- keeping units, . including apartment houses, apartment hotels, and flats, but not including auto or trailer courts or camps, hotels, or resort type hotels.

**AUTOMOBILE OR TRAILER SALES AREA:** An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers In operable condition and where no repair work Is done.

**AUTOMOBILE REPAIR, MAJOR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

**AUTOMOBILE REPAIR, MINOR:** Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 ½) tons' capacity.

**AUTOMOBILE SERVICE STATION OR FILLING STATION:** Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

**BASEMENT:** A story partly underground which, H occupied for living purposes, &hall be counted as a story for purposes of height measurement.

**BLOCK:** In descr1blng the boundaries of a district, the word "block" refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right of way or between an intersecting street and a watercourse.

**BOARD OF ADJUSTMENT:** The board of adjustment of the town; also referred to as the "board".

**BOARDING HOUSE:** A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twelve (12) persons.

**BUILDING:** Any structure Intended for shelter, housing or enclosure of persons, animals or chattels.. When separated by divided walls without openings, each portion of such structure so separated shall be deemed a separate structure.

**BUILDING HEIGHT:** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.

**BUILDING LINE:** A line established beyond which no part of a building shall project, except as otherwise provided by this title.

**BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any district, any dwelling shall be deemed to be a "main building" on the lot on which it is situated.

**BUILDING SITE:** A single parcel of land under one ownership, occupied or intended to be occupied by a building or structure.

**CEMETERY:** Land used or intended to be used for the burial of dead humans or pets and dedicated for cemetery purposes.

**CHILDCARE CENTER:** Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of the state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

**CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention, but who are not customarily provided with board and room or kept overnight on the premises.

**CLUB:** A nonprofit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**COMPREHENSIVE PLAN:** The official plan of the town; also refers to the specific document General Development Plan.

**CONVALESCENT HOME:** Also, a nursing home; a rest home; a home for the aged, recuperating, chronically ill, or incurable person, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

**COVERAGE:** The lot area covered by the building, including all overhanging roofs, except where otherwise specifically designated.

**DISTRICT:** Any section or sections of the town for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

**DWELLING:** Any building or portion thereof which is designed or used as living quarters for one or more families, but not including house trailers.

**DWELLING MULTIPLE:** A dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

**DWELLING, SINGLE-FAMILY:** A dwelling designed to be occupied by one family.

**DWELLING, TWO-FAMILY:** A dwelling designed to be occupied by two (2) families living independently of each other.

**DWELLING UNIT:** A room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family.

**FAMILY:** One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying premises and living as a single, nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A "family" shall be deemed to include domestic servants employed by the family.

**GARAGE APARTMENT:** A dwelling unit for one family erected above a private garage.

**GARAGE, PARKING:** Any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

**GARAGE, PRIVATE:** A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.

**GARAGE, PUBLIC:** The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.

**HEIGHT:** The vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure.

**HOME OCCUPATION:** Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided, that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one nonilluminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which the occupation is conducted.

**HOSPITAL:** See definition of Medical Facilities.

**HOTEL:** A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

**HOUSE TRAILER:** Any portable or mobile vehicle used or designed to be used for living purposes and with its wheels, rollers, or skids in place or removed.

**INDUSTRY:** Storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use.

**INSTITUTIONAL USES:** Those uses organized, established, used or Intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a nonprofit basis.

**JUNKYARD OR SALVAGE YARD:** A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, Including all wrecking yards, house wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not Including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars In operable condition. or salvage material incidental to manufacturing operations.

**KENNEL:** Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept.

**LIVESTOCK:** Any animal kept for commercial purposes.

**LOADING SPACE:** A space on the same lot as the principal use of at least ten feet (10') In width and thirty feet (30') In length and having a vertical clearance of at least fourteen feet (14'), designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**LOT:** Any plot of land occupied or intended to be occupied by one building or a group of buildings, and Its accessory buildings and uses, Including such open spaces as required by this title and other laws or ordinances, and having Its principal frontage on a street.

**LOT AREA:** The total area measured on a horizontal plane Included within lot lines.

**LOT, CORNER:** A lot of which at least two (2) adjacent sides about for their full lengths on a street; provided, that the Interior angle at the Intersection of such two (2) sides is less than one hundred thirty five degrees (135°).

**LOT DEPTH:** The average distance from the street line of the lot to Its rear line, measured in the general direction of the side lines of the lot.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

**LOT FRONTAGE:** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** Any boundary of a lot.

**LOT LINE, FRONT:** The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

**LOT LINE, REAR:** The boundary of a lot which is more distant from and most nearly parallel to the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD:** A separate and distinct parcel designated on a legally recorded subdivision plot or a legally recorded deed filed in the records of Canadian County. state of Oklahoma.

**MEDICAL FACILITIES:**

Nursing homes, rest. convalescent homes or veterinary facilities. See also the definition of Convalescent Home.

**Dental Or Doctor's Office:** The same as dental or medical clinic, including the various dental and medical specialties.

**Dental Or Medical Clinic:** A building used for the examination and treatment of the physically ill; provided, that no facilities are provided for patients to remain overnight

**Hospital:**

1. An Institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.
2. A veterinary facility.

**MOBILE HOME/ MANUFACTURED HOME:** A detached residential dwelling unit designed for long term occupancy and containing sleeping accommodations and designed for transportation, after fabrication, on its own wheels with the carriage frame for transportation being an Integral part of the construction of the unit, Including axles. wheels and hitch, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, and connection to utilities.

**METAL/WOOD MODULAR HOME:** A movable or portable dwelling consisting of one (1) or more units designed to be joined Into one Integral unit designed for towing or transport on streets and highways by any means of transport complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on permanent foundations, connection to utilities and similar operations.

**NONCONFORMING USE:** A structure or land lawfully occupied by a use that does not conform to the regulations of the district In which It Is situated.

**100-VEAR FLOOD OR RAIN:** A flood or rainfall having an average statistical frequency of occurrence In the order of once in one hundred (100) years, although the flood or rainfall may actually occur In any year.

**OPEN SPACE:** Area included in any side, rear or front yard or any other unoccupied space on a lot that is open and

unobstructed to the sky except for the ordinary projection of cornices and eaves of porches.

PARCEL: See definition of Lot.

PARKING SPACE: A permanently surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

PLANNING COMMISSION: The Union City town planning commission, as established by the statutes hereinbefore cited.

RESIDENCE OR RESIDENTIAL.: Any building, structure or portion thereof which is designed or used as living quarters for one or more persons, including mobile/manufactured homes, but not including portable buildings, a tent, cabin, trailer or trailer coach, boarding or rooming houses, hotel, motel, apartments, duplexes, or multiple dwellings.

ROOMING HOUSE: See definition of Boarding House.

SIGN: Any word, lettering, part of letters, figures, numerals, phrases, -sentences emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity, or a product, which are visible from any public street or right of way and designed to attract attention. "For sale" and "For rent" shall be deemed "signs" within the meaning of this definition, but the term "sign" shall not include the flag, pennant, or insignia of any nation, state, city or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event used for a public purpose in the public interest.

SIGN, DISPLAY SURFACE AREA: The net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations; provided, that only one face of a double faced sign shall be included in the computation of display surface area.

SIGN, ILLUMINATED: A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

SIGN, PROJECTING: A sign erected on the face or outside wall of a building which projects out at any angle therefrom.

SIGN, TEMPORARY: Signs of temporary nature used to advertise the premises for sale, rent, lease, or for campaign purposes.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

STREET, ARTERIAL: Any street designated on the thoroughfare plan as an arterial, primary arterial, secondary arterial, major street, etc.

STREET, MINOR: Any street- not designated on the thoroughfare plan as an arterial.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improvement areas).

THOROUGHFARE PLAN: The part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the words "major street plan" and "trafficways plan".

TOURIST COURT: An area containing one or more structures designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients.

TRAILER: A portable or mobile unit, other than a mobile home, used or designed to carry or transport material or animals.

TRAILER PARK: Land or property which is used or intended to be used or rented for occupancy by two (2) or more trailers or moveable sleeping quarters of any kind.

TRAVEL TRAILER: Temporary living quarters.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward; except, that, where otherwise specifically provided in this title, an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

YARD, REAR: A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the "rear yard" shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being a minimum horizontal distance from the side lot line and the side of the main building or any other projections other than steps.

#### **Section 11-1-5. Zoning District Boundaries and Maps.**

Land use designations and maps in this section are hereby adopted by reference as set out in ordinance 141, adopted December 20, 1985.

## **Chapter 2. Administration and Enforcement**

### **Section 11-2-1. Enforcement Official.**

It is the duty of the town code enforcement officer to enforce this chapter, acting at the direction of the Mayor of the Board of Trustees.

### **Section 11-2-2. Permits and Certificates.**

It shall be a violation of this chapter for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit or certificate of occupancy has been obtained under the conditions of this section. A building permit shall not be issued if the use is or would be in violation of any provision of this title.

#### **A. Building Permit:**

1. **Permit Required:** No building or structure shall be built, enlarged, altered or moved without a permit from the code enforcement officer or from the board of trustees as provided in town ordinances.
2. **Application For Permit:** The applicant for a building permit may be required to furnish the following information:
  - i. A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, or erected, together with a statement of the materials to be used, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off street parking and loading facilities;
  - ii. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate;
  - iii. Additional information relating to the proposed improvement needed to determine compliance with these regulations; and
  - iv. A survey prepared by an engineer registered in the state of Oklahoma. (1984 Code § 12-301)

- B. **Zoning Clearance Permit:** It is unlawful to change land use within the corporate limits of the town without a zoning clearance permit. All commercial, industrial, single-family residential, multi-family residential or other types of land uses shall be reviewed and authorized or rejected under the following procedure:

1. An application shall be filed with the planning commission for review. The application, accompanied by a fee of seventy five dollars (\$ 75.00), which fee includes any publication costs shall be filed with the town clerk-treasurer who shall act as the filing clerk for the planning commission. Upon the filing of the application, the town clerk-treasurer shall refer the same to the planning commission for its action. The application may be by letter or by other document sufficient to represent the applicant's Intent and shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred feet (300'), and any other material pertinent to the request which the planning commission may require.
2. The planning commission, within a reasonable time following the filing of such application, shall transmit to the board of trustees its report as to the effect of such proposed building or use upon the character pertaining to the general welfare and the recommendation of the planning commission concerning use thereon. Thereupon, the board of trustees may authorize or deny the issuance of a permit for use of land or buildings as requested. Upon approval by the board of trustees, the zoning clearance permit may be issued by the town clerk-treasurer. Any request for a change land use must be approved in a public hearing as dictated in subsection 11-2-40 of this chapter.

### **Section 11-2-3. Amendments.**

- A. **Authority Of Board Of Trustees:** The board of trustees may, from time to time, on its own motion or on petition, after public notice and hearing, amend, supplement, change, modify or repeal the regulations and districts herein established.
- B. **Review And Recommendation By Planning Commission:** Every such proposed amendment shall be referred by the board of trustees to the town planning commission for report and recommendation prior to amendment action.
- C. **Protests:** In case, however, of a protest against such change, filed three (3) days before the time of the public hearing by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or by the owner of fifty percent (50%) or more of the area of the lots immediately abutting any side of the territory included in such change, or separated therefrom only by an alley or street less than three hundred feet (300') wide, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all of the members of the board of trustees.
- D. **Time Limit For Board Of Trustees Decision:** It is the duty of the board of trustees to vote upon such amendment within ninety (90) days of the filing of same by the petitioners with the town clerk-treasurer.

- E. Effect Of Amendments: If any area is hereafter transferred to another district by changing the district boundaries, or amendments as provided in this section, the provisions of this title or amendments thereto with regard to buildings or premises existing at the time of the passage of this chapter shall apply to building a or premises existing in such transferred area at the time of the passage of such amendment.

2. If a rezoning application involves A-1 or R-E land that is abutted by A-1 or R-E land, the requirement for notification in subsection B1 of this section shall be increased to property owners within a two thousand six hundred forty foot (2,640') radius of the exterior boundaries of the property sought to be rezoned.

#### Section 11-2-4. Rezones.

- A. Application For Rezone; Fees: Any person, firm, or corporation desiring to have any land or premises rezoned shall make application therefor in writing to the planning commission, setting forth the legal description of the property to be rezoned, the street address or approximate location within the town, the names and addresses of the owners thereof, the use district to which it is to be rezoned, the present use of the premises, and the intended use thereof. There shall accompany the application a plot plan, showing the boundaries of the property to be rezoned and the location of any new buildings thereon, or to be erected thereon, for the new use, and the list of names and addressee of all owners of the property within a three hundred foot (300') radius of the exterior boundaries of the subject property or within a two thousand six hundred forty foot (2,640') radius for A-1 land as provided in subsection B of this section; either certified to by bonded abstractor or verified under oath as to the correctness thereof, a copy of all deed restrictions and covenants on the property, and deposited with the town clerk-treasurer the fees to be established by the board of trustees. Application for rezoning of property must be made at least fourteen (14) days prior to the scheduled planning commission meeting.

B. Notices Of Possible Rezone:

1. Whenever the procedure of subsection A of this section has been complied with, the town clerk or secretary of the planning commission shall cause notice to be given by mail to all the property owners within a three hundred foot (300') radius of the exterior boundaries of the property sought to be rezoned, except as otherwise provided herein, and shall publish notice of intent to rezone at least fourteen (14) days prior to planning committee meeting and public hearing. The notice of intent shall contain:
- The legal description of the property and the street address or approximate location within the town;
  - Present zoning classification of the property and the classification sought by the application; and
  - The date, time and place of the consideration of the same by the planning commission and the public hearing before the town board of trustees.

- C. Board Of Trustees Procedure: When a recommendation upon an application for rezoning has been received from the planning commission, an ordinance shall be introduced before the board of trustees, and the board of trustees shall, at the time of the introduction of the ordinance, cause notice to be entered at large upon its minutes, stating the hour and date of the public hearing thereon, which shall be the same date as set forth in the notice to the property owners provided in this section, and the town clerk-treasurer shall cause notice of the time and place of the public hearing to be posted in no less than three (3) public places or published in an official newspaper of general circulation in the town at least fifteen (15) days prior to the time. The ordinance shall be considered upon the date set for the public hearing; provided, however, that the town board of trustees may continue the hearing from time to time, prior to final action thereon.

- D. Denial Of Rezone; Time Lapse For Refiling: Should any person, firm, or corporation request to have any land or premises rezoned within the corporate limits of the town and the request be denied by the town board of trustees, a period of not less than one year must expire before the same rezoning designation may again be requested on the same land, premises, or any portion thereof, unless it can be proven that the circumstances regarding the rezoning request have changed.

#### Section 11-2-5. Applications; Lot Splits.

- A. Applications Generally: Any person, firm or corporation filing application for a public hearing, site plan approval, rezoning or lot split, must first submit application with all fees due and required documents before application will be considered.

B. Lot Splits:

1. Lot Split Fee: To be established by the board of trustees.

2. Definition:

LOT SPLIT: Any division of land by metes and bounds description into two (2) or more parcels for the purpose, whether immediate or future, of transfer of ownership.

3. Lot Split Applications:

- i. Lot split applications shall consist of:

- A deed on each tract, parcel or lot to be created.
- A copy of the survey, prepared by a land surveyor registered in the

state. of Oklahoma. The survey shall show the following:

- 1) The legal description of the original tract of land and each new tract of land being created.
  - 2) Name and address of the owner of record.
  - 3) Map showing the location of the original tract and its relationship to the existing and proposed major streets.
  - 4) Location of existing buildings and dedicated streets at the point where they adjoin and/or are immediately adjacent to the area where they are to be subdivided.
  - 5) Original signature and seal of the registered land surveyor preparing the survey, properly notarized.
  - 6) Filing fees as established by board of trustees.
- ii. Applications will be reviewed by code enforcement and can be exempt from review by the planning commission and board of trustees. They will be processed in the same manner as building permit applications, and will be reviewed and approved by code enforcement.

#### **Section 11-2-6. Violations; Penalties.**

- A. Violation: Penalty: Any person, firm or corporation who violates any of the provisions of this title or fails to comply herewith, or with any of the requirements hereof, shall be deemed guilty of an offense, and shall be punished as provided in section 1-4-1 of this code. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall exist, and any architect, builder, contractor, individual, person, firm, or corporation employed in connection therewith and who may assist in the commission of any such violation, shall be deemed guilty of a separate offense and, upon conviction, shall be fined as herein provided.
- B. Additional Remedies: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this title, the town. In addition to other remedies, may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about the premises.

### **Chapter 3. A-1 General Agricultural District**

#### **Section 11-3-1. Purpose.**

The A-1 district provides for agricultural and mineral resources extraction. The intent is to help conserve good areas for agriculture and mineral resource extraction and to prevent the uncontrolled, uneconomical spread of residential development which results in excessive costs to political subdivisions for premature provision of essential public improvements and services (such as water and sewer lines).

#### **Section 11-3-2. Uses Permitted.**

The following uses are permitted within the A-1 general agricultural district:

•Agriculture• as defined in this title, and accessory building, implement storage and activities thereto.

Temporary roadside stands for the sale of farm products grown on the premises. The temporary structure shall be set back from the roadway an adequate distance to permit parking and ingress and egress, and shall not be constructed in such a location as would create any undue traffic hazard.

Transportation, pipeline and utility easements and rights of way. (1984 Code § 12-221)

Home Business (i.e. Avon, Tupperware, Scentsy) which do not employ anyone other than the owner of the residence.

Any business to be located on agriculture zoned land that will require outside help of one or more employees shall require town approval. Any commercial business will be required to rezone property to a Commercial District and must have Town Board approval.

#### **Section 11-3-3. Uses Permitted on Review.**

The following uses may be permitted on review by the Planning Commission and final approval by Board of Trustees in accordance with the provisions of this title:

Accessory buildings which are not a part of the main building, including a private garage, or accessory buildings which are a part of the main building, including a private garage.

Detached one-family dwelling; provided, that:

- A. Only one such detached one-family dwelling may be located per each five (5) acres; and
- B. The detached one-family dwelling conforms with the detached one-family dwelling specifications of this title and the town codes.

One-family mobile home: provided, that:

- A. Only one such mobile home may be located per each one hundred sixty (160) acres:
- B. Not more than four (4) mobile homes may be located on one section of six hundred forty (640) acres, with not more than one detached mobile home in each quarter section of one hundred sixty (160) acres;

- C. The mobile home conforms with the detached one-family dwelling or mobile home specifications of this title and the town codes; and
- D. The mobile home shall have the wheels thereof removed and converted to a permanent structure..

When an applicant requests a mobile home in the agricultural district, but the applicant does not own the entire one hundred sixty (160) acres where the mobile home is located. then the applicant making the request for use permitted on review shall be required to secure as a part of his request the acknowledgment, in writing, of the owner(s) as shown by the current tax roll in the county treasurer's office of the remaining acres of the quarter section, that such owner(s) understand that no additional mobile home can be permitted on the one hundred sixty (160) acre quarter section. This written acknowledgement can be presented at the time of the hearing on the use permitted on review.

**Section 11-3-4. Setback Requirements.**

In lots and improvements within the A-1 district, all structures shall have not less than a fifty foot (50') setback from the property line.

**Chapter 4. Residential Districts**

**Section 11-4-1. Compliance with Provisions.**

All buildings and structures classified as residential uses shall comply with the requirements of sections 11-4-2 through 11-4-6 of this chapter when located in a residential area.

**Section 11-4-2. Yards.**

- A. Front Yard: All buildings shall be set back from street right of way lines to comply with the following front yard requirements:
  - 1. The minimum depth of the front yard shall be twenty five feet (25') from property line, not including necessary utility easements and right of ways as required;
  - 2. If twenty five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty five feet (25'), then no building shall vary more than five feet (5') from this average setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than forty feet (40'); and
  - 3. When a yard has double frontage, the front yard requirements shall be provided on both streets for uniformity and appearance appeal. Any new construction shall follow existing setbacks for uniformity and appearance appeal.

B. Side Yards:

- 1. For dwellings located on an interior lot, a side yard of not less than ten feet (10') shall be provided on both sides of the main dwelling for the first story, and an additional three feet

(3') of side yard shall be provided for each additional story or part thereto .

- 2. For unattached buildings of accessory use, there shall be a side yard of not less than five feet (5') provided, however, that unattached one story buildings of accessory use shall not be required to be set back more than three feet (3') from an interior side lot line when all parts of the accessory building are located more than seventy five feet (75') behind the front property line.
- 3. For dwellings and buildings accessory thereto located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifteen feet (15') in case such lot is back to back with another corner lot and twenty feet (20') in every other case.
- 4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall be set back from all exterior and interior side lot lines a distance of not less than twenty five feet (25'). (1984 Code§ 12-212)

C. Rear Yard:

- 1. For main buildings, other than garage apartments. there shall be a rear yard of not less than twenty percent (20%) of the depth of the lot or twenty feet (20'), whichever is smaller.
- 2. Garage apartments may be located in the rear yard of another dwelling but shall not be located closer than ten feet (10') to the rear lot line.
- 3. Unattached buildings of accessory use may be located in the rear yard of a main building,

**Section 11-4-3. Lot Width.**

There shall be a minimum lot width of fifty feet (50') at the front building line for single-family and two-family dwellings. For each dwelling housing three (3) families, there shall be a minimum lot width of sixty feet (60') at the front building line, and for each dwelling housing more than three (3) families. there shall be a minimum lot width at the front building line of sixty feet (60') plus ten feet (10') additional width for each family over three (3) families occupying such dwelling.

**Section 11-4-4. Lot Area and Intensity of Use.**

- A. There shall be a lot area of not less than the following in all residential areas:
  - 1. Six thousand (6,000) square feet for a single-family dwelling. except in an R-E district where the minimum lot area is five (5) acres:
  - 2. Seven thousand (7,000) square feet for a two-family dwelling: and
  - 3. Nine thousand (9,000) square feet for a multiple-family dwelling, plus an additional area of not less than two thousand (2,000)

square feet for each family more than three (3) families occupying such dwelling.

- B. There shall be a lot area of not less than seven thousand (7,000) square feet where a garage apartment is located on the same lot with a two-family or multiple-family dwelling; the lot area shall provide not less than two thousand (2,000) square feet more than is required for the two-family or multiple-family dwelling. Not more than one garage apartment shall be permitted on a single lot with one main building.
- C. Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this title, that lot may be used for single-family dwelling purposes only.
- D. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this chapter.

**Section 11-4-5. Opens Space.**

- A. No open space or lot area required for a building or structure shall be occupied by or counted as open space for any other building or structure during the life of such building or structure.
- B. Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed two feet (2'). Open porches may project into a front or rear yard a distance not to exceed sixteen feet (16').
- C. No dwelling shall be erected on a lot which does not abut on at least one street for at least thirty five feet (35') and have a width of at least fifty feet (50') at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.
- D. An attached or detached private garage which faces on a street shall not be located closer than twenty five feet (25') to the street easement line.

**Section 11-4-6. Animals Allowed.**

In all Residential Districts the following restrictions apply in regards to animals allowed:

Anyone owning less than one acre or located within 100 feet of the closest neighbor:

5 Urban chickens ( including 1 rooster) per address.

3 dogs per address- requires town license which is to be renewed yearly

Note- Variances for more than 3 dogs are taken under consideration and must be reviewed by the Planning Commission and approved by the Board of Trustees for Town of Union City. Current Fee applies.

3 cats per address-requires town license and to be renewed yearly.

ANYONE OWNING A MINIMUM OF ONE ACRE: Unless prohibited by HOA: Must be further than 100 feet from the closest neighbor -may possess the following animal-

1 cow per acre owned –

2 goats per acre owned –

3 sheep per acre owned –

10 chickens (including 1 rooster)

Dogs/Cats same as above

\*\*\*Note-Only 1 type of animal per acre

ANYONE OWNING A MINIMUM OF 2.5 ACRES- Unless prohibited by HOA: May possess the following animals:

1 Equine/(horse. mule. donkey) per 2.5 acres owned

1 Swine per 2 acres owned- allowed only in Agriculture District

Dogs/Cats same as above

Note: Only 1 type of animal per acre or 2.5 acres as indicated above

Under no circumstances may animal waste of any kind be piled on any lot/acreage per DEQ / EPA Standards.

These standards do not apply to those in agriculture /fanning business and have adequate land to sustain livestock kept.

EXCEPTIONS ALLOWED: Exceptions include: Animals that are shown as 4-H or FFA exhibit with current year enrollment of 4-H/FFA documentation on file with Town of Union City Code Enforcement. Documentation must include current year of enrollment, name and address of student enrolled. Note: Number of animals not to exceed three (3) per species/ per eligible member.

**Article A. R-1A Low Density Residential District**

**Section 11-4A-1. Description and Purpose.**

The R-1A district is the most restrictive residential district. The principle use of land is for single-family dwellings, exclusive of mobile homes, manufactured homes, modular homes or mobile home parks, and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not necessary for a residential environment. This district makes provision for adequate light, air and open space for dwellings and requisite facilities.

**Section 11-4A-2. Uses Permitted.**

The following uses are permitted within the R-1A low density residential district:

Accessory buildings which are not a part of the main building, including a private garage, or accessory buildings which are a part of the main building, including a private garage.

Detached one-family dwelling.

Gardening, but not the raising of livestock.

Home occupations-(1.e. Avon, Tupperware, Scentsy) which do not employ anyone other than the owner of the residence.  
Parks and playgrounds.

Public schools or schools offering general educational courses, the same given as in public schools and having no facilities for housing its students.

#### **Section 11-4A-3. Uses Permitted on Review.**

The following uses may be permitted on review by the town planning commission in accordance with provisions contained in section 11-7-15 of this title:

Church..

Golf course.

Municipal use. public buildings.

### **Article B. R-E Residential Estates District**

#### **Section 11-4B-1. Description and Purpose.**

The R-E district is established as the lowest density residential district. The principal use of land is for single-family dwellings, exclusive of mobile homes or mobile home parks, and related uses incidental thereto.

#### **Section 11-4B-2. Uses Permitted.**

Uses permitted in the R-E residential estates district are the same as those permitted in the R-1A low density residential district (section 11-4A-2 of this chapter).

#### **Section 11-4B-3. Uses Permitted on Review.**

The uses permitted on review in the R-E district are the same as those permitted on review in the R-1A low density residential district (section 11-4A-3 of this chapter).

#### **Section 11-4B-4. Animals.**

It shall not be required that a permit be obtained upon approval of the town board of trustees to keep fowl or "animals" as defined in section 5-6-1 of this code, including chickens, ducks, turkeys geese, or other domestic fowl, in the R-E residential estates district. See 11-4-6 for ANIMALS ALLOWED in Residential Districts. Swine are prohibited in the R-E residential estates district as set forth in subsection 5-8-3B of this code. The keeping of livestock, as defined in section 11-1-4 of this title, is not permitted in the R-E residential estates district.

#### **Section 11-4B-5. Minimum Lot Size.**

The minimum lot size in the R-E district is two and one-half (2 1/2) acres.

### **Article C. R-1 General Residential District**

#### **Section 11-4C-1. Description and Purpose.**

The R-1 district is established as a district in which the principal use of land is for residential purposes and uses incidental thereto. It is the purpose and intent of this district

to promote the development and continued use of land for dwellings and to provide and maintain a quiet, pleasant, and relatively spacious living area protected from traffic hazards and intrusion of uses that would substantially interfere with or adversely affect the desirable quality of a residential environment.

#### **Section 11-4C-2. Uses Permitted.**

The following uses are permitted within the R-1 general residential district:

Churches.

Home occupations.

Mobile home and/or trailer parks, provided they are in compliance with title 10, chapter 3 of this code.

Mobile homes, provided they are in compliance with title 10, chapter 3 of this code.

Single /One-family unattached dwellings.

Parks, playgrounds, fire station, or community center.

Public schools and private schools where the courses offered would otherwise be offered by public schools and having no provision for housing its students.

Duplex/Two-family attached dwellings.

Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

### **Article D. R-2 Multiple-Family Residential District**

#### **Section 11-4D-1. Description and Purpose.**

The R-2 district is a residential district to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garage apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

#### **Section 11-4D-2. Uses Permitted.**

The following uses are permitted within the R-2 multiple-family residential district:

Any use permitted in an R-1 residential district (11-4C-2 of this title).

Multiple-family dwelling, apartment house.

Rooming or boarding house.

Accessory building and uses customarily incidental to the above uses when located on the same lot.

#### **Section 11-4D-3. Uses Permitted on Review.**

The following uses may be permitted on review by the town planning commission in accordance with the provisions contained in this title:

Off street parking lot associated with a C-1 commercial use.

**Chapter 5. Commercial Districts**

**Section 11-5-1. Descriptions and Purposes.**

- A. Generally: The regulations for commercial districts are designed to:
1. Provide an area for the business and commercial needs and services of the trade area; and
  2. Minimize the adverse effects of commercial uses on other land uses. (1984 Code § 12-245)
- B. C-1 Neighborhood Commercial District: The C-1 commercial district is for the conduct of retail trade and to provide personal service to meet the regular needs and the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational elements, more restrictive requirements for light, air, open space and off street parking are made than are provided in other commercial districts. (1984 Code§ 12-246)
- C. C-2 General Commercial District: The C-2 commercial district is designed for the conduct of personal and business services and the general retail trade of a trade area. It is designed to accommodate a wide variety of commercial uses in a central business district or areas of mixed enterprises.
- D. CP Planned Shopping Center District: The CP commercial district is intended for a unified grouping in: one or more buildings of retail shops and stores that provide for e regular needs and are for the convenience of the people residing in an area. It is intended that the planned shopping center be developed as a unit, with adequate off street parking space for customers and employees, and with landscaping and screening material\$.

**Section 11-5-2. Uses Permitted.**

The permitted uses In the commercial districts are set forth In the table below. Where the letter "X" appears on the line of permitted use an In the column of a district, the listed use Is permitted in that district subject to the general provisions of this title as set forth In other sections of this title. Where the letter "C" appears instead of the letter "X", this use is permitted subject to acquiring a conditional use permit.

Permitted Uses	Zoning District		
	C-1	CP	C-2
Addressing, duplicating, mailing, mailing list, stenographic, telephone messages and similar office services		X	X
Aircraft parts, other than airframes or engines; sales, service, rental or repair			X
Amusement park, commercial			X

Animal hospital serving household pets and similar small animals			X
Antique store		X	X
Apparel and accessories store		X	X
Armature rewinding shop			X
Artist or photographer studio, not including the processing of film for others		X	X
Auctioneer		X	
Auditorium or arena		X	X
Automobile Accessory and supply store		X	X
Automobile and truck rental		X	X
Automobile and truck sales (new and used) and service		X	X
Automobile body shop			X
Automobile parking or storage, as a principal use		X	X
Automotive service station, not including body or motor repair or painting		X	X
Armored car service			X
Baked goods, candy, bread, dairy and ice cream manufacturing		X	X
Bank		X	X
Bar		X	X
Barbershop or beauty shop		X	X
Beauty and barber supply		X	X
Beer sales for consumption off the premises		X	X
Bicycle store		X	X
Billiard or pool parlor		X	X
Blueprinting, photocopying and similar reproductive services		X	X
Boarding or rooming house			X
Boat and marine rental, repair, sales		X	X
Bookstore, not including newsstand		X	X
Bowling alley			X
Broadcasting or recording studio		X	X
Building supplies, including sale or lumber			X
Bus station		X	
Camera and photographic supply store		X	X
Carnival, circus or similar temporary amusement enterprise		X	
Carpentry, custom woodworking or furniture making			X
Carting, crating, express handling, moving or storage			X
Childcare institution, other than day nursery		X	X
Church, synagogue or temple, including Sunday school facilities	X	X	X
Clinic, dental, medical or osteopathic, chiroprapist, pharmacy		X	X

Clothing; custom dressmaking or altering for retail, including tailoring and millinery		X	X
Clothing, secondhand		X	X
Cold storage plant			X
College, junior college, professional school; public or equivalent private		X	X
Community center; public		X	X
Computing, data processing or similar service		X	X
Contractor (special trade); facilities other than office			X
Convalescent, maternity or nursing home		X	X
Custom ceramic products, manufacturing			X
Dance hall		X	
Delivery service		X	X
Direct selling organizations		X	X
Disinfecting, deodorizing or exterminating service			X
Drafting service		X	X
Drive in restaurant not serving beer			X
Driving school, private			X
Drugstore or proprietary store		X	X
Dry cleaning and dyeing plant			X
Dry cleaning, pick up or self-service		X	X
Dry goods store		X	X
Eating place other than drive in, not serving beer or providing dancing or entertainment		X	X
Electric regulating substation		C	C
Electrical Supplies		X	
Emergency services and related activities	X	X	X
Employment service	X	X	X
Farm equipment sales, service, rental, repair			X
Feed and fertilizer sales			X
Financial institution, other than pawnshop		X	X
Fire extinguisher service		X	X
Fire protection and related activities	X	X	X
Florist shop	X	X	X
Food locker plant			X
Food store, including bakery (retail only)	X	X	X
Fraternal organization	X	X	X
Freight depot, railroad or truck			X
Freight forwarding service			X
Funeral home, mortuary or undertaking establishment	X		X
Fur repair and storage			X
Furniture and home furnishings, sales and repair		X	X

Garage or parking for commercial or utility vehicles	X	X	X
Garden supply store	X	X	X
Gas pressure control station	C	C	C
Gasoline service station	X	X	X
General store; general merchandise store		X	X
Gift, novelty or souvenir shop	X	X	X
Golf course, including commercially operated driving range or miniature golf course	C		X
Golf driving range, commercial	C		X
Gunsmith shop	X	X	X
Hardware store		X	X
Hat cleaning or repair shop	X	X	X
Heating equipment			X
Highway or street maintenance garage, yard or similar facility			X
Hospital, health center, institution for aged or children	C		X
Hospital restricted to mental, narcotics or alcoholic patients, sanatorium	C		X
Hotel or motel	C		X
Household appliance store		X	X
Ice vending establishment	X	X	X
Institution, nonresidential	X	X	X
Interior decorating shop	X	X	X
Jewelry sales and repair	X	X	X
Jewelry, watchmaking	X	X	X
Laboratory; research, development or testing	C		X
Laundry, pick up station only	X	X	X
Laundry plant			X
Laundry, self-service	X	X	X
Leather goods or luggage shop	X	X	X
Library; private, nonprofit and public, other than branch	X	X	X
Limited price variety store	C	X	X
Linen supply or industrial laundry			X
Liquor store	C	X	X
Locksmith, key shop	X	X	X
Lumberyards			X
Mail order house; catalog office or retail store	X	X	X
Mattresses, rebuilding and renovating			X
Medical or dental clinic	X	X	X
Medical or dental laboratory	X	X	X
Mobile homes or travel trailers, sales and service		X	X
Monument sales			X
Motion picture distribution and services			X
Motion picture theater	C	X	X

Motion picture theater, drive in			X
Multi-family dwellings			X
Museum or art gallery	X	X	X
Music, musical instruments or phonograph record store	C	X	X
Newspaper distribution station	X	X	X
Newspaper offices, print shop	C		X
Newsstand	X	X	X
Nursery school or day nursery, other than childcare institution	X	X	X
Office equipment and supplies, retail sales, service, rental or repair	X	X	X
Offices, general	X	X	X
Offices of nonprofit membership association	X	X	X
Oilfield or oil well supplies			X
Optician, optical laboratory or supplies	X	X	X
Optician or optometrist	X	X	X
Outdoor advertising plant			X
Packing or crafting service			X
Paint, glass or wallpaper store			X
Parish house, parsonage or rectory	C	C	C
Pawnshop	C	X	X
Pet shop	C	X	X
Petroleum pressure control station	C	C	C
Photo finishing service	X	X	X
Picture framing	X	X	X
Pipeline pressure control station	C	C	C
Plumbing fixtures, sales and service	C	X	X
Police protection and related activities facilities	X	X	X
Postal service facilities	X	X	X
Printing or publishing, including engraving or photo engraving	X	X	X
Radio, television, phonograph or other household electronics equipment store	X		X
Radio transmitting station or tower, other than amateur		X	X
Railroad passenger terminal			X
Religious goods store	X	X	X
Repair service limited to equipment (wholesale is a permitted use in the district in which the repair service is located)			X
Rug cleaning or repair			X
Sales, service, repair or rental of business machines	C	X	X
School, elementary; public or equivalent private	X	X	X
School, private; barber, beauty, business, commercial art,	X	X	X

correspondence, stenographic, trade or vocational			
School, secondary; public or equivalent private	X	X	X
Sewage pressure control station	C	C	C
Sewage treatment plant	C	C	C
Sewing machine store	X	X	X
Shoe sales and repair	X	X	X
Sign painting	C		X
Skating rink		X	
Solid waste disposal facilities	C	C	C
Sporting goods sales	X	X	X
Stadium, arena or similar facility	C	C	C
Stationery store	X	X	X
Store selling architect, artist, or engineer supplies and equipment or dental, medical or office supplies or equipment	X	X	X
Studio; photographic, musical, fine arts	X	X	X
Swimming pool; public	C	C	C
Taxicab garaging and maintenance			X
Taxicab stand or dispatching station	X	X	X
Taxidermist	X	X	X
Telegraph transmitting or receiving station	X	X	X
Telephone exchange, including garage, shop or service facilities			X
Television transmitting station or relay tower	C		X
Tennis courts; public	C	C	X
Tire recapping			X
Tobacco store	X	X	X
Tool sharpening			X
Town, county, school district, state or federal facilities, which does not include jails, prisons or other detention facilities, either public or private, including facilities for youthful offenders. Town and county jails are separately addressed at the entry reading "Town or county jail". State or federal prisons and/or other detention facilities, including facilities for youthful offenders, are separately addressed under "detention facilities" in this section		C	C
Town or county jail			X
Toy store	X	X	X
Transportation ticket service	X	X	X
Travel arranging service	X	X	X
Truck sales	C	X	X
Variety store	C	X	X

Vending machines; sales, service, rental or repair			X
Venetian blind cleaning			X
Veterinarian hospital with inside runs only	C		X
Veterinarian hospital with outside runs			C
Veterinarian, office only	X	X	X
Warehousing; inside storage			X
Warehousing; outside storage			X
Water filtration plant, pump station, elevated storage or reservoir	C	C	C
Wholesale establishment, stock limited to floor samples			X
Wholesale establishment, stock not limited to floor samples			X
Window cleaning service			X
State adult public prison or other detention facility			C
Federal adult public prison or other detention facility			C
State adult private prison or other detention facility			C
Federal adult private prison or other detention facility			C
Juvenile or youthful offender facility of any kind			X
Any other detention facility, of any type, not included in any other use in this section, whether for adults, state, federal, public or private			C
Special Note: Any change of any prison or other detention facility, both public and private, whether state or federal, including, without limitation, facilities for youthful offenders, from juvenile to adult shall constitute an abandonment of the prior use and shall require a conditional use permit. Additionally, the word "private" in the above entries under "detention facilities", means a prison or detention facility, either adult or juvenile or youthful offender facility, of any type operated by a private entity of any sort whatsoever.			

**Section 11-5-3. Storage and Display of Merchandise in C-1 Districts.**

No material or goods offered for sale or stored in connection with the uses set forth in this chapter for C-1 commercial districts shall be displayed or stored outside of a building.

**Section 11-5-4. C-1(L) District.**

- A. Liquor Sales Only In C-1 District: No business shall furnish liquor or low point beer for consumption on its premises except in those areas of the town zoned C-1.
- B. Regulations: Regulations applicable to the C-1 district are as follows:
  - 1. Location:
    - i. No C-1 district will be located within three hundred feet (300') of any church

property primarily and regularly used for worship services and religious activities, a public school, public park, or other place of supervised school activity. The distance indicated in this subsection 81 shall be measured from the nearest property line of the C-1 (C-1) business along the street right of way line providing the most direct route usually traveled by pedestrians between such points. A C-1 (L) business shall not be located on any block where such school, public park, or other place of supervised school activity is located.

- ii. No C-1(L) business will be located less than two hundred fifty feet (250') from a fire hydrant.
2. Setbacks: All C-1(L) businesses must be set back no less than one hundred feet (100') from the front property line and no less than fifty feet (50') from the side and rear property lines.
  3. Off Street Parking:
    - i. Off street parking shall be required of all C-1(L) businesses.
    - ii. The off street parking must be paved with a sealed surface adequate to prevent the occurrence of mud and dust with continued use.
    - iii. The size of a parking space for one vehicle shall consist of a rectangular area having the dimensions of not less than nine feet by twenty feet (9' x 20') plus adequate area for ingress and egress.
    - iv. The off street parking -will be illuminated by the average maintained foot-candle lighting level of three (3) foot-candles..
    - v. The off street parking shall be located within two hundred feet (200'), exclusive of street and alley widths, of the C-1(L) business and have direct access to a street or alley.
    - vi. The land upon which the off street parking is located shall be owned or controlled by the same entity which owns or controls the land upon which the C-1(L) business is located.
    - vii. Whenever the off street parking is located adjacent to a residential or agricultural district, all sides of the lot abutting the residential or agricultural district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than six (6) nor more than eight feet (8'). Such fence, wall, or hedge shall be maintained in good condition.

- viii. One off street parking space must be provided for each three (3) persons capable of entering the C-1(L) business according to its maximum capacity.
- 4. Advertising: All C-1 businesses are allowed to have advertising signs. Such advertising signs, billboards, commercial advertising structure or statuaries will not exceed fifty feet (50') in height; Nor will they be placed in any area of property that will obstruct the view of traffic.
- 5. All exterior Advertising Signs require a permit from the town before placement.

### **Chapter 6. I General Industrial District**

#### **Section 11-6-1. Description and Purpose.**

The purpose of the general industrial district is to provide a location for industries and to preserve such land for industry that is most beneficial to industrial use and to prohibit nonindustrial uses. Because of the traffic generated and other objectionable influences which may be created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district.

#### **Section 11-6-2. Uses Permitted.**

The following uses are permitted in the general industrial district:

Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, body shops, truck repairing and overhauling, tire retreading and battery manufacturing.

Automobile wrecking and junkyards, provided they are enclosed by a solid fence of not less than eight feet (8') in height.

Bakery.

Book bindery.

Bottling works, cannery or preserving.

Building material sales, including the sale of rock, sand, gravel and the like.

Commercial radio and television transmitting antenna towers and other electronic equipment requirements requiring outdoor towers, including antenna towers for the dispatching of private messages.

Compounding, processing and blending of chemical products, but not including any materials which decompose by detonation.

Contractor equipment storage yard or plant, or rental of equipment commonly used by contractors.

Electrical equipment assembly.

Electronic equipment assembly and manufacturing.

Engraving plant.

Factories. candy manufacturers.

Food products processing and packaging.

Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

Freight or trucking yard or terminal.

Fuel sales. not to include storage.

General and administrative offices. Instrument and meter manufacturing. Jewelry and watch manufacturing.

Laboratories, experimental.

Laundry and cleaning establishment.

Leather goods fabrication.

Machine shops and metal products manufacture and tool and die shops.

Mall order houses.

Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.

Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: cellophane, canvas, cloth, paper, plastics, precious or semiprecious materials or stones, textiles, tobacco, wood, yam, and paint.

Manufacturing, compounding, processing, packing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.

Milk bottling and distribution.

Milling companies and grain elevators.

Motor freight terminals.

Oil field equipment storage.

Printing' plants.

Public utility service yard or electrical receiving or transforming service.

Research laboratories.

Sale barn.

Sheet metal shops.

Sign painting.

Utility service installation.

Warehouses and storage facilities.

Water filtration plants, pumping stations, reservoirs, and lift stations.

Welding shops.

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Any other manufacturing process or establishment similar to the above.

Buildings, structures and uses accessory and customarily incidental to any of the above uses.

### **Section 11-6-3. Uses Permitted on Review.**

The following uses are permitted subsequent to their having been studied by the planning commission and having reviewed the express approval of the board of trustees. The board of trustees may require approval by the state or county health department, the state fire marshal and other regulatory agencies and may attach to the approval specific restrictions designed to protect the public welfare:

Acid manufacturer.

Cement, lime, gypsum or plaster of Paris and concrete patch plant and transit mix plant.

Explosives; manufacture or wholesale storage.

Gas manufacture.

Nuclear power plants.

Petroleum or its products, refining of.

Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.

## **Chapter 7. Additional District Provisions**

### **Section 11-7-1. Conditions of a More Restricted District Applied to Residential Uses.**

- A. Whenever the specific district regulations pertaining to one district permit residential uses of a more restricted district, such residential uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.
- B. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.
- C. Further, it is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used for nonresidential purposes.

### **Section 11-7-2. Area and Open Space.**

- A. Purpose: The requirements of this section are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in chapters 3, 4, 5 and 6 of this title.
- B. Open Space To Serve One Building: No open space or lot area for a building or structure shall, during its life, be occupied; by or counted as open space for, any other building or structure.

- C. Projections Into Yards: Open eaves, cornices, windowsills and belt courses may project into any required yard a distance not to exceed two feet (2'). Open, uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five feet (5')
- D. Fences And Walls: Fences, walls, and hedges in residential districts may be permitted in any required yard or along the edge of any yard; provided, that no fence, wall, or hedge located in front of the front building line shall exceed four feet (4') in height, and no other wall or fence shall exceed eight feet (8') in height.
- E. Street Right Of Way Width: Where the dedicated street right of way is less than fifty feet (50'), the depth of the front yard shall be measured at a starting point twenty five feet (25') from the centerline of the street easement.
- F. Street Access For Dwellings: A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.
- G. Commercial And Industrial Lot Sizes: No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of these regulations that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.
- H. Sight View Lines At Intersections: On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or plant growth, which obstructs sight view lines at elevations between three feet (3') and six feet (6') above any portion of the crown of the adjacent roadway, shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty five feet (25') along the front and side lot lines and connecting the points so established to form a sight view triangle on the area of the lot adjacent to the street intersection.
- I. Location Of Private Garage: An attached or detached private garage which faces on a street shall not be located closer than twenty five feet (25') to the street easement line.
- J. Time For Accessory Building Construction And Use: No accessory building shall be constructed or placed upon a lot to be used as a residence.
- K. Site Variances: Whenever one or more residential, institutional, commercial, or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures, or uses in the area or on adjacent properties, the architectural design, location, orientation, service; and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other

properties in the area, as determined by the planning commission.

- L. Area Requirements For Dwellings Not Served By Sanitary Sewer System: Sites for dwellings which are not served by a sanitary sewer system approved by the state health department shall have lot areas not less than two point five (2.5) acres.

#### Section 11-7-3. Building Height.

- A. The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in chapters 3, 4, 5 and 8 of this title.
- B. In measuring heights; a habitable basement or attic shall be counted as a story; provided, that a story in a sloping roof, the area of which story at a height of four feet (4') above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.
- C. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
- D. Churches, schools, hospitals, sanatoriums, and other public and semipublic buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot (1') for each two feet (2') by which the height of the public or semipublic structure exceeds the prescribed height limit.

#### Section 11-7-4. Court Requirements for Multiple-Family Dwellings.

Whenever a multiple-family dwelling or group of multiple-family dwellings is designed with an inner or outer court, the following requirements shall be complied with:

- A. Widths:
  - 1. Outer Court: The width of an outer court upon which windows open shall be not less than ten feet (10'), or equal to the height of the opposing wall, whichever is greater; and in no case shall an outer court be less than five feet (5') in width or equal to seventy percent (70%) of the height of the opposing wall, whichever is greater.
  - 2. Inner Court: The width of an inner court of a multiple-family dwelling shall be not less than two (2) times the height of the lowest wall forming the court, but in no case shall it be less than twenty feet (20').
- B. Passageway For Inner Court: An open, unobstructed passageway shall be provided at the grade of each inner court. Such passageway shall be not less than twelve feet (12') in width, shall have a clearance of not less than twelve feet (12') in height, and shall provide a straight and continuous passage from the inner court to a yard or open space having a direct connection with a street.

- C. Accessory Buildings Prohibited: No accessory building shall be located in a court of a multiple-family dwelling.

#### Section 11-7-5. Storage of and Parking Trailers and Commercial Vehicles.

Commercial vehicles and trailers of all types, including travel, camping, and hauling, shall not be parked or stored on any lot which is occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

- A. Not more than one commercial vehicle, which does not exceed one and one-half (1 1/2) tons' rated capacity, per family living on the premises, shall be permitted, and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
- B. Not more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted<sup>1</sup>, and the trailer shall not exceed twenty four feet (24') in length or eight feet (8') in width; and further provided, that the trailer shall not be parked or stored for more than one week, unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the town<sup>2</sup>.
- C. A mobile home shall be parked or stored only in a mobile home court or mobile home subdivision which is in conformity with the ordinances of the town or only after securing a permit therefor in accordance with existing ordinances.

#### Section 11-7-6. Childcare Centers.

Childcare centers, when authorized under the provision of the specific district regulations, shall meet the following provisions:

- A. The center shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence;
- B. The dwelling shall contain not less than one thousand (1,000) square feet of gross floor area where three (3) children, not members of the family, are provided for; and the dwelling shall be increased by one hundred (100) square feet of gross floor area for each child more than three (3) provided for within the building. The floor area of an attached garage shall not be included in determining gross floor area of the dwelling;
- C. The dwelling shall meet county health department requirements as to safety, design, facilities, and equipment and other features;
- D. The dwelling shall be located on a lot having not less than fourteen thousand (14,000) square feet of area, and all portions of the lot used for outdoor play shall be fenced with an opaque, ornamental fence not less than forty two inches (42") in height.

- E. The center shall be operated in a manner that will not adversely affect other properties and uses in the area.

**Section 11-7-7. Group Housing Projects.**

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this title to the individual buildings in such housing project, the application of such requirements to such housing project may be changed by the planning commission in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher and a standard of open space at least as high as required by this title in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less restrictive than the requirement of the district in which the housing project is to be located.

**Section 11-7-8. Swimming Pools.**

Private swimming pools may be constructed as an accessory use, but shall be completely enclosed by a permanent wall or fence not less than four feet (4') in height, and shall meet the requirements of the county health department. A swimming pool shall not be constructed in front of the front building line, and no portion of the pool, equipment, walkway, or other facilities related thereto shall be located closer than ten feet (10') to the side or rear lot line.

**Section 11-7-9. Animals.**

Animals in any district shall be kept only in accordance with town ordinances and the restrictions contained herein. If any tract or lot is of unusual size, and the restrictions are uncertain as to the particular size, the owner can apply for a conditional use permit as provided herein.

**Section 11-7-10. Storage of Liquefied Petroleum Gases.**

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the town and the regulations of the liquefied petroleum gas administration of the state.

**Section 11-7-11. Mobile Home Parks.**

Mobile home parks shall be constructed in accordance with the requirements of the ordinances of the town relating thereto.

**Section 11-7-12. Accessory Buildings and Fences; Architectural Design and Materials.**

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which the building or fence is accessory.

**Section 11-7-13. Services and Use of Buildings.**

- A. It is the intent of these regulations that all uses shall be located on a site or within a building which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate

each use of land or building, in terms of safety, function, aesthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions in the opinion of the administrative office enforcing these regulations, but all other provisions of these regulations are complied with, the administrator shall refer such case to the planning commission for their review and recommendations. The recommendations shall be submitted to the town board of trustees who shall stipulate the requirements which shall be followed to comply with the intent of these regulations, and the requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

- B. Whenever buildings designed for dwelling purposes are located in commercial or industrial districts, no commercial or industrial use shall be permitted on the lot on which the dwelling is situated, and the dwelling shall not be used for any commercial or industrial use, unless a conditional use permit is obtained as provided for herein.

**Section 11-7-14. Portable or Temporary Buildings.**

Portable or temporary buildings shall be permitted only in accordance with the provisions of these regulations and the regulations concerning such buildings as contained in the codes of the town and subsequent amendments thereto.

**Section 11-7-15. Uses Permitted on Review.**

- A. Procedure: Whenever in this code or otherwise, a specific use is not permitted or provided for, the following procedure is established to integrate properly the conditional uses with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

1. Application For Use: An application shall be filed with the town planning commission for review. Such application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred feet (300') and any other material pertinent to the request which the planning commission may require.
2. Hearing: The town planning commission shall hold one or more public hearings thereon after having sent notice by regular mail to all property owners within three hundred feet (300') at least ten (10) days prior to the hearing.
3. Recommendation Of Planning Commission; Decision Of Board Of Trustees: The planning commission shall, within forty five (45) days of the date of application, transmit to the town board of trustees its report as to the effect of such proposed building or use upon the character of the neighborhood traffic condition, public utilities and other matters pertaining to the general welfare, and the recommendation of the planning commission concerning use thereon. Thereupon, the town board of trustees may authorize or deny

the issuance of a building permit for the use of land or buildings as requested.

- B. Fees: Fees for filing an application for a use permitted on review shall be the same as in this title.

**Chapter 8. Off Street Parking and Loading**

**Section 11-8-1. Intent and Application of Provisions.**

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land covered by this title. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

**Section 11-8-2. Required Open Space.**

Off street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner. The area required for off street parking shall be: In addition to the yard areas herein required; except that the front yard required in a C-1 neighborhood commercial district or an I general industrial district may be used for uncovered parking area, and the front yard of a residential district may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered area for more than six (8) vehicles in accordance with the provisions of subsection 11-8-3E of this chapter.

**Section 11-8-3. Off Street Parking Regulations.**

- A. Location: The off street parking lot shall be located within two hundred feet (200'), exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley, except as otherwise provided herein.
- B. Joint Parking Facilities: Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers, and service.
- C. Ownership Of Lot: The land upon which the off street parking lot is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.
- D. Size Of Parking Space: The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by twenty feet (9' x 20'), plus adequate area for ingress and egress.
- E. Off Street Parking Lot In Residential Districts: Whenever off street parking lots for more than six

(6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. Screening: All sides of the lot abutting the residential district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than six feet (8') nor more than eight feet (8'). Such fence, wall, or hedge shall be maintained in good condition.
2. Landscaping: All yards shall be landscaped with grass, shrubs, and evergreen ground cover, and maintained in good condition the year round.
3. Ingress And Egress: Driveways used for ingress and egress shall be confined to and shall not exceed twenty five feet (25') in width, exclusive of curb returns.
4. Paved Surface: All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
5. Illumination: The Intensity of light and arrangement of reflectors shall be such as not to interfere with residential district use.
6. Signs: No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only nonintermittent incandescent lighting of signs shall be permitted.
7. Parking Restrictions; Sight Triangle: No parking shall be permitted within a front yard setback line established fifteen feet (15') back of the property line of the interior and corner lots, wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, no setback shall be required; provided, however, that on any corner lot formed by two (2) intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of four feet (4') above the elevation of the crown of the adjacent roadway surface shall be maintained in a sight triangle formed by measuring a distance of thirty feet (30') along the front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

**Section 11-8-4. Schedule of Off Street Parking and Loading Spaces.**

Off street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

Type of Use	Parking and Loading Spaces Required
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Dwelling, one-family	1 parking space for each dwelling unit within the structure
Dwelling, multiple-family	The number of spaces provided shall not be less than 1 1/2 times the number of units in the dwelling
Boarding or rooming house, hotel, motel, or tourist court	1 parking space for each 2 guests that are provided overnight accommodations
Hospitals	1 space for each 4 patient beds, exclusive of bassinets, plus 1 space for each staff or visiting doctor, plus 1 space for each 3 employees, including nurses, plus adequate area for the parking of emergency vehicles
Medical or dental clinics or offices	6 spaces per doctor, plus 1 space for each 2 employees
Sanatoriums, convalescent or nursing homes	1 space for each 8 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 2 employees, including nurses
Community center, theater, auditorium, church, sanctuary	1 parking space for each 4 seats, based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed 50 percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary
Convention hall, lodge, club, library, museum, place of amusement or recreation	1 parking space for each 50 square feet of floor area used for assembly or recreation in the building, or for each 100 square feet of lot area used if not enclosed in a building
Office building	1 parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service
Commercial establishments not otherwise classified	1 parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public
Industrial establishments	Adequate area to park all employee and customer vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to

	or as a part of the primary operation of the establishment
Mobile home or travel trailer park	2 off street parking spaces for each mobile home space, and 1 off street parking space for each travel trailer space in the park
For all uses not covered above	The planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off street parking requirement for the permitted use.

**Chapter 9. Nonconforming Lots, Structures and Uses**

**Section 11-9-1. Continuance of Nonconformity.**

Any building, structure or use lawfully existing at the time of enactment of this title may be continued, even though such building, structure or use does not conform with the provisions of this title.

**Section 11-9-2. Nonconforming Lots of Record.**

In any district in which a lot or lots exist of record and all boundary lines of that lot or lots touch lands under other ownership at the effective date of this title, buildings for the uses permitted in such district may be erected on such lot or lots, notwithstanding limitations imposed by other provisions of this title, upon presentation of facts and documents establishing such fact to the town board of trustees which shall issue the necessary permit if the facts are found to be true.

**Section 11-9-3. Nonconforming Buildings and Structures.**

- A. Alteration Or Enlargement: A nonconforming building or structure shall not be added to or enlarged in any manner, unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off street parking space, the building or structure may be enlarged or added to; provided, that the enlargement or addition complies with the yard or height requirements and the existing building and the addition comply with the off street parking requirements of the district in which the building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot, unless every portion of the building or structure is made to conform to all of the regulations of the district in which it is located.
- B. Outdoor Advertising Signs And Structures: Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations become effective, which does not conform with the provisions hereof, shall not be structurally altered, and all such nonconforming advertising signs, billboards, commercial advertising structures, and statuary, and their supporting members, shall be

completely removed from the premises not later than three (3) years from the effective date of these regulations.

- C. Vacancy Of Building Or Structure: A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
- D. Change In Use:
1. A nonconforming use of a nonconforming building or structure, i.e., commercial use in a dwelling, etc.t shall not be expanded or extended into any other portion of such nonconforming building or structure nor changed except to a conforming use. If such a nonconforming use of a portion thereof is discontinued or changed to a conforming use any future use of such building, structure, or portion thereof shall be In conformity with the regulations of the district In which such building or structure Is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or Intended if occupied within a period of one year after the effective date of these regulations.
  2. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification, but where the use of a nonconforming building or structure Is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification.
  3. A building or structure that Is nonconforming as to use at the time of adoption of these regulations, or at any time thereafter, shall not be converted to or In any manner used as a wholesale or retail liquor store, unless such change in use conforms to the provisions of the C-1(L) district, section 11-5-4 of this title.

#### **Section 11-9-4. Nonconforming Use of Land.**

A nonconforming use of land existing at the time of adoption of these regulations,. may be continued for a period of not more than three (3) years therefrom: provided, however, that the nonconforming use may not be extended or expanded; and H the nonconforming use or any portion thereof is discontinued for a period of (3) months, or changed, any future use of such land, or change In use, shall be in conformity with the provisions of the district In which the land Is located.

### **Chapter 10. Zoning Exempt Districts**

#### **Section 11-10-1. Description and Purpose.**

The regulations for zoning exempt districts are designed to:

- A. Meet the needs of tax exempt and nonprofit organizations:

- B. Minimize the fee for any organization which meets the guidelines required for the zoning exempt districts.

#### **Section 11-10-2. Organizations Permitted.**

The following organizations are permitted within the zoning exempt districts:

- A. Churches.
- B. Any properties or real estate owned by a church or any other tax exempt religious organization.
- C. Schools: public or private where courses offered would be otherwise offered by public schools and having no provision for housing its students.
- D. Any properties or real estate owned and operated by a school/school organizations/departments.
- E. Cemeteries or any properties owned by a cemetery provided for the use of a final resting place for human remains.
- F. Any tax exempt nonprofit organization, church or school in which the planning commission and board of trustees deem necessary to be Included In the zoning exempt district.

#### **Section 11-10-3. Uses Permitted on Review.**

The following uses may be permitted on review by the board of trustees and the planning commission, in accordance with the provisions contained in this title:

- Adding onto existing structures/buildings.
- Any new structure or building.
- Anything which may cost in excess of five hundred dollars (\$500.00).
- Athletic facilities. Barns/storage buildings/sheds.
- Fencing/privacy walls.
- Freestanding crosses/statues/monuments.
- Freestanding lighting structures/stadium lights/parking lot lights.
- Mausoleums.
- Parking lota or garages.
- Placement of any portable structure. Playgrounds.
- Reconstruction of existing structure.
- Removal of existing structure. Stadiums.

#### **Section 11-10-4. Licensing and Permits.**

- A. All local permit fees may be waived at the discretion of the board of trustees.
- B. All contractors, including. but not limited to. electricians, plumbers and heat/air must have the

required state certification/licensing and must make application for local permits.

- C. If local permit fees are waived, a onetime temporary use permit will be issued.

**Section 11-10-5. Animals.**

No animals shall be kept in the zoning exempt district except those housed on school property for the use of 4-H or FFA purposes only.

**Section 11-10-6. Yards.**

See section 11-4-2 of this title.

**Section 11-10-7. Lot Width.**

See section 11-4-3 of this title.

**Section 11-10-8. Lot Area and Intensity of Use.**

See section 11-4-4 of this title.

**Section 11-10-9. Lot Coverage.**

See section 11-4-5 of this title.

**Section 11-10-10. Open Space.**

See section 11-4-6 of this title.

## TITLE 12 – LAND SUBDIVISIONS

### Chapter 1. General Subdivision Provisions

#### Section 12-1-1. Statute Authority.

These subdivision regulations and minimum standards for land development are adopted by ordinance passed by the town board of trustees under the authority granted by 11 Oklahoma Statutes sections 45-101 to 45-104.

#### Section 12-1-2. Purpose.

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, to ensure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources. These regulations are designed, intended and should be administered in a manner to:

- A. Implement the general plan;
- B. Provide neighborhood conservation and prevent the development of slums and blight;
- C. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- D. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements which primarily benefit the whole community to be borne by the community;
- E. Provide the best possible design for the tract;
- F. Reconcile any differences of interest; and
- G. Establish adequate and accurate records of land subdivision.

#### Section 12-1-3. Application of and Compliance with Provisions.

- A. Application Of Provisions: These regulations and development standards shall apply to the following forms of land subdivision:
  1. The division of land into two (2) or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than five (5) acres in area;
  2. The division of land, previously subdivided or platted into tracts, lots, sites or parcels, of less than five (5) acres in area;

3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

B. Compliance With Provisions: No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these regulations.

#### Section 12-1-4. Definitions.

For the purpose of these regulations, certain terms used herein are defined as follows:

ALLEY: A minor right of way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

BLOCK: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights of way, public walks, parks or greenstrips, rural land or drainage channels, or a combination thereof.

BUILDING LINE OR SETBACK LINE: A line or lines designating the area outside of which buildings may not be erected.

EASEMENT: A grant by the property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

GENERAL PLAN: The comprehensive development plan for the town which has been officially adopted to provide long range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities.

LOT: A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

LOT, CORNER: A lot located at the intersection of and abutting on two (2) or more streets.

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets.

LOT, REVERSE FRONTAGE: A double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

PLANNING COMMISSION: The Union City planning commission.

PLAT, FINAL: A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings

and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

**PLAT, PRELIMINARY:** A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

**STREET:** Any public or private right of way which affords the primary means of access to abutting property.

**STREET, COLLECTOR:** A minor street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

**STREET, CUL-DE-SAC:** A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

**STREET, FRONTAGE OR SERVICE:** A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

**STREET, MAJOR:** An arterial street which is designated on the major street plan or expressway plan.

**STREET, MINOR:** A street whose primary purpose is to provide access to adjacent properties and which is designed so that its use by arterial traffic will be discouraged.

**SUBDIVIDER:** Any person, firm, partnership, corporation or entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

**SUBDIVISION:** The division or redivision of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development; the dedication or vacation of a public or private right of way or easement.

**TOWN BOARD OF TRUSTEES OR BOARD OF TRUSTEES:** The Union City town board of trustees.

**Section 12-1-5. Administration and Amendment of Provisions.**

The town board of trustees may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations to the end that the public be informed and that approval of plats be expedited. These regulations may be enlarged or amended by the town board of trustees after public hearing, due notice of which shall be given as required by law.

**Section 12-1-6. Variances and Exceptions.**

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the town are protected and the general intent and spirit of these regulations are preserved. Such modifications may be granted upon written request of the subdivider stating the reason(s) for each modification and may be waived by a majority vote of the regular membership of the planning

commission, subject to the acceptance of the plat and dedication by the town board of trustees, if dedicated.

**Section 12-1-7. Separability.**

If any section, clause, paragraph, provision or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of these regulations.

**Section 12-1-8. Violation; Penalty.**

A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined as provided in section 1-4-1 of this code for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

**Chapter 2. Subdivision Plats and Procedures**

**Section 12-2-1. Subdivision Review Committee.**

- A. Committee Created; Membership: There is hereby created a subdivision review committee, the membership of which shall be of one representative of each of the following agencies and such other public officials as the mayor of the town may designate.
1. Planning commission (2 members);
  2. Chairman of town board of trustees;
  3. Town clerk-treasurer;
  4. Fire chief;
  5. Private utilities company;
  6. County health department;
  7. Police chief; and
  8. Public works superintendent or one private citizen for each of the following areas:
    - i. Water;
    - ii. Sewer; and
    - iii. Streets.
- B. Duties: It is the responsibility of the subdivision review committee to meet together, or at the call of the chairman, to review preapplication plans, to study the suitability of the proposed subdivision for the purposes for which it is intended and to submit their findings and recommendations to the planning commission at the time the preliminary plat is to be reviewed by the planning commission.

**Section 12-2-2. Platting Procedures Generally.**

- A. Submission: For all cases of subdividing within the scope of these regulations, a plat of land in question shall be drawn and submitted to the planning commission and town board of trustees for

their approval or disapproval, as provided in these regulations.

- B. Filing: No plat or other land subdivision instrument shall be filed in the office of the county clerk until it shall have been approved by the planning commission and by the town board of trustees as hereinafter set forth. All final plats shall be filed within two (2) years of date of approval by the planning commission, and no lots shall be sold from any plat until recorded. Failure to record the plat within two (2) years of the date of planning commission or town board of trustees approval, whichever is the later, shall void all approvals thereto.
- C. Requirements For Placement On Planning Commission Agenda: Each plat submitted for preliminary or final approval shall be placed on the agenda of the planning commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted, provided the subdivider presents with the plat a written request for specific exceptions and explains the reasons therefor.
- D. Fees:
  - 1. To defray partially the cost of notification and administration procedures, there shall be paid to the town clerk-treasurer at the time of submission of the preliminary plat a fee in the following amount: one hundred dollars (\$100.00), plus ten dollars (\$10.00) per lot for the first fifty (50) lots, plus five dollars (\$5.00) for each additional lot.
  - 2. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within one year of the date of preliminary approval without payment of an additional filing fee by the subdivider, if the final plat for the additional area conforms substantially with the approved preliminary plat.

#### Section 12-2-3. Preapplication Plans and Data.

Not less than fourteen (14) days prior to the filing of an application for approval of a preliminary plat, the subdivider shall present to the subdivision review committee the following information:

- A. A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information may include data on existing covenants and agreements, the availability of utilities and community facilities, the proposed use of each portion of the subdivision, proposed lot sizes and building sizes, proposed business areas, playground, park and school sites and other pertinent data as may be needed to supplement the sketches required in subsections Band C of this section;
- B. A general location map which shall show the proposed subdivision and its relationship to existing utilities, schools, parks, traffic arteries, and

other features that will affect and influence the subdivision such as hospitals, churches, airports, railroads, and shopping and employment centers;

- C. A sketch plan drawn to approximate scale which shall show topography, using a contour interval of not greater than five feet (5'), the proposed street layout, lots and other planning features. The street and lot plan may be in the form of a freehand pencil sketch; and
- D. A general utilities plan showing proposed facilities and distribution.

#### Section 12-2-4. Preliminary Plat.

- A. Submission Of Plat: The subdivider shall prepare a preliminary plat for the submission to the planning commission. Four (4) copies of the preliminary plat shall be submitted to the office of the town clerk- treasurer not less than fourteen (14) days prior to the meeting at which it is to be considered.
- B. Engineer's Certification: The preliminary plat shall be accompanied by a statement signed by the registered engineer preparing the plat certifying that he has, to the best of his ability, designed the subdivision in accordance with the general plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.
- C. Required Information: The preliminary plat shall be drawn at a scale of one hundred feet to one inch (1" = 100') and shall contain or be accompanied by the following information:
  - 1. The scale, north point and date;
  - 2. The proposed name of the subdivision;
  - 3. The name and address of the owner of record, the subdivider and the registered engineer preparing the plat;
  - 4. A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;
  - 5. The names, with location of intersecting boundary lines, of adjoining subdivisions, and the location of town limits, if falling within or immediately adjoining the tract;
  - 6. The land contours with vertical intervals not greater than five feet (5') referenced to a United States geological survey or coast and geodetic survey benchmark or monument;
  - 7. The location of existing buildings, water, and watercourses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision;

provided however, that actual measured distances shall not be required;

8. The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, easements and setback lines and the approximate lot dimensions;
  9. The location, approximate size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipelines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:
    - i. Water mains;
    - ii. Sanitary sewer mains, submains and laterals;
    - iii. Storm sewers, culverts and drainage structures; and
    - iv. Street improvements.
  10. The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat; and
  11. The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, primary thoroughfare, secondary thoroughfare, collector or minor street, in parentheses, directly on each street.
- D. Planning Commission Decision; Appeals: The planning commission shall approve, approve conditionally, or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the planning commission chairman and shall be attached to one copy of the plat and transmitted to the subdivider. Unless stipulation for additional time is agreed to by the subdivider, if no action is taken by the planning commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved. The reasons for disapproval or conditional approval shall refer specifically to those parts of the general plan or specific regulations with which the plat does not conform. In conditionally approving a plat, the planning commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and planning commission agree upon any revision which shall be filed with the planning commission on a revised copy, the subdivider may proceed with the laying out of streets and roads,

the preparation of utility plans and with the preparation of a final plat. If the planning commission disapproves the preliminary plat, the applicant may appeal the decision to the town board as provided in this chapter.

#### **Section 12-2-5. Final Plat.**

- A. Submission Of Plat: A final plat, neatly drawn in ink on tracing cloth or Mylar, and twelve (12) black line prints thereof shall be submitted to the office of the town clerk-treasurer not less than fifteen (15) days before the planning commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted six (6) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications. (1984 Code § 12-443)
- B. Time Of Submission And Filing:
  1. The final plat of the proposed subdivision shall be submitted to the planning commission and town board of trustees for final approval within six (6) months of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved, unless the planning commission agrees to an extension of time.
  2. The final plat shall be filed in the office of the county clerk within one year after approval by the town board of trustees and planning commission, or if not filed within such time, the approval shall be considered as having been voided.
- C. Description; Information Required: The final plat shall be drawn at a scale of one hundred feet to the inch (1" = 100') from an accurate survey and on sheets whose dimensions are twenty one inches by thirty three and one-half inches (21" x 33 1/2" ) between border lines. On the first sheet of every plat, there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one inch (1") surrounding the sheet shall be left blank at the top, bottom and right hand side, and a margin of two inches (2") at the left side for binding purposes. The final plat shall show:
  1. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced;
  2. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified;

3. The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names. Material which is not a part of the subdivision shall be shown in dashed or dotted lines;
  4. The lines of all proposed streets fully dimensioned by lengths and bearings or angles;
  5. The lines of all proposed alleys. Where the length and/or direction of an alley is not readily discernible from data given for lot and block lines, the length and/or bearings shall be given;
  6. The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements, which shall be properly located;
  7. The lines of all proposed lots fully dimensioned by lengths and bearings, or angles; except, that where a lot line meets a street line at right angles, the angle or bearing value may be omitted;
  8. The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "Public";
  9. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part";
  10. The location of all building lines, setback lines and easements for public services or utilities with dimensions showing their locations;
  11. The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns;
  12. The proper acknowledgements of owners and the consent by the mortgagee to plat restrictions;
  13. The following which shall be made and shown on the cloth tracing:
    - i. Owner's certificate and dedication, signed;
    - ii. Engineer's certificate of survey, signed and his seal;
    - iii. Certificate for release of mortgage for any portion dedicated to the public;
    - iv. Reference to any separate instruments, including restrictive covenants, filed in the office of the county clerk which directly affect the land being subdivided;
    - v. Certificate of planning commission approval;
    - vi. Certificate of town board of trustees acceptance of ways, easements and public land dedications;
    - vii. Clerk-treasurer's certificate;
    - viii. Certificate of town clerk-treasurer related to special assessments; and
  14. A title which shall include:
    - i. Name of the subdivision;
    - ii. Name of the town, county and state; and
    - iii. Location and description of the subdivision referenced to section, range and township.
- D. Planning Commission Action: The planning commission shall act upon the final plat within forty five (45) days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the planning commission chairman or secretary member. Unless stipulation for additional time is agreed to by the subdivider, and if no action is taken by the planning commission at the end of forty five (45) days after submission, the plat shall be deemed approved. A certification by the town clerk-treasurer as to date of submission of plat for final approval and failure of planning commission to act thereon within such time, shall be sufficient in lieu of written endorsement of approval. If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not comply.
- E. Board Of Trustees Action: Before recording the final plat, it shall be submitted to the town board of trustees for approval and for acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the mayor of the town and attested to by the town clerk-treasurer or his deputy. The disapproval of any plat or plan by the town board of trustees shall be deemed a refusal of the proposed dedication shown thereon. If the final plat is disapproved by the planning commission, the applicant may appeal this decision to the board of trustees. This appeal must be made in writing with documentation on why the decision should be altered or revised. The decision of the board of trustees must be made within thirty (30) days upon receipt of the written request.
- F. Recording Plat: After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the town clerk-treasurer with two (2) dark line prints thereof, and one contact reproducible cloth tracing. The applicant shall file the original tracing, one dark

line print on cloth and one contact reproducible cloth tracing or film with the county clerk.

survey for filing in addition to all fees required by the county.

#### **Section 12-2-6. Minor Subdivisions.**

Whenever a tract of less than two (2) acres comprising the total area of a single ownership is to be subdivided into three (3) or fewer lots and does not involve any new street or road or drainage improvements or offsite improvements, the proposed subdivision may be exempt from the procedural provisions of these regulations, and a preliminary and final plat may not be required, but this shall not constitute an exemption from any of the design or off site improvement requirements contained herein. Exemptions for "minor subdivisions" as defined herein may be permitted under the following procedures:

- A. **Survey Required:** An accurate survey of the tract, prepared by a land surveyor registered in the state, and the proposed subdivision thereof shall be submitted to the subdivision review committee. The survey shall be in suitable form for filing with the clerk-treasurer.
- B. **Review By Subdivision Review Committee:** The subdivision review committee shall review the proposed minor subdivision to ensure compliance with all design and off site improvement requirements of these regulations, and they shall be submitted to the planning commission for consideration at the next regular meeting of the planning commission. All minor subdivision applications must be submitted to the review committee at least fourteen (14) days prior to any regular meeting of the planning commission.
- C. **Planning Commission Approval:** If the application is approved by the planning commission, it shall be certified by the signature of the chairman of the planning commission and attested by the secretary member. If the application is denied, the reasons for denial shall be stated in writing, with reference made to the express provision of the regulations to which the proposed minor subdivision does not conform, and shall be transmitted to the applicant.
- D. **Effect Of Planning Commission Approval:** Whenever a deviation is required from the design requirements contained herein, or whenever a street, easement, or other element is to be dedicated, the action of the planning commission shall be forwarded to the board of trustees for its approval and for acceptance of dedication. For all other minor subdivision applications, the action of the planning commission shall be final.
- E. **Filing With County:** After the proposed minor subdivision has been approved and certified as required above, it shall be the responsibility of the subdivider to file the following documents with the county clerk within seven (7) days of the receipt of the required documents: the certified survey of the tract, the agreements of dedication, and such legal documents as shall be required to be recorded by the town attorney and one certified copy to be returned to the town clerk-treasurer.
- F. **Fee:** An administrative filing fee of one hundred dollars (\$100.00) shall be paid to the town clerk-treasurer at the time of submission of certified

#### **Chapter 3. Design Standards**

##### **Section 12-3-1. Urban Design Standards.**

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the general plan for land use, circulation, community facilities and public utility services and in accordance with the subdivision design standards of this chapter.

##### **Section 12-3-2. Streets and Private Roadways.**

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

- A. **Abutting Major Streets:** Whenever a subdivision abuts or contains an existing or proposed major street, the planning commission may require service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.
- B. **Minor Streets:** Minor streets shall be laid out so that their use by arterial traffic will be discouraged.
- C. **Presence Of Railroad Right Of Way Or Limited Access Highway:** Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the planning commission may require a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures.
- D. **Reserve Strips:** Reserve strips controlling access to streets shall be prohibited except where their control is placed in the town under conditions approved by the planning commission.
- E. **Future Streets:** Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future tract system for the unsubdivided portion may be required by the subdivider.
- F. **Large Lots:** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easement.
- G. **Right Of Way Widths:** Street right of way widths shall be in accordance with the transportation plan

and, where not designated therein, shall be not less than the following:

<b>Major Streets</b>	
Primary arterial	120 feet
Secondary arterial	100 feet
<b>Minor Streets</b>	
Collector	60 feet
Urban estate	60 feet (minimum with drainage extension)
Local	60 feet

H. Specifications: The improved surface of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. Lane widths for all streets shall be as follows:

1. Major Streets: All major streets shall have lanes for traffic movement of not less than twelve feet (12') in width, and lanes for parallel parking or emergency stopping of not less than ten feet (10') in width. (1984 Code § 12-411)
2. Minor Streets: All minor streets shall have lanes for traffic movement of not less than eleven feet (11') in width and lanes for parallel parking of not less than eight feet (8') in width, however, the minimum total width of the paved surface of a minor street shall be not less than twenty eight feet (28'). Streets should be developed in accordance with the general standards given in table 1, paving specifications, incorporated in ordinance 123, and adopted herein by reference, said ordinance on file in the office of the town clerk-treasurer. This figure is included for the purpose of illustration and is not to be considered a mandatory design standard.

I. Cul-De-Sacs: The maximum length of a cul-de-sac shall be one thousand five hundred feet (1,500') in areas of low density and five hundred feet (500') in all other cases, measured from the entrance to the center of the turnaround and, if more than one hundred fifty feet (150') in length, shall be provided with a turnaround having a radius of not less than fifty feet (50') at the property line and not less than forty feet (40') at the curb line.

J. Half Streets: Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and provided, that the planning commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

K. Arrangement And Dedication Of Streets: The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The planning commission may require the dedication of street rights of way to facilitate the development of adjoining properties.

L. Street And Subdivision Names: No street names shall be used which will duplicate or be confused with the names of existing streets. Street names

shall be subject to the approval of the planning commission and town board, and subdivision names shall not duplicate existing subdivisions of record.

M. Private Roadways: Since the town contains large areas of rural land not served by water and sewer facilities, the town shall recognize and permit the use of private roadways in either platted or unplatted areas and shall issue building permits to property owners abutting upon the private roadways without complying with certain standards as provided for herein for dedicated streets and may require or permit private roadways under the following conditions:

1. The private roadway easement is at least fifty feet (50') in width;
2. The property abutting the private roadway shall contain not less than two (2) acres;
3. The property is more than one-fourth (1/4) mile from sewer and water facilities furnished by the town;
4. The private roadway shall not be dedicated to the public but reserved for future dedication and, until such future dedication, shall be the private property of the abutting property owners;
5. The private roadway shall be maintained by the owners of the property within the subdivision;
6. The town shall have no responsibility for their maintenance or repair;
7. If the property is platted, there shall be emblemized on the face of the plat, clearly conspicuous, a notice that the streets and drives have not been dedicated to the public, and that the street shall be maintained by the private property owners within the subdivision, but that the streets shall always be open to police, fire and other official vehicles of all state, federal, county and town agencies;
8. Every deed shall clearly acknowledge that the roadway is private and not maintained by the town;
9. Prior to the sale of any parcel in the subdivision, a conspicuous sign shall be posted at the entrance to the subdivision: "Private roadway not maintained by the town";
10. At any time thereafter, a petition of at least sixty percent (60%) of the owners in the area to improve and dedicate the street shall bind all of the owners thereby to permanently improve the street or roadway in compliance with the requirements of the town; and
11. All other ordinances and planning commission regulations pursuant to town ordinances relating to subdivisions not in conflict herewith shall be applicable in such cases.

**Section 12-3-3. Alleys.**

- A. Required In Certain Districts: Alleys shall be provided in commercial and industrial districts; except, that the planning commission may waive this requirement where other definite and assured provision is made for service access such as off street loading, unloading, and parking consistent with and adequate for the uses proposed.
- B. Width:
  - 1. Alleys serving commercial and industrial areas shall be not less than thirty feet (30') in width.
  - 2. Alleys are not required for residential areas, but when provided, shall be not less than twenty feet (20') in width.
- C. Intersections And Corners: Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead End Alleys: Dead end alleys should be avoided, but if necessary, shall be provided with adequate turnaround facilities at the dead end, as determined by the planning commission.

**Section 12-3-4. Easements.**

- A. Utility Easements; Required Width: Where alleys are not provided, easements not less than ten feet (10') wide shall be provided along each rear lot line, and along side lot lines where necessary, for use by public and private utilities. The planning commission may require arterial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.
- B. Drainage Easements: Where a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided a right of way for drainage and public parks and public utility purposes, adequate to contain all of the runoff from a SO-year maximum flood. The right of way shall include all of the land within the subdivision that has an elevation below the SO-year maximum flood elevation which shall be calculated in accordance with, and shall be adequate to provide for, the drainage requirements of the ordinances and regulations relating thereto. This shall not be interpreted as prohibiting the reclamation of lands subject to flooding, by filling or by other appropriate means.

**Section 12-3-5. Public Areas and Open Spaces.**

Public parks, playgrounds, school sites and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the general plan and in the ordinances relating thereto.

**Section 12-3-6. Blocks.**

- A. Description: The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- 2. Zoning requirements as to lot sizes and dimensions;
- 3. Needs for convenient access, circulation, control and safety of street traffic; and
- 4. Limitations and opportunities of topography.

**B. Residential Districts:**

- 1. Blocks for residential use shall not be longer than one thousand eight hundred feet (1,800'), measured along the centerline of the block. When a block exceeds six hundred feet (600') in length, the planning commission may require a dedicated easement not less than twenty feet (20') in width and a paved crosswalk not less than four feet (4') in width to provide pedestrian access across the block.
- 2. Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth.

**C. Business And Industrial Districts: Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off street parking and loading facilities.**

**D. Variations In Requirements: The foregoing dimensions shall be subject to adjustment upon recommendation by the planning commission where topography, the character of the proposed development, or other similar conditions justify blocks of greater or lesser length or width.**

**Section 12-3-7. Lots.**

- A. Description; Compliance With Zoning Regulations: The lot size, width, depth, shape orientation, and minimum building setback and side yard lines shall be appropriate for the location of the subdivision and the type of development and use contemplated and shall conform to the existing zoning regulations.
- B. Side Lot Lines: Side lot lines should be approximately at right angles or radial to street lines.
- C. Multiple-Family And Duplex Dwelling Lots: Lots for multiple-family and duplex dwellings shall have a width, depth and area of not less than that required by the town zoning ordinance as outlined in the regulations of the zoning district in which the multiple-family and duplex dwellings are to be located.
- D. Commercial And Industrial Lots: Lots are not required for subdivisions for commercial and industrial use but, when provided, should be of appropriate size and arrangement to provide for adequate off street parking and loading facilities based on the intended use.

- E. Frontage And Double Frontage Lots: Double frontage and frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty feet (20') shall be provided where screening is required. There shall be no right of access across a planting screen easement.

#### **Section 12-3-8. Perimeter Fencing.**

All subdivisions which are abutted on one or more sides by property zoned as A-1 (agricultural) shall be secured by privacy or perimeter fencing/retaining wall, which is to be no less than six feet (6') in height and no more than nine feet (9') in height. The perimeter/privacy fencing/retaining wall shall be made of brick, wood or both, and shall be placed around the entire perimeter of the subdivision, excluding gates, entrances and exits.

### **Chapter 4. Improvement Requirements**

#### **Section 12-4-1. Compliance with Provisions.**

All improvements shall be designed and installed in accordance with all of the elements of the general plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

#### **Section 12-4-2. Plan Preparation and Filing.**

Plans for the improvements herein required shall be prepared by a qualified engineer, registered in the state of Oklahoma. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the town clerk-treasurer at the time of submission of the final plat. One set of "as built" plans and specifications, certified and signed by an engineer registered in the state, shall be filed with the town clerk-treasurer prior to the acceptance by the town board of trustees of any improvement installed by the subdivider.

#### **Section 12-4-3. Surety Bond in Lieu of Improvements Completion.**

In lieu of completion of the improvements herein required, the town board of trustees may require the subdivider to file a surety bond with the town clerk-treasurer to ensure the actual construction of such improvements according to the plans and specifications approved by the planning commission within a period of time not to exceed two (2) years from the date of approval of the final plat. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost of the improvements as determined by the planning commission and with surety and conditions satisfactory to the town board of trustees. In any case, where the town board of trustees does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside the subdivision, unless a bond in the amount of one hundred percent (100%) of the estimated cost is posted for the portion of the drainage or utility improvements that will protect the affected area.

#### **Section 12-4-4. Required Improvements.**

- A. Monuments: Each lot and block corner shall be marked with iron pipes or pins not less than one-

half inch (1/2") in diameter and not less than eighteen inches (18") long at least one inch (1") below finished grade; and each subdivision corner shall be marked with a permanent concrete marker capped with a noncorrosive metal plate, set not less than one inch (1") below the finished grade.

- B. Streets: The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the town and in accordance with the following provisions:

1. Intersections: The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the Oklahoma state transportation department, but in no case shall the standard be less than the applicable specifications of the town;
2. Costs Involving Major Streets: Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of an improvement required to serve only the subdivision, as determined by the planning commission; and
3. Driveways: All driveways which connect with public streets shall be constructed in accordance with "Standard Design Of Driveway Entrances For Oklahoma Highways", revised, September 1960, and subsequent amendments thereto, as prepared by the Oklahoma state transportation department.

- C. Street Signs: All street name signs shall be furnished by the subdivider at each intersection within the subdivision and shall conform to the uniform traffic codes of the town.

- D. Sidewalks: A plan for a system of sidewalks and walkways may be prepared that will provide every lot within a residential or commercial subdivision, or portion thereof, with a direct sidewalk connection with all of the community facilities and commercial enterprises located within or adjacent to the subdivision, and in a manner that will provide convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located. The planning commission may require the construction of sidewalks to connect with existing or future proposed sidewalks in areas adjacent to the subdivision where such sidewalks are needed for pedestrian circulation. Sidewalks and walkways shall be constructed in the subdivision in accordance with the sidewalks system plan approved by the planning commission, and in accordance with the specifications governing sidewalk and walkway construction.

- E. Water And Sewer Systems:

1. Water Lines And Hydrants: The subdivider shall install water lines and fire hydrants in accordance with the specifications approved by the mayor and board of trustees governing water line construction. The town board of trustees specifications include, but are not limited to:

- i. Eight inch (8") water lines;
- ii. Six inch (6") feeder lines; and
- iii. Fire hydrant every five hundred feet (500').

2. Sanitary Sewers:

- i. Public Sewers: The subdivider shall install sanitary sewers whenever the boundary of the tract to be developed is within one hundred fifty feet (150') of any public sewer lateral or main. Sanitary sewers shall be installed in accordance with the specifications governing sanitary sewer construction.
- ii. Private Sewers: Whenever a sanitary sewer is not located as provided in subsection E2a of this section, other systems may be used which shall comply with the requirements of the town, county, state or federal health agencies.

3. Storm Sewers And Drainage: Storm sewers and drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto.

F. Street Lighting; Electricity:

1. All subdivision street lighting shall be installed by the subdivider and shall conform to street lighting requirements of the town.
2. The subdivider shall install one 300-watt incandescent light with a twenty eight foot (28') high light standard, or equivalent, which shall be located every three hundred feet (300'), and shall be approved by the town board of trustees.
3. Electric service shall be furnished by the town if available and feasible.

G. Tornado Sirens:

1. There will be at least one tornado warning siren for every eighty (80) acres or portion thereof which shall be furnished by the subdivider in accordance with the following specifications in a subdivision:
  - i. The locations of the storm sirens are to be determined by the town of Union City subdivision committee and emergency management.
  - ii. Standards for all new storm sirens installed must provide each home in the

subdivision a minimum of eighty five (85) decibels.

- iii. Storm sirens must be equipped with coded starters and switches for remote activation.

**Section 12-4-5. Maintenance and Supervision Required.**

Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance and supervision of such facilities.

**APPENDIX A – SUPPLEMENTAL ORDINANCES AND  
RESOLUTIONS**

**Resolution #2007-2008-**

**RESOLUTION AUTHORIZING CODE ENFORCEMENT  
TO ISSUE PERMITS & LICENSES**

By action of the Board of Trustees of the Town of Union City taken on APRIL 14, 2008 the following resolution was duly adopted:

**VOW, THEREFORE, BE IT RESOLVED, That the Board of Trustees of the Town of Union City does hereby authorize the Code Enforcement Officer to approve building and drilling permits and issue licenses when the permit applied for meets all the guide lines set forth in the Union City Codes of Ordinance Book.**

**In the event that a permit does not meet the guidelines the Code Enforcement officer must bring the permit application before the Planning Commission. The planning commission will make a recommendation to the Union City Board of Trustees for final approval.**

**All conditional use permits applications must be presented to the Planning Commission. planning commission will make a recommendation to the Board of Trustees for final approval.**

**■ HEREBY certify that the foregoing is a true and exact copy of the resolutions adopted by the Board of Trustees of Union City and that such resolutions have not been amended, modified, or revoked and are still in full force and effect.**

**PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF UNION CITY, OKLAHOMA THIS 14<sup>th</sup> DAY OF April, 2008.**

**MAYOR TJ McCullough**

**ATTEST:**

**Gina Dickerson-Town Clerk**

ORDINANCE NO. 286

AN ORDINANCE OF THE TOWN OF UNION CITY, OKLAHOMA AMENDING THE ZONING ORDINANCE OF THE TOWN OF UNION CITY, OKLAHOMA AS AMENDED, TO CHANGE CERTAIN PROPERTY LOCATED IN CANADIAN COUNTY, OKLAHOMA FROM RA-1 RESIDENTIAL DISTRICT TO R-2, DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1. That the Zoning Ordinance of the Town of Union City, Oklahoma as amended, is hereby amended to change the Official Zoning Map to include therein the following described property in the Town of Union City Canadian County, State of Oklahoma from R 1A Residential District to R-2 Residential District.

A tract of land lying in and being a part of the Southwest Quarter (SW/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Seven (7) West of the Indian Meridian, Canadian County, Oklahoma; bounded and described as follows:

Beginning at a point 1180 feet North and 183 feet East for the Southwest corner of the SW/4: thence East 117 feet; thence North 170 feet; thence West 117 feet; thence South 170 feet to the point of beginning.

Section 2. Emergency: An Emergency is hereby deemed and declared to exist whereby it is necessary for the preservation of the public health, safety, and welfare to the inhabitants of the Town of Union City, Canadian County, Oklahoma, that this ordinance take effect immediately from and after its passage, approval and publication according to law.  
the point of beginning.

This land is currently zoned R1-A is being requested to be rezoned to R-2.

Section 2. REPEALER

All former ordinance or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND APPROVED this 14 day of September 2015.

Attest:

  
Gina Dickerson  
Gina Dickerson-Town Clerk

Elaine McCollum  
Elaine McCollum--Mayor

ORDINANCE NO. 287.B

AN ORDINANCE ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE TOWN OF UNION CITY, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE TOWN OF UNION CITY, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR NON-ALIENATION OF BENEFITS AND LOSS OF BENEFITS FOR CAUSE; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF UNION CITY, OKLAHOMA:**

**Section 1.** That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of April 1, 2016, the funded Plan designated "Employee Retirement System of Town of Union City, Oklahoma, Defined Contribution Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joinder Agreement) and Exhibit "B" (Defined Contribution Master Plan) and attached hereto as part hereof.

**Section 2. ADMINISTRATION.** For the purpose of administration the System there is hereby established a Committee, which shall be the members of the Board of Trustees of Town of Union City, Oklahoma, as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the Committee shall be as set forth in the System instrument attached hereto as Exhibit "B".

**Section 3. FUND.** A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City. Such Fund shall be pooled for purposes of management and

investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

**Section 4. APPROPRIATIONS.** The Town of Union City, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the Town of Union City, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Contribution Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the Fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

**Section 5. EXECUTION.** The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as Exhibit "A" and Exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Committee is hereby authorized and directed to proceed immediately on behalf of the Town of Union City, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

**Section 6. REPEALER.** Any Ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

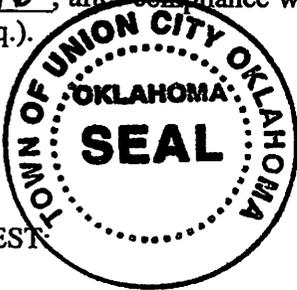
**Section 7. SEVERABILITY.** If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A" and Exhibit "B", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or

clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

**Section 8. EMERGENCY.** Whereas, in the judgment of the Board of Trustees of the Town of Union City, Oklahoma, the public peace, health, safety, and welfare of the Town of Union City , Oklahoma, and the inhabitants thereof demand the immediate passage of this Ordinance, an emergency is hereby declared, the rules are suspended, and this Ordinance shall be in full force and effective on its passage, approvals and publication.

\*\*\*END\*\*\*

The undersigned hereby certifies that the foregoing Ordinance was introduced before the Board of Trustees of Town of Union City on the 8<sup>th</sup> day of February, 20 16, and was duly adopted and approved by the Mayor and Board of Trustees, on the 8<sup>th</sup> day of February, 20 16, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).



Town of Union City

By Glenn McCallum  
Mayor

ATTEST

Gina Dickerson  
Clerk

Approved as to form and legality on February 8, 2016.

Phil Peep  
CITY ATTORNEY



**ORDINANCE #**

288

Doc#:R 2016 6071  
Bk&Pg:RB 4390 803-805  
Filed:03-17-2016  
10:44:14 AM  
Canadian County, OK

TMH  
ORD

③4

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF UNION CITY, OKLAHOMA, FOR THE PURPOSE OF DE-ANNEXATION OF A PORTION OF REAL PROPERTY FROM THE TOWN LIMITS OF THE TOWN OF UNION CITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY MAYOR AND COUNCIL OF TOWN OF UNION CITY, OKLAHOMA:

Pursuant to Title 10 O.S. §21-110, a petition signed by at least three-fourths of the registered voters and by the owners of at least three-fourths (3/4), in value, of the property to be detached was filed with the Town Clerk on NOVEMBER 6, 2015 and request received FEBRUARY 25, 2016. The Town Clerk determined and approved the sufficiency of the signatures appearing on the petitions. The Town Clerk then published first request on January 6, 2016 in the El Reno Tribune, a notice of the filing and the apparent sufficiency of the petition. The second request was published on March 6, 2016. On February 8, 2016, the Council of the Town of Union City held a public meeting and hearing on the petition requesting detachment and approved the petition and request. The following parcels of real property is detached from the Town limits of the Town of Union City:

The following parcel of real property is de-annexed out of the town limits of the Town of Union City:

The North half of Section Eight (8), Township, Eleven (11) North of Range Six (6) W, W.I.M., described, together with all the improvements thereon and the appurtenances thereunto belonging. Parcel numbers included in this de-annexation listed below:

Parcel ID: 171081-000000-000001  
171081-000000-000002  
171081-000000-000003  
171081-000000-000004  
080999-917081-000005  
080999-917081-000006

Ret to: Town of Union  
P.O. Box 36  
Union City, OK 73090

080999-917081-000007  
171082-000000-000001

In accordance with O.S. §14-106, the Mayor is directed to forward a certified copy of this Ordinance and an accurate map or plat of the territory to the County Clerk of Canadian County and with County Clerk shall be conclusive evidence of such detachment.  
PASSED AND APPROVED BY THE TOWN OF UNION CITY BOARD OF TRUSTEES IN UNION CITY, OKLAHOMA ON THE 14<sup>TH</sup> DAY OF MARCH 2016



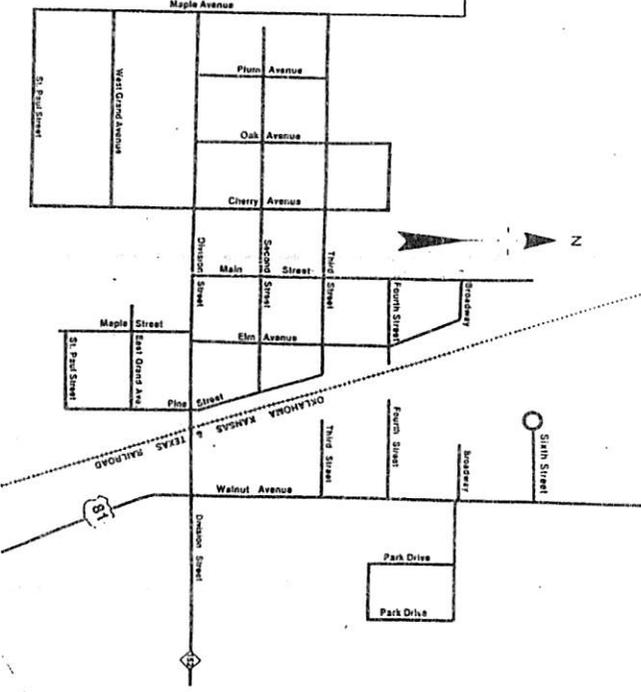
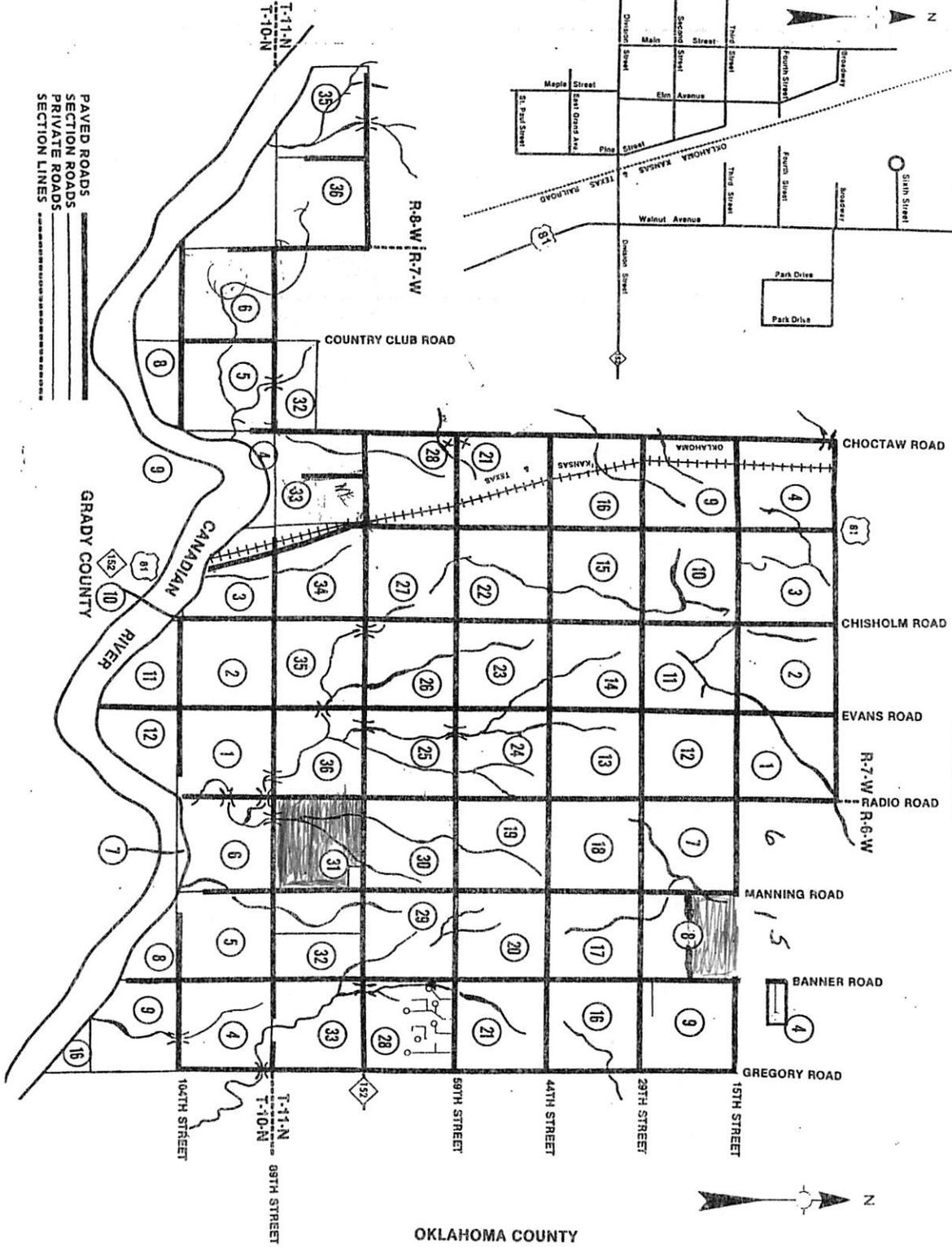
*Elaine McCollum*  
Elaine McCollum-----Mayor

ATTEST:

*Gina Dickerson*  
Gina Dickerson--Clerk

TOWN OF  
UNION CITY  
OKLAHOMA

PAVED ROADS  
SECTION ROADS  
PRIVATE ROADS  
SECTION LINES



EL RENU  
CANADIAN COUNTY

OKLAHOMA COUNTY

ORDINANCE NO. 292

AN ORDINANCE ESTABLISHING THE ANNUAL SALARY FOR THE TOWN CLERK/TREASURER AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF UNION CITY, OKLAHOMA:

Section 1. Pursuant to Section 1-7-10 of the Town Code of Union City the annual compensation for the Town clerk/treasurer beginning on and after April 1, 2017 shall be the prevailing Federal Minimum Wage subject to future increases as may be deemed appropriate from time to time by the Town Board;

Section 2. For the preservation of the public peace, health and safety an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEE OF THE TOWN OF UNION CITY THIS 29<sup>TH</sup> DAY OF MARCH, 2017.



MAYOR

*Jessica Dempsey*  
\_\_\_\_\_  
JESSICA DEMPSEY

ATTESTED TO:

*Gina Dickerson*  
\_\_\_\_\_  
TOWN CLERK